

**Report of the
Administrative Office of
Pennsylvania Supreme Court
2003**

Supreme Court of Pennsylvania

*Chief Justice Ralph J. Cappy
Justice Ronald D. Castille
Justice Russell M. Nigro
Justice Sandra Schultz Newman
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice Max Baer*

*'03 in Brief
(listed chronologically)*

*Honorable Ralph J. Cappy
becomes Chief Justice as
Chief Justice Stephen A.
Zappala retires*

*Honorable Max Baer,
Allegheny County
Common Pleas Court
judge, assumes seat on
Supreme Court as Justice
William H. Lamb's term
expires*

*Chief Justice Emeritus
Stephen A. Zappala
accepts Supreme Court
appointment to continue
to guide the automation of
Pennsylvania's courts*

*Committee on Racial and
Gender Bias in the Justice
System, created in 1999,
submits its final report to
the Supreme Court. Two
task groups, one concen-
trating on gender bias
and one concentrating on
racial and ethnic bias,
will study the report and
make recommendations
on how best to implement
its provisions*

*Supreme Court appoints
Capital Case Standards
Committee to study the
legal representation of
defendants charged with
first-degree murder*

Supreme Court appoints former Justice William H. Lamb to develop an implementation plan for a voluntary medical malpractice mediation program, the first of three steps enacted in response to Governor Rendell's plan for medical malpractice liability reform

Supreme Court appoints Allegheny County Common Pleas Court judge R. Stanton Wettick, who also chairs the Civil Procedural Rules Committee, to chair an ad hoc "think tank" to further consider Governor Rendell's medical malpractice liability reform recommendations

Supreme Court appoints court administrator Zygmunt A. Pines, Esq. to work with and assist relevant governmental agencies and others in developing an efficient means of collecting medical malpractice statistics described in the governor's medical malpractice liability plan

Supreme Court promulgates temporary rule allowing jurors to take notes in certain civil cases

First two Common Pleas Courts go live with the UJS's new Common Pleas Case Management System

AOPC

Zygmunt A. Pines, Esq.
Court Administrator of Pennsylvania

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To: The Honorable Chief Justice of Pennsylvania and Honorable Justices of the Supreme Court of Pennsylvania and to the Citizens of the Commonwealth

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts (AOPC) for 2003. This general reference document reflects the hard work and dedicated service of the boards and committees of the Supreme Court of Pennsylvania and the AOPC.

Contained in this report is an outline of the many programs and services that provide the framework of the Commonwealth's state court system. This report also serves to highlight noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year that featured increasing intergovernmental collaboration.

The year began with a change at the very top of the judiciary when Justice Ralph J. Cappy was sworn in as Chief Justice of Pennsylvania. He succeeded Justice Stephen A. Zappala, who agreed to continue to serve the Supreme Court in an administrative role as Chief Justice Emeritus.

Since the early 1980s, Chief Justice Emeritus Zappala has guided development of Pennsylvania's ground-breaking Judicial Computer System. With extensive collaboration from the executive and legislative branches of state and local governments, a comprehensive case management system has successfully operated in Pennsylvania's more than 550 magisterial courts for more than a decade. A newly developed case management and docketing system for the appellate courts was implemented in 2000 and automation of Pennsylvania's Common Pleas Courts is underway.

The year in review also was one that saw complex medical malpractice issues come to the forefront in debates on national and statewide levels. Guided by Chief Justice Cappy, the Supreme Court of Pennsylvania was mindful of the concerns when it took action in response to recommendations in a plan for medical malpractice liability reform issued by Gov. Edward G. Rendell.

Preface
from the
Court
Administrator

**Preface
from the
Court
Administrator,
continued**

Chief Justice Cappy announced three steps to advance thoughtful consideration and implementation of the various judicial branch-related issues in the governor’s plan.

First, the Chief Justice appointed outgoing Justice William H. Lamb to develop an implementation plan for a voluntary medical malpractice mediation program. Second, Allegheny County Judge R. Stanton Wettick, chair of the Supreme Court’s Civil Procedural Rules Committee, was named to lead an ad hoc “think tank” comprised of four prominent attorneys, two plaintiff’s practitioners and two defense practitioners to review recommendations contained in the governor’s plan. The group was asked to make recommendations to the Supreme Court to help solve problems identified in the governor’s report. The Chief Justice also directed AOPC’s Policy and Research Department to work with and assist relevant governmental agencies and others in developing an efficient means of collecting medical malpractice statistics described in the governor’s plan.

A new Supreme Court rule regarding lawyers who act as lobbyists was issued during the year to clarify the stringent standards that guide a lawyer’s professional and ethical conduct. The move helped foster collaboration with other branches of government toward a common goal in the public’s interest. The changes required lawyers acting as lobbyists to comply with registration and disclosure laws, regulations or rules enacted by the executive or legislative branches of state government and emphasizes the long-standing and fundamental expectation that lawyers, as individuals, must, in the public interest, adhere to strict ethical standards and must take personal responsibility for their conduct in meeting those standards.

New civil procedural rules were issued in the latter part of the year to further unify the Commonwealth’s judicial process by allowing litigants to more easily obtain details of a local trial court’s practices, procedures and rules. The new rules were created under the auspices of the Committee on Statewide Rules of the Supreme Court’s Judicial Council, chaired by Supreme Court Justice Sandra Schultz Newman, and in collaboration with the Civil Procedural Rules Committee of the Supreme Court and its chair Judge Wettick. The new rules created a clear system that allow attorneys to understand local practices and specify a single location – the state judiciary’s Web site – for the updated posting of those practices.

As another commitment to the fair and efficient adjudication of cases brought before the court system, the Supreme Court created a special committee to study the legal representation of defendants charged with first-degree murder. The Chief Justice appointed Justices Russell M. Nigro and J. Michael Eakin as facilitators, with Justice Nigro serving as chair of the Capital Case Standards Committee. Members appointed to the committee included judges, prosecutors and public

defenders from across Pennsylvania. The committee was charged with studying select first-degree murder cases from around the state with an eye toward identifying any systematic deficiencies, and recommending ways to solve any recognized shortcomings.

The committee's creation was just one of a series of efforts during the year by the Supreme Court to both assure equity of process as well as the public's perception that processes are equitable in the Commonwealth's justice system.

In a similar vein, the Court earlier in the year announced the establishment of two task groups to carefully study and recommend the means of implementing provisions of a 2003 report by the Committee on Racial and Gender Bias.

Under the direction of the Chief Justice and the Supreme Court, the AOPC will continue to serve the courts for the benefit of all Pennsylvanians by advancing efficiency and excellence in the administration of justice. The combined efforts of the courts and the other branches of government seen in this report continue to provide a guide for helping shape the vision of the state court system's future in addressing the challenges that still lie ahead.

Sincerely,

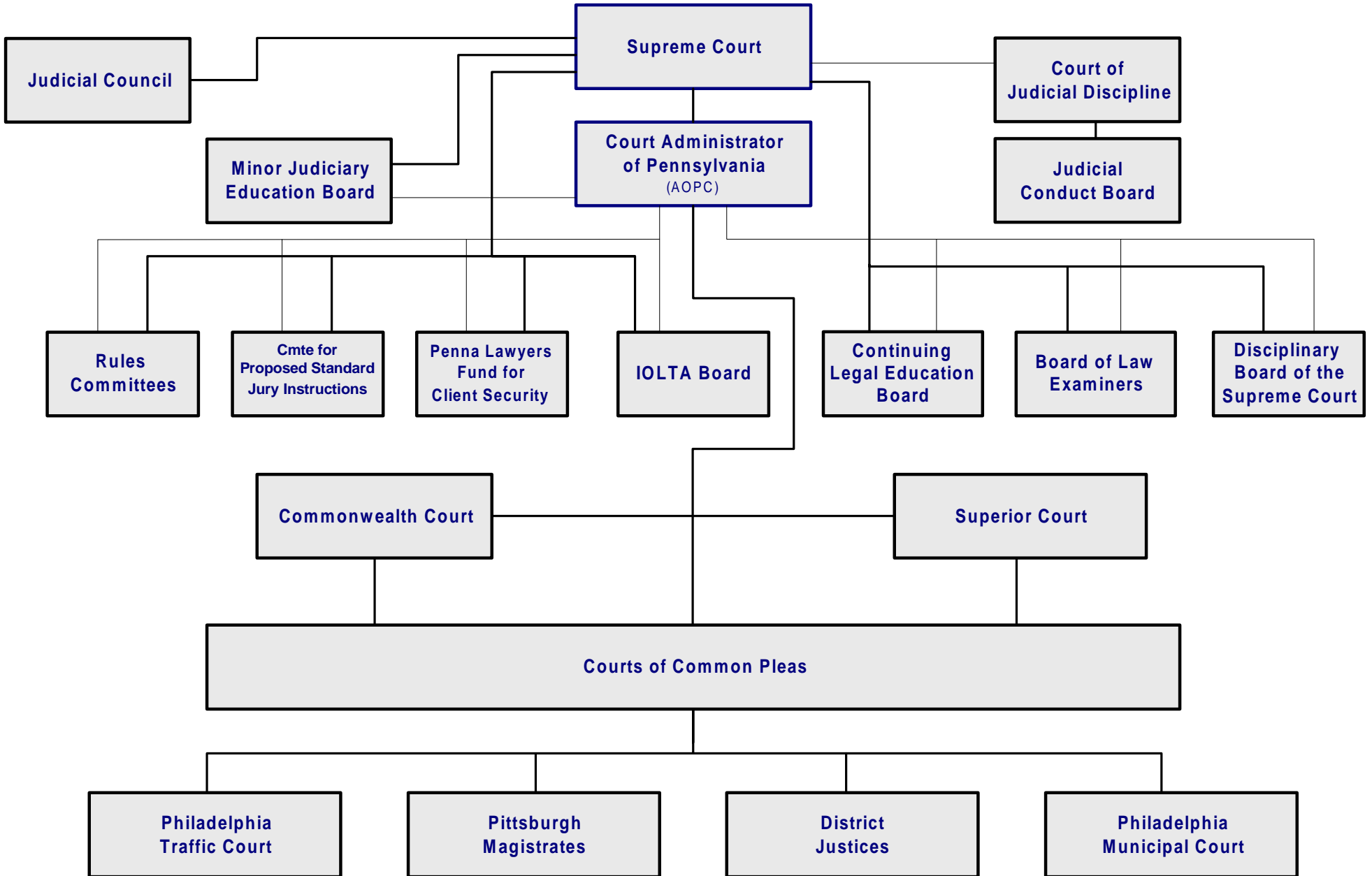


ZYGMONT A. PINES

Court Administrator of Pennsylvania

Preface
from the
Court
Administrator,
continued

Pennsylvania's Unified Judicial System



**A Brief
History
of the
Courts of
Pennsylvania**

Pennsylvania's judiciary began as a disparate collection of courts, some inherited from the reign of the Duke of York and some established by William Penn. They were mostly local, mostly part time, and mostly under control of the governor. All of them were run by non-lawyers. And although the Provincial Appellate Court was established in 1684, no court could be called the court of final appeal. Final appeals had to be taken to England.

Several attempts were made in the early years of the eighteenth century to establish a court of final appeal in Pennsylvania and to further improve and unify the colony's judicial system, but because the crown had final veto power over all colonial legislation, these attempts proved futile. Finally, in 1727 the crown sanctioned a bill that had been passed five years earlier.

The Judiciary Act of 1722 was the colony's first judicial bill with far-reaching impact. It established the Pennsylvania Supreme Court, providing for a chief justice and two justices who would sit twice yearly in Philadelphia and ride the circuit at other times; and it created the Court of Common Pleas in Philadelphia, Bucks and Chester Counties.

The court system in Pennsylvania did not change again until the Pennsylvania Constitution of 1776. By establishing the Courts of Sessions, Courts of Common Pleas and Orphans' Courts in each county, the constitution allowed Pennsylvania to see the beginning of a state-wide framework for the development of its judicial system.

A new constitution in 1790 encouraged further development in the Commonwealth's judicial system by grouping counties into judicial districts and placing president judges at the heads of the districts' Common Pleas Courts. This was meant to ease the Supreme Court's rapidly increasing workload. Constitutional changes in 1838 and 1874 and a constitutional amendment in 1850 effected changes in the

Evolution of Pennsylvania's Judicial System

Judicial system of local magistrates and an appellate court exist in Pennsylvania's early settlements

Judiciary Act of 1722 renames Provincial Court the Pennsylvania Supreme Court, allowing for one chief justice and two associate justices

Constitution of 1790 groups counties into judicial districts, with president judges to head the Common Pleas Courts

Constitutional amendment makes the entire judiciary elective

Superior Court is created to ease burdens of the Supreme Court

Judicial Computer Project (JCP) linking state's 538 district justices is completed

UJS takes a step closer to achieving constitutional mandate of being truly unified by bringing court administrators on board as UJS staff

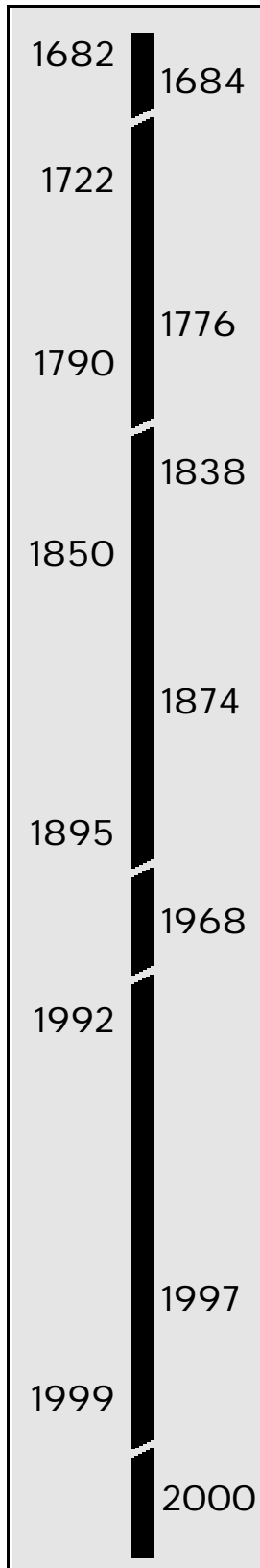


Chart 2.1.1

jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895 the General Assembly created the Superior Court to further ease the workload of the Supreme Court, giving each appellate court separate jurisdictions.

The Constitution of 1968 initiated the most sweeping changes in Pennsylvania's judiciary in nearly a century, creating the Commonwealth Court to reduce the workload of the Superior and Supreme Courts by hearing cases brought against and by the Commonwealth; substantially altering the minor court system; and reorganizing the judiciary into the Unified Judicial System, consisting of the Supreme, Superior and Commonwealth Courts; Common Pleas Courts; Philadelphia Municipal Court; Pittsburgh Magistrates Court; Philadelphia Traffic Court; and district justice courts, with provisions for any future courts the law might establish. (For further information on each of these courts, see *The Structure of Pennsylvania's Unified Judicial System* on page 9.)

Both judicially and administratively, the Supreme Court is, by constitutional definition, Pennsylvania's highest court. In matters of law, it is the Commonwealth's court of last resort. In matters of administration, the Supreme Court is responsible for maintaining a single, integrated judicial system and thus has supervisory authority over all other state courts.

In 1980 the legislature approved a decrease in the Supreme Court's mandated jurisdiction by expanding that of the Superior Court. Consequently, the Pennsylvania Supreme Court, like the United States Supreme Court, can now exercise discretion in accepting or rejecting most appeals, allowing it to devote greater attention to cases of far-reaching impact as well as to its constitutional obligation to administer the entire judicial system.

Chart 2.1.1 on the preceding page is a timeline of the evolution of Pennsylvania's judicial system. AOPC

**The
Structure
of
Pennsylvania's
Unified
Judicial
System**

Pennsylvania's judicial system forms a hierarchal structure that can best be illustrated in the form of a pyramid, as presented in Figure 2.2.1 below:

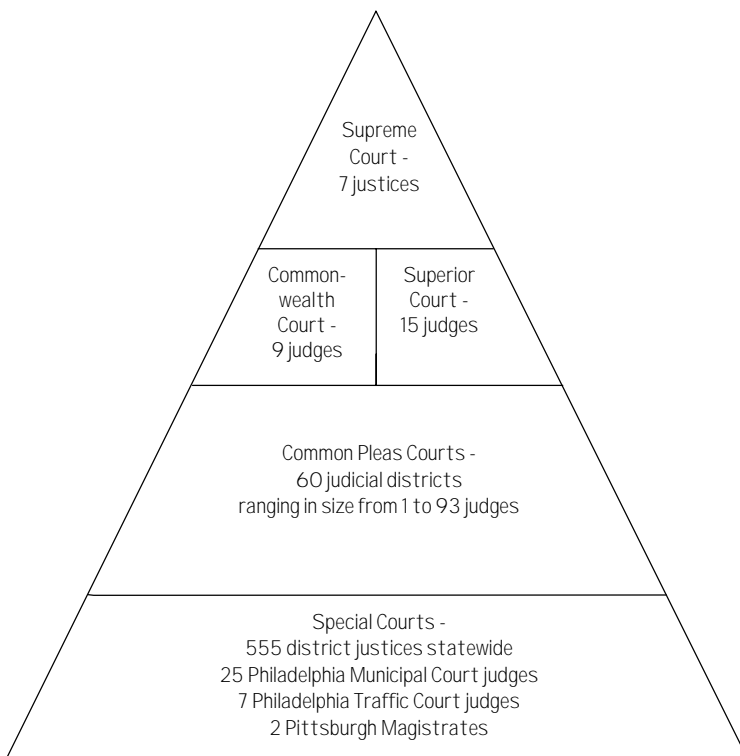


Figure 2.2.1

Special courts form the foundation of this system, followed in turn by the Courts of Common Pleas; the Commonwealth and Superior Courts; and the Supreme Court, the Commonwealth's court of last resort. A description of each level of the judiciary, beginning with the special courts, follows.

Special Courts

Special courts, also called minor courts or courts of limited jurisdiction, constitute the “grass roots” level of Pennsylvania’s court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter. The special courts include 555 district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

District Justice Courts

District justices preside over the district justice courts in all counties but Philadelphia. They have authority to:

- conduct non-jury trials concerning criminal summary matters not involving delinquent acts as defined in 42 Pa.C.S., § 6301 *et seq.*
- conduct non-jury trials concerning civil claims (unless the claim is against a Commonwealth party as defined in 42 Pa.C.S., § 8501) where the amount in controversy does not exceed \$8,000, exclusive of interests and costs, in the following classes of actions:
 - landlord-tenant actions
 - *assumpsit* actions unless they involve a contract where the title to real estate may be in question
 - trespass actions
 - fines and penalties by any government agency
- preside over preliminary arraignments and preliminary hearings
- fix and accept bail, except in cases involving murder or voluntary manslaughter
- issue arrest warrants
- accept guilty pleas to the charge of Driving under the Influence (75 Pa.C.S.A., § 3731) so

long as it is a first offense, no personal injury occurred to a third party other than the defendant’s immediate family, property damage to any third party is less than \$500 and the defendant is not a juvenile

- preside over non-jury trials involving all offenses under Title 34 (relating to game)
- accept guilty pleas to misdemeanors of the third degree in certain circumstances.

District justices are not required to be lawyers, but if they are not, they must complete an educational course and pass a qualifying examination before they can take office. They must also complete one week of continuing education each year in a program administered by the Minor Judiciary Education Board. (For more information on the Minor Judiciary Education Board see page 81.)

Philadelphia Municipal Court

One of two special courts in Philadelphia County, Municipal Court is Pennsylvania’s only court of record at the minor courts level. Its judges have the same jurisdiction as district justices with the following exceptions:

- jurisdiction includes all criminal offenses, except summary traffic offenses that are punishable by a term of imprisonment not exceeding five years
- they may enter judgments in civil claims where the amount does not exceed \$10,000.

The Municipal Court complement numbers 25, and judges who serve on this court must be attorneys.

Municipal Court judges elect from their ranks a president judge who oversees the administration of the court. The president judge serves one five-year term and may be reelected after a minimum one-term interlude.

In addition, an administrative judge may be appointed by the Supreme Court. This judge is responsible for judicial assignments, budgeting and the daily operation of the court.

Philadelphia Traffic Court

Philadelphia Traffic Court's jurisdiction covers all summary offenses under the Motor Vehicle Code as well as any related city ordinances.

Seven judges sit on this court. As with district justices, the judges need not be lawyers, but must complete the certifying course and pass the qualifying examination administered by the Minor Judiciary Education Board.

Unlike the president judges in the Common Pleas and Philadelphia Municipal Courts, the president judge of Traffic Court is appointed by the governor.

Pittsburgh Magistrates Court

In addition to the district justices who serve throughout Allegheny County, the city of Pittsburgh, by statute, has from five to eight police magistrates*. These magistrates, who are required to be members of the Pennsylvania bar, sit on the Pittsburgh Magistrates Court. As members of Pennsylvania's only nonelective court, each magistrate is appointed by Pittsburgh's mayor to a four-year term.

Pittsburgh Magistrates may:

- issue arrest warrants
- preside at arraignments and preliminary hearings for criminal offenses occurring within the city
- preside over criminal cases brought by Pittsburgh police for violations of city ordinances and other specified offenses

- handle all summary offenses under the Motor Vehicle Code and related city ordinances.

*Effective with Supreme Court amended order No. 192, Magisterial Docket No. 1 dated 4-8-03, appointments to Pittsburgh Magistrates Court were suspended after 12-31-02 until further notice. This was in response to the Petition for Realignment submitted by the president judge of Allegheny County that the court be evaluated over a two-year period to determine the feasibility of phasing it out. Current magistrates will continue to serve until their terms expire. As of January 1, 2003, four members remained on the court. As of February 1, 2003, two members remain.

The special courts in Pennsylvania hold no jury trials. In summary cases, the district justice hears the case and reaches a decision on its merits. In misdemeanor and felony cases, the district justice first holds a preliminary arraignment at which charges are formally brought. Following the preliminary arraignment, the district justice also holds a preliminary hearing, unless that hearing has been waived by the defendant to Common Pleas Court, the next level of the judicial pyramid. During the preliminary hearing the district justice determines whether sufficient evidence exists for the case to be tried in Common Pleas Court.

At some point in this process the district justice will also hold a bail hearing to determine what security is appropriate to ensure the defendant's appearance at later court proceedings.

Appeals of judgments made by special court judges may be taken to Common Pleas Court where the case is heard *de novo*, or anew.

Common Pleas Courts

Common Pleas Courts are Pennsylvania's courts of general trial jurisdiction. They have original jurisdiction over all cases not exclusively assigned to another court and appellate jurisdiction over judgments from the special

courts. They also hear appeals from certain state and most local government agencies.

The courts are organized into 60 judicial districts which generally follow the geographic boundaries of the Commonwealth's counties; however, seven of the districts are comprised of two counties. They are: Perry-Juniata, Snyder-Union, Franklin-Fulton, Wyoming-Sullivan, Columbia-Montour, Warren-Forest and Elk-Cameron. Each district has from one to 93 judges.

Each district also has a president judge to administer the affairs of the court. In districts with seven or fewer judges, the judge with the longest continuous service holds this position. In districts with eight or more judges, the president judge is elected to a five-year term by his or her peers.

Appellate Court System

Pennsylvania's appellate courts form a two-tiered appeals system. The first, or intermediate, level has two courts: the Superior Court, which has 15 judges, and the Commonwealth Court, which has nine. At the second level is the seven-justice Supreme Court, the highest court in Pennsylvania.

In general, appeals of Common Pleas Court decisions are made to one of the two intermediate appellate courts.

Commonwealth Court

The Commonwealth Court was created by the Constitutional Convention in 1968 as not only a means to reduce the workload of the Superior and Supreme Courts, but as a court to hear cases brought against and by the Commonwealth. It has, therefore, both original and appellate jurisdiction.

The court's **original** jurisdiction encompasses:

- civil actions brought against the Commonwealth government or an officer of the government, usually seeking equitable relief or declaratory judgment and not damages
- civil actions brought by the Commonwealth government (note: these could also be brought in the Courts of Common Pleas)
- matters under the Election Code involving statewide offices.

Its **appellate** jurisdiction includes:

- appeals relating to decisions made by most state administrative agencies
- appeals from the Courts of Common Pleas involving:
 - actions against the Commonwealth that could not be initiated in Commonwealth Court
 - actions by the Commonwealth that could have been commenced in Commonwealth Court
 - some appeals from decisions of the Liquor Board and the Department of Transportation
 - most local government matters other than contract issues, including actions for damages
 - eminent domain proceedings
 - matters involving the internal affairs of nonprofit corporations.

Superior Court

Because the Superior Court's main function is as an appeals court, its original jurisdiction is limited. Such jurisdiction includes applications made by the attorney general and district attorneys under the Wiretapping and Electronic Surveillance Control Act.

As an appeals court, the Superior Court's jurisdiction is less specialized than the Commonwealth's; therefore, it hears a wide variety

of petitions, both criminal and civil, from Common Pleas Courts. Such petitions include all manner of cases from child custody to armed robbery to breach of contract.

Supreme Court

Since the Supreme Court was established by the Pennsylvania Provincial Assembly in 1722, the Commonwealth's highest court has undergone several major changes that have helped shape its composition today. The most far-reaching of these changes was the 1980 expansion of the Court's authority that allowed it to not only better administer the entire judicial system, but to devote greater attention to cases holding significant consequence for the Commonwealth and its citizens.

The Supreme Court's jurisdiction encompasses four main areas: original, appellate, exclusive and extraordinary.

The Court's **original** jurisdiction is non-exclusive and includes cases:

- of *habeas corpus*, cases involving detention of a party and determination of whether that party has been denied liberty without due process
- of *mandamus* or prohibited to courts of inferior jurisdiction
- of *quo warranto*, lawsuits challenging the right of an individual to hold a public office, alleging that the individual is holding the office illegally.

The Court's **appellate** jurisdiction includes those cases it hears at its own discretion and various types of cases heard as a matter of right. These latter cases include appeals of cases originating in Commonwealth Court and appeals of certain final orders issued by either the Common Pleas Courts or specific constitutional and judicial agencies.

Appeals from final orders of Common Pleas Courts include:

- cases involving matters prescribed by general rule
- the right to public office
- matters where the qualifications, tenure or right to serve or the manner of service of any member of the judiciary is in question
- review of death sentences
- supersession of a district attorney by the attorney general or by a court
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question
- statutes and rules held unconstitutional by the Courts of Common Pleas
- matters where the right to practice law is involved.

The Supreme Court has **exclusive** jurisdiction of appeals from the following boards/commissions:

- Legislative Reapportionment Commission
- Court of Judicial Discipline (under limited conditions)
- Minor Judiciary Education Board
- Pennsylvania Board of Law Examiners
- Disciplinary Board of the Supreme Court (attorneys).

The Court also has exclusive jurisdiction of appeals from Common Pleas Court involving the death penalty. Such cases are automatically appealed to the Supreme Court.

Finally, the Court possesses **extraordinary** jurisdiction to assume jurisdiction of any case pending before a lower court involving an issue of immediate public importance. This it can do on its own or upon petition from any party and is known as King's Bench power.

As with president judges in lower courts having seven or fewer judges, the chief justice attains office by virtue of having the longest continuous service among the seven justices.

For a list of Pennsylvania's judges and their jurisdictions, please refer to The Directory 2003, beginning on page 99. AOPC

Before justices, judges and district justices can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but district justices and Philadelphia Traffic Court judges must be members of the Bar of the Pennsylvania Supreme Court.

Jurists are also subject to strict standards of conduct, and they may be removed, suspended or otherwise disciplined for misconduct in office. Those standards are specified in the Pennsylvania Constitution; the “Code of Judicial Conduct” in the *Pennsylvania Rules of Court*, which applies to appellate and trial court judges; the “Rules of Conduct, Office Standards and Civil Procedures for District Justices”; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. With the exception of the special courts judges, all justices and judges within the Unified Judicial System are elected to ten-year terms. District justices and judges of Philadelphia’s Municipal and Traffic Courts are elected to terms of six years, while judges of Pittsburgh Magistrates Court are appointed by the mayor to four-year terms. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Judges and justices may serve an unlimited number of terms and are reelected at the pleasure of the electorate. The “merit retention” provision of Pennsylvania’s constitution allows justices and judges to run for reelection on a “yes-no” vote, without ballot reference to political affiliation. This provision was designed to remove judges from the pressures of the political arena once they begin their first terms of office.

Mandatory retirement age for judges is 70 years, but retired judges may, with the approval of the Supreme Court, continue to serve the Commonwealth as senior judges. This service helps ease court backlogs. Effective January 1, 1999, all but senior appellate judges and those senior judges who were sitting before this time may serve as senior judges until December 31 of the year in which they reach the age of 75. Effective January 6, 2003, any senior jurist who began serving prior to January 1, 1999, must retire on December 31 of the year in which he/she turns 80.

AOPC

**Judicial
Qualifications,
Election,
Tenure,
Vacancies**

**Administrative
Office
of
Pennsylvania
Courts**

The Administrative Office of Pennsylvania Courts, also called the Administrative Office and the AOPC, is the administrative arm of the Pennsylvania Supreme Court. It was established in January 1969 following the Constitutional Convention of 1967-68, which defined the Supreme Court's authority for supervision and administration of all courts.

The Court Administrator of Pennsylvania has been empowered to carry out the Supreme Court's administrative duties and is responsible for assuring that the business of the courts is promptly and properly disposed.

The Administrative Office conducts business from offices in Philadelphia and the Harrisburg area. In addition to the court administrator's office, the departments in Philadelphia include Policy Research, Legal, and Judicial Services and Court-Related Education. The deputy court administrator's office is located in Mechanicsburg, just south of Harrisburg, and includes Communications/Legislative Affairs, Administrative Services and Payroll. Also found in Mechanicsburg are the Finance, Human Resources and Judicial Automation Departments. The Judicial Programs Department (formerly Court Management) has offices at both sites.

The Administrative Office's supervisory, administrative and long-range planning duties include:

- reviewing practices, procedures and efficiency at all levels of the court system and in all related offices
- developing recommendations to the Supreme Court regarding improvement of the system and related offices
- representing the judicial system before legislative bodies
- examining administrative and business methods used by offices in or related to the court system
- collecting statistical data

- examining the state of the dockets and making recommendations for expediting litigation
- managing fiscal affairs, including budget preparation, disbursements approval and goods and services procurement
- supervising all administrative matters relating to offices engaged in clerical functions
- maintaining personnel records
- conducting education programs for system personnel
- receiving and responding to comments from the public
- publishing an annual report
- providing legal services to system personnel.

A brief description of each unit of the AOPC and its functions follows.

Policy and Research Department

The Administrative Office's Policy and Research Department analyzes and evaluates the operations of the Unified Judicial System's (UJS) various components. During any given year, the department conducts a variety of studies, ranging from caseload management reviews of individual trial courts to statewide evaluations of the safety and security of court facilities.

A core function of the department is to systematically assemble data on the caseloads of county and local courts, including the numbers and types of new, disposed and pending cases, and, for certain case types, the ages of the cases awaiting adjudication. The statistical information is reviewed and periodically verified through audits of county dockets. The Administrative Office annually publishes the data in the *Caseload Statistics of the Unified Judicial System of Pennsylvania*. This report is available from the AOPC page on the UJS Web site at www.courts.state.pa.us.

The Administrative Office uses the statistical information gathered for many purposes, including the monitoring of county court system operations and development of

policy initiatives consistent with its mandate under the Rules of Judicial Administration.

Among the departmental projects recently completed or now in progress are:

- drafting of new Rule of Judicial Administration 1904 which provides for the uniform recording of medical malpractice information on the civil dockets to facilitate statistical data collection
- design of a medical malpractice Web page for the Unified Judicial System in conjunction with the AOPC Judicial Automation Department. Included on this page are "med mal" statistics, recent changes in the statewide Rules of Civil Procedure governing professional liability actions and a variety of other reference materials and links
- coordination of a county-by-county data collection of all medical malpractice filings and jury verdicts from the year 2000 to August 2003. The aim is to meet the growing need for empirical information to evaluate rapid statutory and procedural rule changes. The statewide data are posted on the UJS Medical Malpractice Web page. The next data collection will update the numbers through December 31, 2004
- technical support to a panel of Philadelphia civil trial judges in development of a case management educational program for state trial judges. A panel presentation was given in three regional medical malpractice seminars
- design of interactive caseload statistical reporting on the UJS Web site. Customized Protection from Abuse and Criminal statistical reports are now available on-line. Development of additional case type reports is ongoing. The AOPC's Judicial Automation Department developed the software
- continued support of the Judicial Council's District Justice Security Subcommittee, including development of an incident reporting system and cost/risk reduction studies for security improvements

- publication of a law review research article on collateral review of non-capital criminal cases. It was the first empirical study of its kind in any U.S. jurisdiction
- development of a Request for Proposal for security training of district justice staff
- analysis of trial court decisional delay based on Rule of Judicial Administration 703, specifically examining cases awaiting decisions for longer than twelve months.
- expansion of caseload statistical reporting to include more case types and procedures, such as summary civil jury trials and uniform jury reporting criteria.
- support services to various committees and associations such as the Pennsylvania Association of Court Management and the Mid-Atlantic Association of Court Management
- on-site support for local courts in compiling and analyzing caseload statistics. The Department also provides group training to participants in the annual New Court Administrator's School.

Another responsibility of the department lies in the design of the many forms used in the state court system. The development of new forms and the modification of existing forms require extensive consultation with system personnel, especially those using the forms on a daily basis.

Legal Department

The Legal Department provides advice and counsel to the Court Administrator of Pennsylvania and to the other units of the Unified Judicial System (UJS) while also assisting in various administrative areas.

Specifically, the chief counsel's staff represent UJS personnel -- including those of the various courts of the Commonwealth and

judicial agencies as well as the Pennsylvania Board of Law Examiners -- in state and federal litigation. Representation is not provided in criminal or disciplinary actions. Actions involving UJS personnel often include suits filed in the federal district courts that raise various civil rights and constitutional issues. Typical state court proceedings involving court personnel pertain to petitions for review of governmental actions, petitions to determine the rights and duties of public officials, and appeals.

Other significant activities include:

- active participation in planning and implementing the Judicial Computer System and related statewide court automation programs
- reviewing and negotiating leases and contracts for appellate court offices and related offices, chambers and committees of the UJS
- providing legal and administrative assistance and advice to the court administrator of Pennsylvania
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Judicial Services Department

The Judicial Services Department plans, coordinates, administers and provides staff support for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.

In 2003 the department coordinated seven conferences:

- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 20-23, 2003
- *Satellite Program: DNA Symposium*
March 19 and 26, 2003

- *Satellite Program: Capital Cases in the Trial Courts*
March 20 and 27, 2003
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 1-4, 2003
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 24 - 27, 2003
- *Satellite Program: Courts and the Media/Evidence - Beyond the Basics*
October 2-3 and 15-16, 2003
- *Pennsylvania Association of Court Management Mid-Annual Conference*
November 2-4, 2003

Through aggressive negotiation and detailed knowledge of Pennsylvania's hospitality industry, the Judicial Services Department is able to ensure that multi-day conferences proceed effectively under terms which are favorable to the Commonwealth.

Judicial Services also negotiates office space for judicial offices across the Commonwealth, subject to final legal review by the chief counsel's legal staff; maintains and updates all Pennsylvania state department lists; handles the filing of financial disclosure statements; and acts as liaison to the Minor Judiciary Education Board.

Judicial Programs

The Judicial Programs Department's mission is to assist court administrators, judges and staff throughout Pennsylvania's 60 judicial districts in ensuring the efficient operation of Pennsylvania's minor and trial courts and to promote the equitable administration of justice throughout the Commonwealth. Judicial Programs provides assistance to the local courts on diverse issues such as financial management, caseload management, personnel, technology

and other aspects of managing a complex judicial system. The department will also work closely with the Supreme Court, the Court's rules committees and other departments within the AOPC to assist with implementation of policies, procedures, rule changes and reporting standards. This assistance includes:

- conceiving, developing and implementing new judicial programs; evaluating and maintaining existing programs
- providing information about judicial program development and trends either within Pennsylvania or nationally
- reviewing and assessing local court requests for complement level and/or organizational structure changes and other related human resources needs
- collecting, analyzing and disseminating data and information regarding court program operations
- establishing standards and procedures for program performance, audits and evaluation
- devising, developing and conducting training and continuing education programs for local court staff
- analyzing the impact of legislation related to judicial operations and devising solutions for implementation of new statutes and statutory changes
- overseeing senior judicial assignments, requests for changes of venue/venire and AOPC communication with judicial districts concerning president judge elections.

Judicial Automation

The AOPC's Judicial Automation Department is responsible for developing and maintaining case management and other software

applications for courts and administrative staff in the Unified Judicial System. This department also provides general technology support to the Supreme Court justices, their staffs and the administrative court staff in Pennsylvania.

The highlights of several important projects undertaken by this department are described below.

Common Pleas Case Management System (CPCMS)

During 2003 design work continued on the CPCMS to ready it for functional and user acceptance testing and implementation in two pilot counties, Cumberland and Westmoreland. In September and October of 2003, the pilots were conducted, and both counties went live.

CPCMS is a statewide case management system that includes docketing, accounting and other important case management functions. It will be used primarily by clerks of courts, court administration and judges and their staffs. The system produces over 400 forms and reports, including master account reports. It provides a facility to export report data from the system to other applications such as Excel and Access so that counties can customize the presentation of information in their counties if desired.

The system facilitates sharing of important criminal case information, such as bail and warrant information statewide. It also uses a data hub to transmit information to and from other state agencies and uses the Pennsylvania Justice Network (JNET) as a data transportation mechanism as well as to present information to other criminal justice agencies.

Pennsylvania Appellate Court Case Management System (PACMS)

The Pennsylvania Appellate Court Case Management System (PACMS) is an integrated

case management system designed for Pennsylvania's appellate courts -- Supreme, Superior and Commonwealth.

This year enhancements to PACMS continued, mainly in the form of new and modified system reports.

PACMS staff also developed and continued to maintain the Pennsylvania Board of Law Examiner's Bar Exam Applicant Registry (BEAR) system. At the same time, AOPC staff, working closely with board staff, began planning for the development of a Web-based application to allow bar applicants to complete applications and submit them electronically to the board.

PACMS staff was also tasked with developing an enhanced local rules Web site that will provide expanded search capability. This site is to be deployed as a pilot by July 2004, using the new required civil motions practice local rules to populate the system.

Administrative Support Application Project (ASAP)

ASAP is a software application that was developed in-house at the AOPC to support the administrative functions of the appellate courts, AOPC and First Judicial District. The system includes payroll, human resources and finance modules.

In 2003 ASAP staff continued to maintain and enhance the system. A new Web site, "AOPC Connected" was deployed and provides employee pay stubs electronically. Enhancements to the "AOPC Connected" site, such as the addition of electronic payroll forms and on-line leave reporting, are planned.

District Justice System (DJS)

The District Justice System provides case management and accounting functions to all

district justices and their staffs statewide, approximately 3500 users. The system has been in place since 1992 and generates all forms needed for civil, criminal and traffic case processing.

In 2003 district justice system trainers conducted training workshops covering civil case processing, post disposition actions, OTN consolidation, accounting and Microsoft Word.

Planning for the consolidation of the regional AS/400 servers began this year with deployment of this consolidation targeted for completion by the end of calendar year 2004.

In addition, AOPC systems support staff continued to support and maintain hardware, telecommunications systems required for various AOPC case management systems and office automation functions.

Deputy Court Administrator's Office

Communications/Legislative Affairs

In its role as both legislative and media liaison, the Office of Communications and Legislative Affairs represents the AOPC before the state's executive and legislative branches of government as well as to the media. As media liaison, staff field inquiries from reporters, draft press releases, publish the AOPC annual report, develop other publications and set up press conferences.

The office also monitors the progress of legislation in the General Assembly; compiles and publishes a legislative summary when the General Assembly is in session; and, when appropriate, comments on the effect legislation may have on the fiscal and administrative operations of the judicial system. With the computerization of district justice offices, staff also monitor and report on legislation that may necessitate changes to the district justice software programs.

Administrative Services

Administrative Services oversees a variety of administrative-related tasks, including procurement for the Administrative Office and for Philadelphia courts under the First Judicial District/AOPC Procurement Unit. It handles all issues relating to facility management, fixed asset control, mail and messenger services and vehicle management. It also provides support to many UJS agencies in a variety of ways.

Payroll

The Payroll Unit administers the monthly, biweekly and supplemental payrolls for more than 1,600 jurists and staff. Together with the Human Resources Unit, it also orients and answers any questions new employees may have as the employees become members of the judiciary staff.

Human Resources

The Department of Human Resources

- monitors and ensures UJS compliance with state and federal employment statutes
- maintains all UJS fringe benefit programs and counsels judiciary personnel regarding their provisions and utilization
- administers the UJS employee leave accounting program and the UJS Unemployment Compensation and Workers Compensation programs
- formulates and administers the personnel policies and procedures that govern the personnel operations of the UJS
- assists managers in the recruiting, interviewing and hiring of new staff; develops and administers AOPC hiring procedures
- administers uniform classification and pay plans for the UJS

- develops training curriculum, policies and procedures for judiciary personnel.

Finance

The Finance Department is responsible for managing all budgets, accounting and the accounting system for the Unified Judicial System. It serves as the primary resource to the various components comprising the UJS regarding financial matters. It fulfills its responsibility through the following activities:

- developing necessary policies and procedures on accounting and budget issues and training staff at all levels in their use
- monitoring and preparing the budget for some 35 UJS line items in the Commonwealth's annual budget. These line-item appropriations include not only the funding for the Administrative Office, but for all of the state-funded courts, most Supreme Court advisory procedural rules committees, juror cost reimbursements, and county court reimbursements. Finance staff develop budget materials for the justices and court administrator of Pennsylvania, including briefing materials used for hearings before the legislative appropriations committees. Staff monitor budget trends, maintain communications and regular reporting to the various legislative and executive branch agencies as required by law and tradition, and participate in budget hearings as required
- managing \$291.1 million in annual appropriations, including \$36 million in grants to counties
- participating in the annual financial audit of the UJS

- serving as the central clearinghouse for all financial transactions impacting the judiciary
- overseeing the finances of the First Judicial District/AOPC Procurement Unit, including recommending investment and banking strategy. The procurement unit, created by and operating under an agreement between the Administrative Office and Philadelphia City government, was established to improve the procurement function in Philadelphia's three courts. Since the agreement was put into effect, the First Judicial District has realized significant savings through efficiencies in its procurement function
- undertaking special projects, as requested and upon its own initiative, to develop financial information regarding cost trends, comparative analyses and the like. Such information includes analyses of legislation for fiscal impact routinely requested by the both the legislative and executive branches.
- responding to questions and providing information on the judiciary's financial operations as needed to the legislature, the executive branch, other judiciary employees and the public.

In addition to these functions, the Finance Department has been participating on a "need" basis in the development of an updated automated accounting system to serve the UJS to ensure that it fulfills accounting and budgeting needs and requirements. In this process staff have been working to identify and assist in the resolution of incorrect processes and formats. Staff have also been working to establish procedures for the use of the automated system and train users.

AOPC

2003 Membership:

Honorable Joseph A. Hudock, *Chair*
Honorable Thomas A. Wallitsch, *Vice Chair*
William P. Bresnahan, Esq.
Frederick N. Frank, Esq.
Honorable Jane Cutler Greenspan
Charles E. Gutshall, Esq.
James C. Haggerty, Esq.
Sarah V. Hart, Esq.
James J. Kutz, Esq.
Bridget E. Montgomery, Esq.
Andrew M. Ominsky, Esq.
Sunah Park, Esq.
Dionysios G. Rassias, Esq.
Paul W. Roman, Esq.
Alison Taylor, Esq.

Staff:

Dean R. Phillips, Esq., *Counsel*
Rebecca M. Darr, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization:

Pa. Constitution Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee

The principle function of the Appellate Court Procedural Rules Committee is to make recommendations to the Supreme Court for refining and updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

Appellate

Court

Procedural

Rules

Committee

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2003 Activities

As a result of committee and subcommittee meetings and work sessions in 2003, the following recommendations were submitted to the Supreme Court and adopted:

Internal Recommendation 36: Adoption of Pa.R.A.P. 120 (**Entry of Appearance**) and 1703 (**Contents of Application for Stay**) and amendments to the Notes to Pa.R.A.P. 121, 907, 1112, 1311 and 1514.

Internal Recommendation 48: Amendments to Pa.R.A.P. 124 (**Form of Papers; Number of Copies**), 2135 (**Length of Briefs**) and 2171 (**Method of Reproduction. Separate Brief and Record**).

Internal Recommendation 49: Amendment to Pa.R.A.P. 2111 (**Brief of the Appellant**).

Internal Recommendation 50: Amendments to Pa.R.A.P. 1501-1561 (Chapter 15. **Judicial Review of Governmental Determinations**).

Internal Recommendation 52: Amendments to Pa.R.A.P. 762 (**Release in Criminal Matters**) and 3331 (**Review of Special Prosecutions or Investigations**).

Internal Recommendation 53: Proposed amendment to Pa.R.A.P. 1931 (**Transmission of the Record**).

Internal Recommendation 54: Proposed amendment to Pa.R.A.P. 2117 (**Statement of the Case**).

The following recommendation remained pending with the Court at the end of 2003:

Internal Recommendation 29: Proposed amendment to amend to Pa.R.A.P. 1925(b) (**Opinion in Support of Order**).

The following recommendations were returned to the committee for further study:

Internal Recommendation 46: Proposed adoption of Pa.R.A.P. 1702(d) (**Stay Ancillary to Appeal**) and 3316 (**Review of Stay of Execution Orders in Capital Cases**).

Internal Recommendation 47: Proposed adoption of Pa.R.A.P. 1316 (**Incorrect Use of Petition for Permission to Appeal or Petition for Review**).

The following recommendation was denied:

Internal Recommendation 51: Proposed amendment to Pa.R.A.P. 1115 (**Content of the Petition for Allowance of Appeal**).

In addition, allocatur was granted in three cases dealing with Rule 1925 (**Opinion in Support of Order**).

2004 Plans

Among the subjects on the committee's agenda for 2004 are the following:

- a proposed amendment to the Note to Pa.R.A.P. 311 referencing the potential "waiver trap" appeal problem that exists in declaratory judgment actions
- a joint recommendation with the Orphans' Court Procedural Rules Committee seeking to amend Pa.R.A.P. 342 and 313 concerning the appealability of removing a trustee
- an amendment to the rules to address the discrepancy between Pa.R.A.P. 2111 and 2115. AOPC

2003 Membership:

Lisa Pupo Lenihan, Esq., *Chair*
Gregory E. Dunlap, Esq., *Vice Chair*
Michael W. King, Esq.
Patricia L. McGrail, Esq.
Gregory P. Miller, Esq.
Jane Gowen Penny, Esq.
William R. Sasso, Esq.

Staff:

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Character & Fitness Director*
Tracy R. Chase, *Director of Testing*

Legal Authorization:

Pa. Constitution Article V, § 10(c)
Pa.B.A.R. 104 (c) (3)

About the Board

The Pennsylvania Board of Law Examiners holds the responsibility for recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications, both for those wishing to sit for the bar examination and for those practicing attorneys from other states seeking admittance to the bar without sitting for the exam; administering the bar exam itself; and recommending rules pertaining to admission to the bar and the practice of law.

Members are appointed to three-year terms, and each member may serve two consecutive terms. Board office staff includes the executive director, counsel to the board/supervising law examiner, an executive assistant and six administrative support staff. The board also employs seven examiners, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 14 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are employed temporarily to assist in the administration of the bar exam.

Board of Law Examiners

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Bar Procedures

The Board of Law Examiners administers Pennsylvania's bar exam over two days twice a year, on the last Tuesdays and Wednesdays in February and July. In February the exam is held in King of Prussia and Pittsburgh. In July it is held in King of Prussia, Pittsburgh and Harrisburg.

The exam comprises two parts, an essay section, which is administered the first day, and the multiple choice Multistate Bar Examination (MBE), which is administered the second day.

The essay portion of the exam includes seven questions developed by the examiners and approved by the board, including one performance test (PT) question. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The PT question tests an applicant's ability to use fundamental lawyering skills in a realistic situation. Some of the tasks an applicant might be required to complete in responding to a question include writing a memorandum to a supervising attorney, a letter to a client, a persuasive memorandum or brief, a statement of facts, a contract provision, a will, a counseling plan, a proposal for settlement, an agreement, a discovery plan, a witness examination plan or a closing argument. It is weighted at one and a half times an essay question and is combined with the scores for the remaining six questions. Applicants have 90 minutes to complete one PT question.

The MBE is a national exam, prepared by the National Conference of Bar Examiners in conjunction with American College Testing (ACT). Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55% and the MBE portion weighted

45%. In addition, applicants must also score at least 75 on the Multistate Professional Responsibility Examination (MPRE).

The MPRE is a standardized test used to demonstrate an applicant's knowledge of the professional responsibility and ethical obligations of the legal profession. Applicants may take it at any point during law school or their legal careers prior to taking the bar exam. Indeed, they are encouraged to take it while in law school, shortly after they have completed a course on professional responsibility or ethics. They do, however, have up to six months after sitting for the bar exam to take it.

If an applicant is not successful on the MPRE within six months from the date results are released for the bar exam for which he/she sat, he/she will be required to submit to the board an Application for Supplemental Statement and for Character and Fitness as required under Pa.B.A.R. 231. This supplemental application process requires a character and fitness review and may take up to six months or longer to complete.

If an applicant is not successful on the MPRE within three years of the date his/her successful bar exam results were released, he/she must reapply for permission to sit for the bar exam, successfully retake the exam and meet all of the requirements at that time.

Grading the Bar Exam

At the conclusion of each bar exam, board staff send copies of the essay questions (including the PT question), the examiners' proposed analyses and the grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners

use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible.

The final draft of each question and analysis is forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

Rereads are automatically conducted for all applicants receiving a combined score of six points or less below passing, (i.e., 266-271).

The MBE is graded by ACT.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at www.pabarexam.org.

Application Approval/Denial and Hearing Process

In addition to passing the bar exam, prospective members of Pennsylvania's bar must meet certain requirements relating to character and prior conduct. To aid the board in determining whether applicants have met such requirements, a candidate must file with the board office a written application setting forth those matters the board deems necessary. This includes background information pertaining to character, education and employment. Board office staff then review the applications, occasionally investigating further, to determine an applicant's fitness and qualifications.

If, upon initial review, the board's executive director finds that the applicant does not appear to possess the fitness and general qualifications requisite for a member of the bar, the applicant is notified in writing. Unless the denial was for scholastic reasons, the applicant then has 30 days to request a hearing appealing the denial. Present at the hearing are the applicant; the applicant's counsel, if he/she has

retained counsel; and a board member who serves as the hearing officer. A stenographer is also present to record the hearing.

Only one applicant is considered at a hearing, and only applicants who are denied permission to sit for a bar examination or certification recommending admission may request one.

Approximately 16 hearings were held in 2003.

2003 Statistics

Statistics for 2003, including a comparison with 2002's figures, can be found in Table 3.2.1 on page 32. Chart 3.2.2 on page 33 details the percentage of those passing the bar since 1994 while Chart 3.2.3 on page 34 is a comparison of the number of persons who have sat for the exam versus the number who have passed it over the past ten years. In addition, office staff processed approximately 200 applications for admission on motion and for character and fitness determination.

2003 Activities

The board met nine times in 2003 to review bar admission rules and recommend rule changes, review proposed essay questions and analyses, approve examination results, and set policy. It also held two semi-annual meetings, one following each of the two bar examinations, to review the essay exam questions, analyses and proposed grading guidelines.

Recommendations to the Supreme Court

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 204, regarding **admission on motion**. The amendment permits attorneys to be eligible for admission on motion if they have passed the bar exam in a reciprocal state or if they have been actively practicing law in a reciprocal state for five of the seven years

immediately prior to application. Pending before the Court.

Recommendation No. 2: Proposed Pa.B.A.R. 302, regarding **in-house corporate counsel**. The rule permits attorneys licensed in other jurisdictions, who, as in-house counsel, are solely providing legal services in Pennsylvania to the business organizations which employ them, to obtain limited licenses to engage in such practice without being admitted to the bar on motion or by examination. Pending before the Court.

Recommendation No. 3: Proposed amendment to Pa.B.A.R. 402, regarding **confidentiality**. The amendment permits the board, upon request from a state or county bar association, to provide the bar association with the names and addresses of applicants who successfully complete the bar exam, provided the applicants have no objections. Approved by the Court 12-9-03, effective immediately.

Recommendation No. 4: Proposed amendment to the subject areas tested on the **essay portion of the bar exam**. The board recommended eliminating three subjects (commercial paper, bank deposits and collections, and secured transactions); expanding the scope of three existing subjects (criminal law, corporations and decedents' estates); and adding one new subject (employment discrimination). Pending before the Court.

Computer-Based Testing (CBT)

In February 2003, for the first time, applicants were offered the option of providing answers to the essay and performance test portions of the bar examination using their own laptop computers. The implementation of CBT was a direct result of the board's continuing goal to enhance the bar admission process by

using technological advancements in the field of testing.

Exam questions were provided in book-let format. Test-takers downloaded onto their computers a software program called SofTest®,

Admission applications	approx. 2,800	
Sitting for February exam	666	
Change from 2002	(24)	(3.48%)
Persons passing February exam	342	
Persons failing February exam	324	
Passing Percentage	51%	
2002 Passing Percentage	47%	
Sitting for July exam	2,009	
Change from 2002	52	2.66%
Persons passing July exam	1,438	
Persons failing July exam	571	
Passing percentage	72%	
2002 Passing Percentage	71%	

Table 3.2.1

developed by ExamSoft Worldwide, Inc., which provides a word processing function and prevents test-takers from accessing anything but the word processing function.

Over 200 applicants utilized CBT during the administration of the February and July bar examinations.

Filing Fees

The filing fees charged for processing applications in 2003 are as follows:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee
- \$1,000 for admission on motion. AOPC

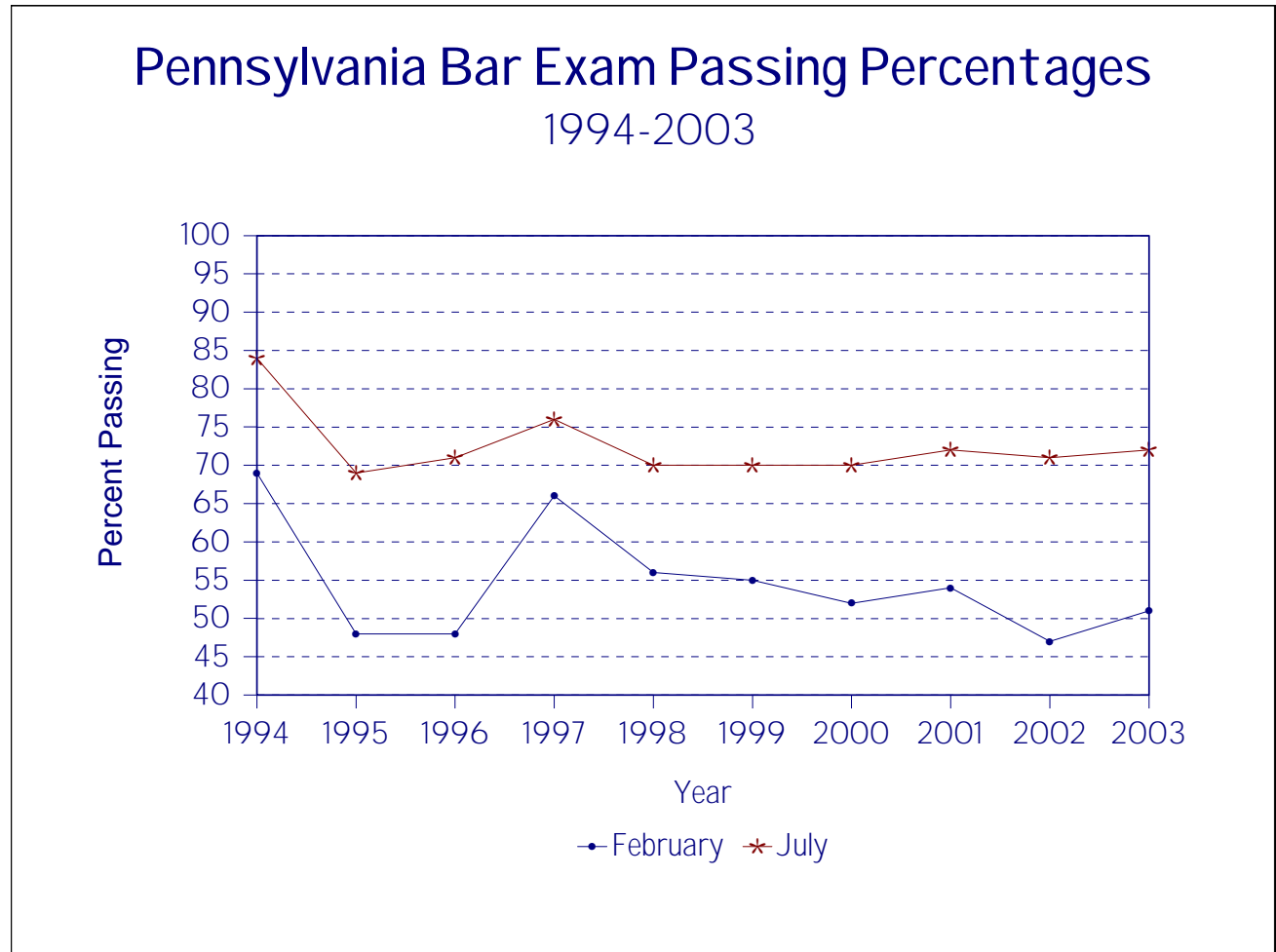


Table 3.2.2

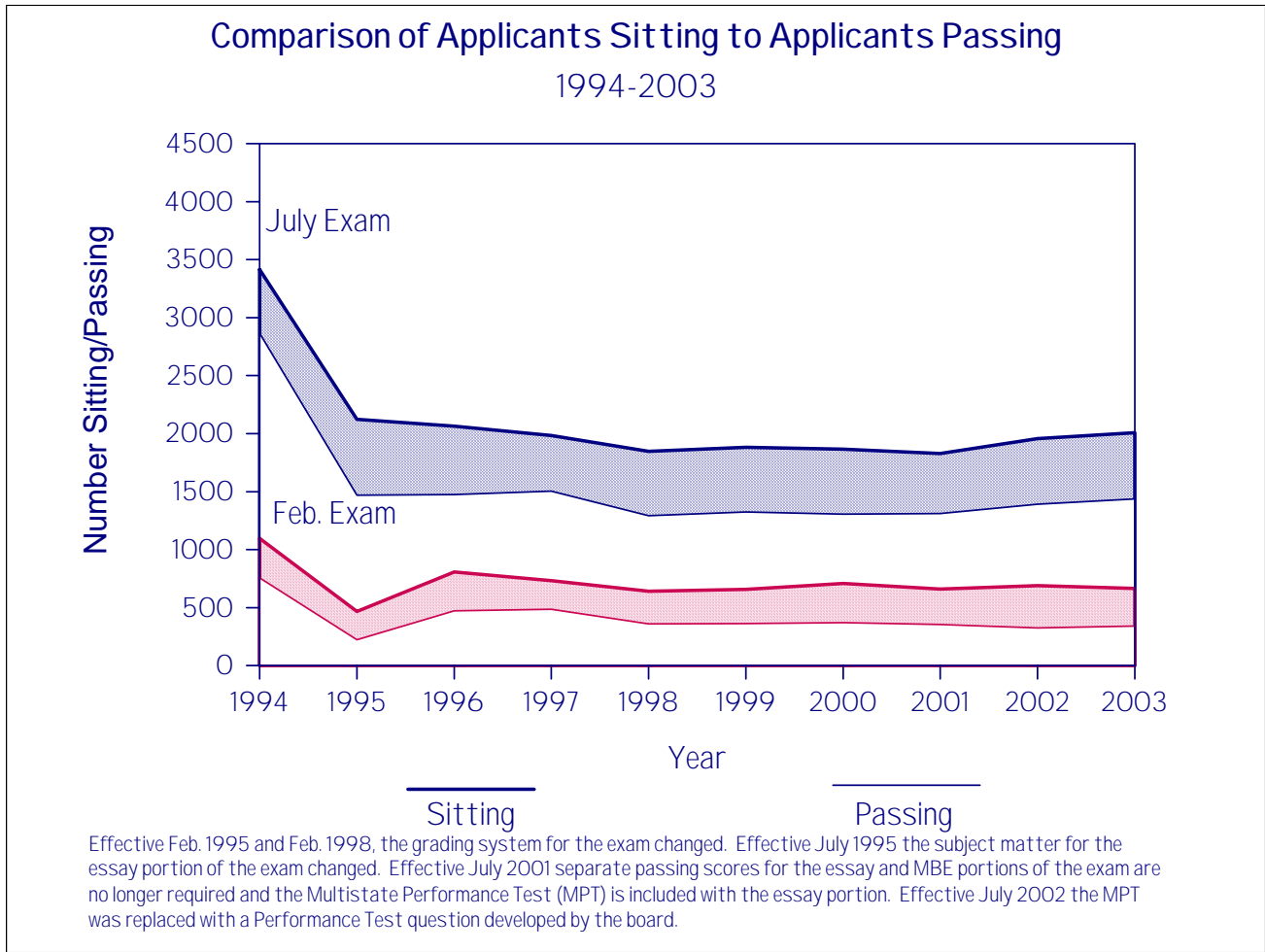


Table 3.2.3

2003 Membership:

Honorable R. Stanton Wettick, Jr., *Chair*
Joseph H. Foster, Esq., *Vice Chair*
Mark A. Aronchick, Esq.
Morton R. Branzburg, Esq.
Heather S. Heidelbaugh, Esq.
Honorable George E. Hoffer
Joseph A. Katarincic, Esq.**
H. Paul Kester, Esq., *ex officio*
Honorable William J. Manfredi
Darlene A. Marquette, Esq.
Bruno A. Muscatello, Esq.
Edward G. O'Connor, Esq.
Anton Henri Rosenthal, Esq.
Robert Ross, Esq.
Thomas A. Sprague, Esq.
Arthur H. Stroyd, Jr., Esq.
Clayton A. Sweeney, Esq.
Kevin H. Wright, Esq.

Staff:

Harold K. Don, Jr., Esq., *Counsel*
Jeffrey M. Wasileski, Esq., *Research Assistant**
Elizabeth J. Knott, *Administrative Assistant*

* Resigned 3-7-03

** Term expired 6-30-03

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee:

The Civil Procedural Rules Committee sets the rules of procedure and practice for civil actions in Pennsylvania's Courts of Common Pleas. This includes all aspects of civil matters, except those issues relating to the work of the orphans' court and family court divisions. It was first commissioned by the Supreme Court in 1937.

Committee members are appointed to three-year terms by the Court and each may serve a maximum of two full terms.

Civil

Procedural

Rules

Committee

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CivilRulesCmte/
Indexcivilrules.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CivilRulesCmte/Indexcivilrules.asp)

2003 Activities

The committee held three meetings in 2003 as follows:

March	Philadelphia
September	Pittsburgh
November	Philadelphia

2003 Amendments to the Rules of Civil Procedure

Descriptions of the various recommended rule changes are described below and are listed in the Status of Recommendations chart that follows this report.

Recommendations Promulgated by the Supreme Court

The Supreme Court promulgated the following recommendations in 2003:

Recommendation No. 167: Summary Judgment Addition of new subdivision (e) to Rule 1035.3 to make clear that a court may decide a motion for summary judgment at any time prior to the start of trial and need not require written responses or briefs so long as the parties suffer no prejudice thereby. A note emphasizes that the decision to entertain a motion for summary judgment on the eve of trial remains entirely within the discretion of the court. Promulgated 5-16-03, effective 9-1-03.

Recommendation No. 168: Entry and Withdrawal of Appearance Elimination of the requirements in Rules 1012(a) and 1025 that an entry of appearance state an address within the Commonwealth and that a pleading or other legal paper be endorsed with an address within the Commonwealth. The rules now require only that the address be a “street address where papers may be mailed or delivered.” The appearance, pleading or other legal paper stating or endorsed with an address must include a

telephone number. A facsimile transmission number is optional.

A second aspect of the recommendation revises Rule 1012 to provide a more detailed procedure to be followed when leave of court is required for an attorney to withdraw his or her appearance. The revised rule includes notice provisions both of the attorney’s petition for leave to withdraw the appearance and of the court order granting leave to withdraw. The recommendation also proposes new forms for entry and withdrawal of appearance.

Promulgated 4-29-03, effective 9-1-03.

Recommendation No. 172: Documentary Evidence at Trial of an Appeal from Compulsory Arbitration Amendment of Rule 1311 governing the procedure on appeal from an award in compulsory arbitration. The amendment recognizes that the cost of the attendance of a witness-- e.g., an expert witness-- to testify to the contents of documentary evidence at a trial *de novo* upon appeal might be prohibitively expensive when compared with the potential damages to be recovered. The amendment permits parties on appeal to take advantage of the relaxed evidentiary rules available in compulsory arbitration under Rule 1305(b). This new procedure is, however, limited to cases in which the plaintiff stipulates to a limit on the damages recoverable to no more than \$15,000. Promulgated 4-30-03, effective 9-1-03.

Recommendation No. 174: Judgment Liens and Revival of Judgment Liens Rules 3025-3049 were promulgated in 1964 to provide the procedure in proceedings to revive and continue the lien of a judgment. The note to Rule 3025 referred to the Judgment Lien Law of 1947. The Judgment Lien Law, however, was repealed by the Judiciary Act Repealer Act (JARA) in 1978, and no successor provisions were enacted as part of the Judicial Code or otherwise. The 1947 act thus disappeared from *Purdon’s Pennsylvania Statutes*. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal

community. Yet as no general rules had been promulgated to date to replace the repealed act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P.S., § 20003(b).

Recommendation No. 174 amends the rules of civil procedure to fill the void left by the repeal of the Judgment Lien Law. It is the last of the major projects arising from the enactment of JARA.

In addition, a new chapter of rules, numbered 3020-3023, was added to govern judgment liens. Rules 3025 *et seq.*, governing the revival of judgment liens was substantially amended to include the substantive as well as procedural law governing the creation and continuing of judgment liens.

Promulgated 12-16-03, effective 7-1-04.

Recommendation No. 177: Termination of Inactive Cases Previously, the termination of inactive cases within the scope of the rules of civil procedure was governed by Rule of Judicial Administration (R.J.A.) 1901 and local rules promulgated pursuant to it. In *Shope v. Eagle*, 551 Pa. 360, 710 A.2d 1104 (1998), however, the Supreme Court held that prejudice to the defendant resulting from delay in prosecution is required before a case may be dismissed pursuant to local rules implementing R.J.A. 1901. New rule 230.2 responds to this ruling, providing a complete procedure and a uniform statewide practice, preempting local rules. In addition, R.J.A. 1901(b) was amended to accommodate the new rule of civil procedure. Promulgated 3-20-03, effective 7-1-03.

Recommendation No. 179: Deceased Persons as Parties New Rule 2355 to fill a void as the rules previously made no mention of the death of a party to an action. The rule alerts the parties to the necessity of noting the death upon the record and of substituting as a party to the action the personal representative of the deceased party. The rule incorporates the familiar procedure of Rule 2352 governing

substitution of a successor. Promulgated 4-2-03, effective 6-1-03.

Recommendation No. 180: Consolidation of the Action in Equity with the Civil Action Abolishes the separate action in equity by amending the rules governing the civil action to include equitable relief. This was done as many cases are not solely actions at law or actions in equity, but actions in which relief both equitable and legal is sought. Promulgated 12-16-03, effective 7-1-04.

Recommendation No. 181: Notice to Defend Amendment of Rule 1018.1 governing the Notice to Defend to clarify the language relating to the availability of free legal help. Conforming amendments were proposed to other civil procedural rules containing identical or similar notices. Promulgated 6-10-03, effective 9-1-03.

Recommendation No. 182: Venue in Medical Professional Liability Actions New Rule 1006 (a.1) to incorporate the provisions of Section 5101.1(b) of the Judicial Code, which state that medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose. Further revisions to Rule 1006 clarify the procedure. Promulgated 1-27-03, effective immediately.

Recommendation No. 183: Certificate of Merit Addition of a new chapter, Rules 1042.1-1042.8, governing certificates of merit to lessen the possibility of the commencement of frivolous professional liability actions. Promulgated 1-27-03, effective immediately.

Recommendation No. 184: Juror Note-Taking New Rule 223.2 providing jurors with the right to take notes in cases expected to last more than two days is experimental and provides for its rescission on December 31, 2005. The rule also provides the court with discretion to allow note-taking in cases in which the trial is expected not to last for more than two days. An instruction for jurors respecting their notes is set forth in a

note to the rule. Promulgated 7-30-03, effective 9-1-03.

Rule 208.1 et seq.: Motion Practice New rules and amendments governing motion and petition practice to provide consistency amongst the various Courts of Common Pleas. The new rules define and establish the scope of a motion, provide basic requirements with respect to the form and content of a motion and set forth procedures for the court in determining a motion. Promulgated 10-24-03, effective 7-24-04.

Rule 1023.1: Signing of Documents Two orders making technical amendments that did not affect practice or procedure. The first order amended the note to subdivision (e) by removing the obsolete reference to the repealed Health Care Services Malpractice Act. Promulgated 4-2-03. The second order amended the Explanatory Comment to the rule by eliminating an inconsistency between the comment and the rule. Promulgated 6-10-03.

Recommendations Published to Bench and Bar

The following recommendations remain pending before the committee or the Supreme Court:

Recommendation No. 186: Delivery of Settlement Funds New Rule 229.1 to provide a procedure for the imposition of sanctions when settlement funds are not promptly delivered, (i.e., within 20 calendar days of receipt of an executed release). While the rule provides a standard for the delivery of settlement funds and a procedure for sanctions when the defendant does not comply with the standard, it also allows the parties to agree in writing to modify or waive any of the rule's provisions.

Recommendation No. 188: Joinder of an Additional Defendant Amendment of Rule 2253 governing the time for joinder of an additional defendant. The amendment would clarify the application of the cause shown standard to a

proposed joinder which is beyond the 60-day period for joinder as of right.

Recommendation No. 189: Remittitur in Medical Professional Liability Actions Proposed new Rule 1042.66 to implement section 515 of the Mcare Act, No. 13 of 2002, 40 P.S., § 1303.515, relating to medical professional liability actions. The act states that the court in deciding a motion for remittitur on the ground of excessiveness consider evidence of any impact on the access to health care in the community if the defendant health care provider is required to satisfy the verdict rendered by the jury. The rule provides for the filing in a medical professional liability action of a motion for remittitur based on the limited ground set forth in the statute. The motion would not be a substitute for a motion for post-trial relief under Rule 227.1 and any ground for the relief of a remittitur other than that set forth in the statute must be raised by a motion for post-trial relief.

Recommendation No. 191: Post-Trial Practice Proposes to amend Rule 227.1(b) to eliminate a conflict with Pennsylvania Rule of Evidence 103(a). Rule 227.1, promulgated in its present form in 1983, provided, without exception, that post-trial relief may not be granted unless the grounds were raised in pre-trial proceedings or at trial. Rule of Evidence 103(a), promulgated in 1998, however, eliminated the requirement of an objection stating the specific ground of objection or an offer of proof making known the substance of the evidence offered, in the circumstance where the specific ground or the substance of the evidence is apparent from the context.

Recommendation No. 193: Technical Amendments (unpublished) Proposed technical amendments to various rules of civil procedure. These amendments are perfunctory in nature and do not alter practice or procedure.

Recommendation No. 194: Confession of Judgment (unpublished) Proposes to amend Rule 2959 governing relief from a judgment by confession by adding new subdivision (g). The

new subdivision would prohibit a court from striking or opening a judgment because a creditor failed to provide a debtor with instructions imposed by existing statutes regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor. The purpose of the proposed amendment is to eliminate as grounds for relief from a confessed judgment statutory notice provisions which conflict with the rules of civil procedure and thus place at risk current judgments entered by confession.

Rules Governing Pre-Trial Practice in Medical Professional Liability Actions In June 2003 the governor of Pennsylvania issued a Plan for Medical Malpractice Liability Reform, which requested that the Supreme Court take certain actions. The Supreme Court responded by creating the Ad Hoc Medical Malpractice Committee to review the plan as it related to the judiciary. (The chair of the Civil Procedural Rules Committee, the Honorable R. Stanton Wettick, Jr., was designated chair of the committee.)

The committee, in consultation with the Civil Procedural Rules Committee, developed several rules governing pre-trial practice to govern medical professional liability actions. New Rules 1042.21, 1042.26-1042.38, 1042.41 and 1042.51 set forth procedures which are designed to speed up settlements, resolutions of

meritless cases and trials. Rule 1042.21 provides a mechanism for a health care provider to obtain a settlement conference and court-ordered mediation early in the proceedings, prior to the exchange of expert reports. Rules 1042.26 *et seq.* provide schedules for the parties to serve requests for expert reports and set forth forms for the requests. Pursuant to Rule 1042.41, parties may request a scheduling order and any scheduling order entered by the court must include schedules for the completion of discovery and the production of expert reports. Finally, Rule 1042.51 governs requests for pre-trial conferences.

Note: Rules 1042.26(b) and 1042.41(c) provide that the rules governing the exchange of expert reports and the scheduling order do not apply to counties already managing medical malpractice actions.

Continuing Responsibilities

The committee continued to furnish assistance to the Supreme Court and to act as a clearinghouse for numerous amendments suggested by members of the bench and bar. The chair and counsel answered countless inquiries regarding the Rules of Civil Procedure from local courts and attorneys and from courts and attorneys in sister states.

AOPC

Status of Recommendations		
Recommendation	Subject	Status
167	Amendment of Rule 1035.3 governing summary judgment	Promulgated 5-16-03, effective 9-1-03
168	Amendment of Rules 205.1, 1012 and 1025 regarding entry and withdrawal of appearance	Promulgated 4-29-03, effective 9-1-03
172	Amendment of Rule 1311 to provide for the admission of documentary evidence at trial of an appeal from an award in compulsory arbitration	Promulgated 4-30-03, effective 9-1-03
174	Promulgation and amendment of rules governing liens upon real property and revival of judgment liens	Promulgated 12-16-03, effective 7-1-04
177	Promulgation of new Rule 230.2 and amendment of Rule of Judicial Administration 1901 governing termination of inactive cases	Promulgated 3-20-03, effective 7-1-03
179	Promulgation of new Rule 2355 governing deceased persons as parties	Promulgated 4-2-03, effective 6-1-03
180	Merger of the action in equity with the civil action	Promulgated 12-16-03, effective 7-1-04
181	Amendment of Rule 1018.1 governing the notice to defend	Promulgated 6-10-03, effective 9-1-03
182	Amendment of Rule 1006 to provide for venue in medical professional liability actions	Promulgated 1-27-03, effective immediately; amendatory order entered 3-5-03, effective immediately
183	New Rules 1042.1 <i>et seq.</i> governing the certificate of merit in professional liability actions	Promulgated 1-27-03, effective immediately
184	New Rule 223.2 governing note-taking by jurors	Promulgated 7-30-03, effective 9-1-03
185	Proposed new Rule 4007.5 governing conduct at a deposition	Tabled by committee

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
186	Proposed new Rule 229.1 governing failure to deliver settlement funds	Pending with committee
187	Proposed amendment of Rule 1026 governing time for filing pleadings	Tabled by committee
188	Proposed amendment of Rule 2253 governing late joinder of an additional defendant	Pending with committee
189	Proposed new Rule 1042.66 governing remittitur in medical professional liability actions	Pending with Court
190	Proposed new Rule 3301 <i>et seq.</i> governing wage attachment pursuant to Section 8127(a)(3.1) of the Judicial Code	Pending with committee
191	Proposed amendment of Rule 227.1(b) governing post-trial practice to accommodate Rule of Evidence 103(a)	Pending with Court
193	Proposed technical Amendments arising from the promulgation of Recommendation No. 174 relating to judgment liens and revival of judgment liens, Recommendation No. 180 relating to the consolidation of the action in equity with the civil action and the order of 10-24-03, relating to motion practice	Pending with Court
194	Proposed amendment of Rule 2959 governing confession of judgment	Pending with Court
---	Promulgation of new Rules 208.1 <i>et seq.</i> governing motions and new Rules 239.1 <i>et seq.</i> governing local rules	Promulgated 10-24-03, effective 7-24-04
---	Promulgation of new Rules 1042.21, 1042.26 <i>et seq.</i> , 1042.41 and 1042.51 governing pre-trial practice in medical professional liability actions	Pending

Chart 3.3.1, cont'd.

2003 Membership:

Civil Instructions Committee

Honorable James E. Beasley, *Chair*
Perry S. Bechtle, Esq.
Honorable John C. Dowling
James Lewis Griffith, Esq.
Lee C. Swartz, Esq., *Reporter*

Civil Instructions Advisory Panel

Honorable James E. Beasley, *Chair*
Barbara R. Axelrod, Esq.
Honorable Mark I. Bernstein
Honorable John C. Dowling
John R. Lenahan, Esq.
William J. O'Brien, Esq.
Clifford A. Rieders, Esq.
Honorable Jeannine Turgeon
Lee C. Swartz, Esq., *Editor*

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Co-chair*
Honorable William H. Lamb, *Co-chair*
Honorable John N. Sawyer

Criminal Instructions Advisory Panel

Professor Bruce A. Antkowiak, *Editor*
Honorable Kevin A. Hess
Honorable J. Wesley Oler, Jr.

Staff:

Roger B. Meilton, Esq., *Assistant Reporter and Secretary*
David Hominik, Esq., *Pennsylvania Bar Institute Contact*

Legal Authorization:

Pa. Constitution Article V, § 10(c)

About the Committee

The committee's mission is to assist the administration of justice in court proceedings by developing pattern jury instructions for use by both the bench and the bar.

Committee for Proposed Standard Jury Instructions

c/o Pa. Bar Institute
5080 Ritter Road
Mechanicsburg, PA 17055
(717) 796-0804
(800) 932-4637

Committee Activities

Civil Instructions

In 2001 and 2002, a working advisory committee reviewed every existing civil jury instruction. Substantial changes were made to many instructions; citations were updated; and, where appropriate, new instructions written. A new edition of the Civil Jury Instructions, expanded to two volumes and including a companion CD-ROM, was published in March 2003.

The subcommittee has set the goal of publishing a new supplement every twelve to 18 months. It hopes to have the next supplement available to publish in mid-2004.

Criminal Instructions

The goal of the criminal instructions subcommittee is to publish a new edition of the Criminal Jury Instructions in 2004. With that in mind, members spent 2003 reviewing instructions and submitting drafts. After preparation of final drafts and incorporation of appropriate comments, the subcommittee hopes to have its first new edition in approximately 25 years published in the summer of 2004.

As with the civil instructions subcommittee, the criminal instructions subcommittee is committed to updating the instructions on a regular basis. AOPC

2003 Membership

Charles B. Gibbons, Esq., *Chair*
Honorable Richard A. Lewis, *Vice Chair*
David F. Binder, Esq.
Alan Steven Gold, Esq.
Vincent J. Grogan, Esq.
Syndi L. Guido, Esq.
Patrick J. O'Connor, Esq.
Leonard Packel, Esq., *Official Reporter*
Bernard W. Smalley, Esq.
Lee C. Swartz, Esq.

Staff:

Richard L. Kearns, Esq., *Staff Counsel*
Terri L. Metil, *Administrative Assistant*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee

The Committee on Rules of Evidence was created by the Supreme Court of Pennsylvania as an advisory body to assist the Court in its constitutional and statutory responsibility to prescribe general rules governing court proceedings in Pennsylvania's Unified Judicial System. The committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. It monitors the practical application of the new rules as well as developments in evidence law in Pennsylvania and in other jurisdictions as reflected in case law and statutory changes that have occurred since the rules' adoption.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Committee on Rules of Evidence

5035 Ritter Road,
Suite 800
Mechanicsburg, PA 17055
(717) 795-2100

Publication

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory “Report” describing the committee’s proposal. This process gives members of the bench, bar and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), in various local bar publications and also on the Unified Judicial System’s home page at www.courts.state.pa.us, under Supreme Court Committees. (Note: Some proposals are submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, because exigent circumstances exist that warrant prompt action or because the proposed changes are technical or perfunctory in nature.)

The committee considers all publication comments and, when appropriate, will modify a proposal before a final recommendation is submitted to the Court.

When the court adopts a recommendation, the committee prepares a “Final Report” explaining the recommendation, including any post-publication modifications. These “Final Reports,” which are published with the Court’s orders, are useful sources of information about

the rule changes and the committee’s considerations in developing the proposal.

2003 Committee Action

Two amendments were approved by the Court in 2003 and one proposal was submitted for consideration as follows:

Amendment to Pa.R.E. 407 and Revision of Comment in light of the decision of the Supreme Court in *Duchess v. Langston Corp.*, 769 A.2d 1131, ruling that evidence of subsequent remedial measures is not admissible in **products liability cases**. Adopted 6-12-03, effective 7-1-03.

Revision of Comment to Pa.R.E. 703 to alert the bench and bar that **Pa.R.E. 703 no longer is identical to F.R.E. 703**. Adopted 9-11-03, effective 9-30-03.

Amendment to Pa.R.E. 902(12) and Revision of Comment to correct an anomaly in the rule. In its present form, in a criminal case, a **foreign business record** cannot be qualified by certification unlike a domestic business record. The amendment and revision correct this anomaly. Submitted to the Court. AOPC

2003 Membership

Ruth E. Ganister, Esq., *Chair*
Carmen P. Belefonte, Esq., *Vice Chair*
Rosa Copeland Miller, Esq.
Robert S. Grigsby, Esq.
Alan C. Kessler, Esq.
John F. Mizner, Esq.
Arthur L. Piccone, Esq.
Paul Michael Pohl, Esq.
Richard A. Sprague, Esq.
Sandor Yelen, Esq.

Staff:

Daniel Levering, *Administrator*
Katey Buggy, *Office Manager*

Legal Authorization:

Title 204 - Judicial System General Provisions Part V. Professional
Ethics and Conduct [204 PA Code C. 82]
Pennsylvania Rules for Continuing Legal Education; No. 99 Supreme
Court Rules Doc. No. 1

About the Board

The Continuing Legal Education Board administers the rules
pertaining to continuing legal education (CLE) for attorneys.

The board is comprised of ten active Pennsylvania attorneys. Terms
are three years in length, and members may serve two consecutive
terms.

Pennsylvania

Continuing

Legal

Education

Board

5035 Ritter Road,
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www.pacle.org

Compliance Requirements and Deadlines

Annual CLE credit-hour requirements are met by completion of accredited courses in the areas of substantive law, practice and procedure, ethics, professionalism or substance abuse. Lawyers must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

Compliance deadlines and CLE requirements are based on one of three annual compliance periods to which lawyers have been assigned by random selection of lawyer identification numbers. The annual deadline dates are April 30, August 31 or December 31.

Board Organization

To best accomplish the requirements set forth by the Pennsylvania Rules for Continuing Legal Education, the Continuing Legal Education Board is organized into four committees, each covering a major area of operations: Accreditation, Administration, Audit and Compliance. A description of each committee follows.

Accreditation Committee

The Accreditation Committee has four members: Carmen P. Belefonte, Esq., chair; Arthur L. Piccone, Esq.; Ruth E. Ganister, Esq.; and Sandor Yelen, Esq. Its duties include oversight of the certification of providers and courses, CLE program standards, adequacy of course availability, and course and provider accreditation standards.

Administration Committee

The Administration Committee includes Ruth E. Ganister, Esq., chair; Carmen P. Belefonte, Esq.; and Paul Michael Pohl, Esq. It

handles matters involving staff, employee relations, benefits, office equipment, office operations, fees and banking, and those enhancements to program administration necessary to ensure quality and efficiency.

Audit Committee

The Audit Committee has three members: Paul Michael Pohl, Esq., chair; Carmen P. Belefonte, Esq.; and Ruth E. Ganister, Esq. It oversees the budget, annual independent audit and audit of board operations. It also monitors the board's financial software, operating procedures and reporting and is the liaison between the board and the board's accountants, Boyer & Ritter.

Compliance Committee

John F. Mizner, Esq., chair; Rosa Copeland Miller, Esq.; Robert S. Grigsby, Esq.; Alan C. Kessler, Esq.; and Richard A. Sprague, Esq. comprise the Compliance Committee. This committee oversees attorney compliance; reviews requests for waivers, extensions and deferrals from lawyers; reviews determination of lawyer noncompliance; and makes recommendations to the board for action regarding these issues.

2003 Board Actions and Operations Highlights

The board held four meetings in 2003.

Distance Learning Pilot Project

A two-year pilot project was begun January 1, 2003, to allow attorneys the option of taking Internet or computer-based courses. The courses must be pre-approved and provide a way to ensure interactivity and/or monitor course participation. Up to three of the twelve required hours may be fulfilled in this manner.

To date, the program has been very well received.

ORACLE

Board administrator Dan Levering served as president of the Organization of Regulatory Administrators for Continuing Legal Education in 2003. ORACLE is a national organization that represents the country's 40 mandatory continuing legal education jurisdictions.

Other Accomplishments

The board's other accomplishments for 2003 include

- conducting a CLE providers conference in the fall
- developing and testing methods of electronic funds transfer with providers to minimize the need to mail and process checks.
- starting plans for a multi-state, paperless reporting test that would allow Pennsylvania CLE providers to file electronic reports with other mandatory CLE jurisdictions.

Attorney Compliance

Lawyer compliance with requirements of Pennsylvania CLE Rules remains very high. Chart 3.6.1 on page 50 displays the compliance rate and number of lawyers in each group whose names were submitted to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

Looking Ahead to 2004

The board has prepared for an active 2004 year, including

- a Web site redesign project. The new Web site will provide more information, options and Web-based services for attorneys and providers.
- a major data archiving project involving CLE's main database. Automation initiatives and utilization of technology allow the board to significantly expand compliance assurance features to lawyers while maintaining high standards of CLE administration. AOPC

Attorney Compliance				
Compliance Group/ Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates (%)
Group 1 (April)				
92-93	17,100	16,959	141	99.2
93-94	17,300	17,179	121	99.3
94-95	17,619	17,552	67	99.6
95-96	17,873	17,768	105	99.4
96-97	17,804	17,639	165	99.1
97-98	17,665	17,523	142	99.2
98-99	17,864	17,751	113	99.4
99-00	18,132	18,018	114	99.4
00-01	18,426	18,295	131	99.3
01-02	18,480	18,342	138	99.2
02-03	18,668	18,539	129	99.3
Group 2 (August)				
92-93	17,124	16,868	256	98.5
93-94	17,289	17,134	155	99.1
94-95	17,649	17,540	109	99.4
95-96	17,595	17,507	87	99.5
96-97	17,410	17,294	116	99.3
97-98	17,613	17,511	102	99.5
98-99	17,756	17,666	90	99.5
99-00	18,087	17,974	113	99.4
00-01	18,181	18,100	81	99.6
01-02	18,143	18,011	132	99.3
02-03	18,572	18,493	79	99.6
Group 3 (December)				
92-93	17,269	16,936	333	98.1
93-94	17,474	17,414	60	99.7
94-95	17,679	17,574	105	99.4
95-96	17,542	17,430	112	99.4
96-97	17,582	17,456	126	99.3
97-98	17,781	17,647	134	99.2
98-99	17,968	17,865	103	99.4
99-00	18,220	18,113	107	99.4
00-01	18,361	18,227	134	99.3
01-02	18,479	18,366	113	99.4
02-03	18,625	18,527	98	99.5

Table 3.6.1

2003 Membership

Honorable John J. Driscoll, *Chair*
Honorable Donna Jo McDaniel, *Vice Chair*
Scott A. Bradley, Esq.
Claire C. Capristo, Esq.
Thomas R. Ceraso, Esq.
Ronald Eisenberg, Esq.
John L. Elash, Esq.
Honorable Scott A. Evans
Philip B. Friedman, Esq.
Paul S. Kuntz, Esq., *ex officio*
Alexander H. Lindsay, Jr., Esq.
Honorable Robert A. Mazzoni
Nicholas J. Nastasi, Esq.
Brian J. Preski, Esq.
Honorable John T. Robinson
Claude A. Lord Shields, Esq.

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jennifer A. H. Degenfelder, Esq., *Staff Counsel*
Suzanne M. Creavey, *Office Manager*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee

The Criminal Procedural Rules Committee is an advisory arm to the Supreme Court, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing criminal practice and procedure throughout Pennsylvania.

Criminal

Procedural

Rules

Committee

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Index/SupCtCmtes/
CrimRulesCmte/
Indexcrim.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CrimRulesCmte/Indexcrim.asp)

Reports

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory report, called simply "Report," which describes the committee's proposal and gives members of the bench, bar, and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*) and various local bar publications. In some cases the committee also distributes the report directly to organizations within the criminal justice system upon which the proposal may impact.

All comments are considered and, when appropriate, a proposal is modified before final submission to the Court. (Note: Some reports are submitted to the Court without publication, pursuant to Pa.R.J.A. 103(a)(3), this in the interest of justice, because exigent circumstances existed that warranted prompt action, or because the proposed changes are technical or perfunctory in nature.)

If a recommendation is adopted, the committee prepares a final explanatory report for publication with the Court's order. These "Final Reports" are useful sources of information about the rule changes and the committee's considerations in developing the proposal for the rule changes.

In addition to reports, the committee prepares, as a public service, a "Calendar of the Effective Dates," which lists recently adopted criminal procedural rule changes and their effective dates. These calendars are published in various legal journals and newsletters to provide easy access to the effective dates of criminal rule changes.

2003 Activities

The committee held five full-committee meetings and several subcommittee meetings in

2003. The full-committee meetings were held in Gettysburg, Philadelphia, Pittsburgh and State College.

In 2003 the committee continued its work on the following:

- development and refinement of procedures for the use of advanced communication technology (ACT) in criminal cases
- work necessitated by the development of the Common Pleas Case Management System (CPCMS), the statewide automation of the criminal division of the Common Pleas Courts.
- review of the rules affecting proceedings before the minor judiciary, specifically
 - summary cases, Chapter 4, in particular the issues concerning the electronic preparation and filing of citations, motions in summary cases, and the requirements for the continuous availability of issuing authorities
 - court cases, Chapter 5
 - monitoring local rules.

The committee also addressed several other areas of criminal practice and procedure, including right to counsel, bail, discovery, jury procedures, sentencing and Municipal Court.

2003 Committee Action

The Supreme Court adopted eight committee recommendations for rule changes in 2003. A number of others remained pending with the Court. They are all described below and are listed in the Status of Recommendations chart beginning on page 55.

Proposals Adopted by the Supreme Court

Recommendation No. 1, Criminal Rules 2002: Changes to Rule 461 permitting a defendant to waive the stay of the **sentence in a summary**

case; to Rule 462 clarifying that the case stays in Court of Common Pleas following a trial *de novo* for the execution of sentence, including collection of fine, restitution and costs; and to Rules 430, 453 and 461 making it clear that a warrant may be issued to bring in a defendant to begin serving a summary sentence of imprisonment. Adopted 2-28-03, effective 7-1-03. See Final Report at 33 *Pa.B.* 1326 (March 15, 2003); 816 *A.2d* No. 2 and 817 *A.2d* No. 1 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 5, Criminal Rules 2002: Changes to the Rules 702 and 704 Comments adding cross-references to 18 Pa.C.S., § 1106 and 42 Pa.C.S., § 9728 to alert members of the bench and bar to the requirements of the statutes concerning consideration of preexisting orders when determining the amount of **restitution**. Adopted 3-27-03, effective 7-1-03. See Final Report at 33 *Pa.B.* 1928 (April 19, 2003), and 823 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 2002: New Rule 118 establishing the procedures for the use of and limitations on the **use of two-way simultaneous audiovisual communications** in court cases. Adopted 8-7-03, effective 9-1-03. See Final Report at 33 *Pa.B.* 4287 (August 30, 2003), and 830 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 11, Criminal Rules 2002: Changes to Rules 401, 403, 405, 406, 411 and 460 providing for the **electronic preparation and transmission of citation information**. Adopted 2-6-03, effective 7-1-03. See Final Report at 33 *Pa.B.* 973 (February 22, 2003); 816 *A.2d* No. 2 and 817 *A.2d* No. 1 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 12, Criminal Rules 2002: Changes to Rule 141 clarifying the procedures when a **summary contempt determination** is appealed for a *de novo* hearing in the Court of Common Pleas. Adopted 2-28-03, effective 7-1-03. See Final Report at 33 *Pa.B.* 1326 (March 15, 2003); 816 *A.2d* No. 2 and 817 *A.2d* No. 1

Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 13, Criminal Rules 2002: Amendments to Rule 1013 expanding the time for the **trial de novo** in the Court of Common Pleas in Philadelphia Municipal Court cases. Adopted 6-26-04, effective 7-1-03. See Final Report at 33 *Pa.B.* 3364 (July 12, 2003), and 828 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 2003: Amendments to Rules 403, 430, 431, 454 and 455 to clarify the **summary arrest procedures** when a defendant is a juvenile. Adopted 8-11-03, effective 7-1-04. See Final Report at 33 *Pa.B.* 4289 (August 30, 2003), and 830 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 3, Criminal Rules 2003: Changes to Rule 720 clarifying the procedures concerning (1) untimely **post-sentence motions** and disposition of post-sentence motions, and (2) contents of order denying the post-sentence motion. Adopted 8-21-03, effective 1-1-04. See Final Report at 33 *Pa.B.* 4438 (September 6, 2003), and 831 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Recommendation No. 4, Criminal Rules 2000: Proposed amendments to Rules 122 and 904 clarifying that **appointed counsel** remains in the case through all avenues of direct appeal including the Supreme Court.

Recommendation No. 6, Criminal Rules 2001: Revision of the Comment to Rule 909 adding cross-references to *Commonwealth v. Morris* concerning temporary **stays** and the contents of a request for a stay filed separately from the PCRA petition. (The Court remanded this to the committee in view of its decision in *Morris II*. Resubmitted July 18, 2003.)

Recommendation No. 3, Criminal Rules 2002: New Rule 567 and correlative changes to Rules

573 and 1101 establishing procedures for the **examination of a defendant by a mental health expert** when the court determines the defendant intends to introduce evidence concerning his or her mental condition.

Recommendation No. 4, Criminal Rules 2002: New Rules 568 and 569 creating separate rules from Rule 573 for the **notice of alibi and insanity provisions** and making correlative and clarifying changes.

Recommendation No. 7, Criminal Rules 2002: Changes to Rules 403, 453 and 505 concerning **multiple summary offenses** on one citation. (The Court in 2003 remanded this recommendation to the committee and placed a hold on any action pending the planned upgrading of the district justice computer system.)

Recommendation No. 1, Criminal Rules 2003: Changes to the rules related to the **filing and service** of motions and court orders and notices and correlative rule changes, including amendments that would modify the procedures clerks of courts must follow when the filing is by a represented defendant, require the clerk to accept all filings rather than make a determination of timeliness, and recognize the case law providing the “prisoner mailbox rule.”

Recommendation No. 4, Criminal Rules 2003: Changes to Rules 122, 140, 141 and 454 clarifying the procedures concerning **appointment of counsel** in summary cases in view of *Alabama v. Shelton*.

Recommendation No. 5, Criminal Rules 2003: Rule 573 Comment revision clarifying the procedures concerning the assessment of charges for **discovery materials**.

Recommendation No. 6, Criminal Rules 2003: Rules 130 and 555 changes to accommodate Act 82 of 2002 and *Commonwealth v. McPhail* concerning **transfer of cases**.

Recommendation No. 7, Criminal Rules 2003: Numerous rule changes that would establish the procedures for handling cases in which the **defendant** has failed to appear at the preliminary hearing.

Recommendation No. 8, Criminal Rules 2003: Changes to Rule 647 permitting the **judges’ charge to jury** to be before or after the closing arguments or at both times.

Recommendation No. 9, Criminal Rules 2003: Changes to Rule 560 Comment clarifying that **informations** may be electronically prepared, signed and transmitted for filing.

Recommendation No. 10, Criminal Rules 2003: Changes to the rules of criminal procedure necessitated by the **proposed new rules of juvenile procedure**.

Recommendation No. 11, Criminal Rules 2003: Amendments to Rule 103 adding the **definition of “signature”** to accommodate ACT and automation.

Looking Ahead to 2004

The committee plans to continue its efforts on the following:

- studying the use of advanced communication technology in criminal proceedings
- working with the Common Pleas Court automation project, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- examining jury trial procedures and local rules procedures, working on the rules affecting the minor judiciary
- monitoring criminal practice and procedure and the criminal rules in general. AOPC

Status of Recommendations		
Recommendation	Subject	Status
6, 2001	Amendments to Rule 909 adding cross-references to <i>Commonwealth v. Morris</i>	Submitted 7-26-01; remanded 6-26-02; resubmitted 7-18-03; pending
1, 2002	Amendments to Rules 430, 453, 461 and 462 relating to summary cases	Adopted 2-28-03, effective 7-1-03
3, 2002	New rule 567 and correlative changes to Rules 573 and 1101 establishing procedures for examination of a defendant by a mental health expert	Submitted 2-11-02; pending with Court
4, 2002	New Rules 568 and 569 creating separate rules for the notice of alibi and insanity provisions from Rule 573	Submitted 2-11-02; pending with Court
5, 2002	Revision of the Comments to Rules 702 and 704, adding cross-references regarding preexisting orders when determining restitution	Adopted 3-27-03, effective 7-1-03
7, 2002	Amendments to Rules 403, 453 and 505 regarding multiple summary offenses on one citation	Submitted 6-2-02; remanded and on hold pending upgrade of DJS
10, 2002	New Rule 118 establishing procedures for use of two-way simultaneous audiovisual communications	Adopted 8-7-03, effective 9-1-03
11, 2002	Amendments to Rules 401, 403, 405, 406, 411 and 460 providing for the electronic preparation and transmission of citation information	Adopted 2-6-03, effective 7-1-03
12, 2002	Amendment to Rule 141 regarding summary contempt determinations	Adopted 2-28-03, effective 7-1-03
13, 2002	Amendments to Rule 1013 regarding trials de novo in Municipal Court cases	Adopted 6-26-03, effective 7-1-03
1, 2003	Amendments to the Rules of Criminal Procedure governing motion practice	Submitted 1-9-03; pending with Court

continued...

Table 3.7.1

Status of Recommendations, continued		
Recommendation	Subject	Status
2, 2003	Amendments to Rules 403, 430, 431, 454 and 455 to clarify the summary arrest procedures when a defendant is a juvenile	Adopted 8-11-03, effective 7-1-04
3, 2003	Amendments to Rule 720 concerning post-sentence motions	Adopted 8-21-03, effective 1-1-04
4, 2003	Amendments to Rules 122, 140, 141 and 454 clarifying the procedures concerning appointment of counsel in summary cases in view of <i>Alabama v. Shelton</i> .	Submitted 3-17-03; pending with Court
5, 2003	Rule 573 Comment Revision clarifying the procedures concerning the assessment of charges for discovery materials	Submitted 3-17-03; pending with Court
6, 2003	Amendments to Rules 130 and 555 to accommodate Act 82 of 2002 and <i>Commonwealth v. McPhail</i> concerning transfer of cases	Submitted 7-7-03; pending with Court
7, 2003	Amendments to Rules of Criminal Procedure governing failure to appear at preliminary hearings	Submitted 7-21-03; pending with Court
8, 2003	Amendments to Rule 647 regarding judges' charge to jury	Submitted 10-10-02; pending with Court
9, 2003	Rule 560 Comment revision clarifying that information may be electronically prepared, signed and transmitted for filing	Submitted 8-21-03; pending with Court
10, 2003	Amendments to Rules of Criminal Procedure correlative to the new Rules of Juvenile Court Procedure	Submitted 10-10-03; pending with Court
11, 2003	Amendments to Rule 103 adding the definition of "signature" to accommodate ACT and automation	Submitted 10-29-03; pending with Court

Chart 3.7.1, cont'd.

2003 Membership:

Charles J. Cunningham, III, Esq., *Chair*++
Richard W. Stewart, Esq., *Chair*#
Louis N. Teti, Esq., *Vice Chair*##
Laurence H. Brown, Esq.
Robert E. J. Curran, Esq.
Christine L. Donohue, Esq.*
Lori A. Flickstein, Esq.
Gary G. Gentile, Esq.**
Smith Barton Gephart, Esq.**
C. Eugene McLaughlin
John W. Morris, Esq.*
Jonathan H. Newman, Esq.
Francis X. O'Connor, Esq.▲
J. Michele Peck
Mark S. Raspanti, Esq.
Marvin J. Rudnitsky, Esq.
Robert C. Saidis, Esq.
Martin W. Sheerer, Esq.
Lisa A. Watkins, Esq.+
Donald E. Wright, Jr., Esq.

* Term expired 4-1-03

** Effective 4-1-03

+ Resigned 6-11-03

++ Term expired 9-19-03

Appointed chair 9-19-03

Appointed vice chair 9-19-03

▲ Effective 9-19-03

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)

Rule 103, Pa. Rules of Disciplinary Enforcement

Rule 205(a), Pa. Rules of Disciplinary Enforcement

Rule 205(c), Pa. Rules of Disciplinary Enforcement

About the Board:

The Disciplinary Board was created by the Supreme Court in 1972 to consider and investigate the conduct of any person subject to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) *continued...*

Disciplinary

Board

of the

Supreme

Court

First Floor

Two Lemoyne Drive

Lemoyne, PA 17043

(717) 731-7073

Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney of another jurisdiction specially admitted to the bar of the Supreme Court for a particular proceeding
- any disbarred, suspended or inactive attorney, with respect to violation of any rules committed prior to disbarment, suspension or transfer to inactivity
- any jurist with respect to any violation of rules committed prior to taking office, if the Judicial Conduct Board declines jurisdiction
- any attorney who resumes practice of law with respect to any nonjudicial acts performed while in office as a jurist.

Investigations may be initiated by the Disciplinary Board on its own motion or upon complaint from another person. (See Pa.R.D.E. Rules 103, 205(a) and 205 (c)(1)(2).)

2003 Statistics	
Attorneys	54,886
Change from 2002	0.53%
Complaints file with board	5,013
Change from 2002	0.30%
Pending at start of 2003	883
Complaints disposed of	4,893
Total complaints resulting in discipline	227
Total pending at end of 2003	1,003

Table 3.8.1

2003 Activities

Statistics for 2003 can be found in Table 3.8.1 above.

The board met six times in 2003. The results of the executive sessions can be found in Table 3.8.2 on page 60. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.3 on page 62. Comparisons of cumulative actions taken and actions taken in 2003 can be found in Chart 3.8.4 on page 64.

Rules Committee

In the past Notices of Proposed Rule-making were published in the *Pennsylvania Bulletin* in accordance with Rule 103(a) of the Pa.R.J.A. Because of concerns that lawyers in the Commonwealth were not being given ample opportunity to review and comment on proposed rule changes, however, in March 2003 the board decided to broaden its reach by publishing its notices in other legal periodicals as well. In addition to the *Bulletin*, the notices can now be found in the *Legal Intelligencer*, *Pennsylvania Law Weekly* and the *Pittsburgh Legal Journal*.

Several proposed amendments were published for comment in 2003 as follows:

Rules of Professional Conduct relating to **Ethics 2000**. These would be the first comprehensive changes to these rules since their adoption in 1987.

Rules of Professional Conduct and Rules of Disciplinary Enforcement relating to **Multijurisdictional Practice**.

The following rule changes were approved by either the board or the Supreme Court:

Pa.R.D.E. 218(c)(2): Provides that when **petitions for reinstatement** are filed with the board by formerly admitted attorneys, disciplinary counsel is given 60 days to conduct an investigation and prepare a response to the petition before the petition is referred to a hearing committee. A note was added to the amendment to provide that if disciplinary counsel objects to the reinstatement, the response should explain in reasonable detail the reasons for the objection. Adopted 9-19-03, effective 10-4-03.

Pa.R.D.E. 203(b)(4), 207(b)(2) and 208(b): Rule 203(b)(4) provides that failure of a **respondent-attorney** to comply with orders of the Court, board, hearing committees or special masters without good cause shall be grounds

for discipline. Rule 207(b)(2) states that no disposition of a matter shall be recommended by disciplinary counsel until the respondent-attorney has been notified of the allegations and the time for response has expired. Rule 208(b) states that the consequences of a respondent-attorney's failure to answer a Petition for Discipline will be to deem all factual allegations as admitted. Adopted 9-19-03, effective 10-4-03.

Pa.R.D.E. 205 and 208: Provides that **private reprimands** may be administered to attorneys either by the Disciplinary Board or by a designated panel of three board members selected by the board chair. Adopted 10-17-03, effective immediately.

Pa.R.P.C. 1.19, Comment to Pa.R.P.C. 1.6.: Requires **lawyers acting as lobbyists** to comply with registration and disclosure laws, regulations or rules enacted by the executive or legislative branches of state government; authorizes disclosure of information related to client representation in order to comply with disclosure laws; and reiterates that all such compliance actions by lawyer-lobbyists must be consistent with the Rules of Professional Conduct. Adopted 12-22-03, effective 1-3-04.

Finance & Pension Committee

After extensive review and analysis, the board approved the adoption of the Administrative Office of Pennsylvania Courts pay plan, which provides for an open-band pay plan with self-adjusting salary caps, effective July 1, 2003.

In November 2003 the board approved joining the Pennsylvania judiciary's medical benefits plan, effective January 1, 2004. Although the judiciary's medical benefits were very similar to those offered to employees of the Disciplinary Board, the main reason behind the board's request to join the Court's plan was to better control the rising costs of medical insurance through a larger group size. Although the Disciplinary Board is self-funded through attorneys' annual fees, the relatively small size

of the staff and the geographic locations of the offices limited the board's options with medical providers. The board is neutralizing any increases in medical insurance costs through employee contributions and is reimbursing the Administrative Office of Pennsylvania Courts for the board's insurance costs.

Investment Advisory Board

In July 2003 the board received a letter from Supreme Court Justice William H. Lamb announcing the creation of the Investment Advisory Board (IAB). This board will be responsible for developing an investment policy and selecting an investment firm to implement it.

The board will initially include one representative each from the Disciplinary Board, Pennsylvania Lawyer's Fund for Client Security and Continuing Legal Education Board and four members, including the chair, appointed by the Supreme Court. The Court Administrator of Pennsylvania will serve in an *ex officio* and tie-breaking capacity. Donald E. Wright, Jr., Esq., was named as the Disciplinary Board's representative.

Education Committee

The Education Committee prepared and presented the training session for newly appointed hearing committee members on July 17, 2003. Twenty-six of the 29 new members attended.

The committee also designed the program for the board's retreat meeting in the fall of 2003.

Professor Laurel Terry from the Penn State Dickinson School of Law spoke on multi-jurisdictional practice. Following her presentation, the board unanimously agreed that Pennsylvania should adopt the American Bar Association (ABA) Model Rules relating to Multijurisdictional practice and to recommend to the Supreme Court that two rules relating to foreign legal consultants be adopted.

John T. Berry, the executive director of the State Bar of Michigan, a member of the ABA House of Delegates and the ABA Joint Committee on Lawyer Regulation, and a former member of the ABA Ethics 2000 Commission, spoke on Opening the System to the Public. At its meeting the following day, the board unanimously passed a motion to further study opening the disciplinary system to the public at the point where formal charges, (i.e., a Petition for Discipline), are filed against an attorney.

Communications Committee

In July 2003 the board established a new Communications Committee to be chaired by board member Louis N. Teti. The role of the new committee is to provide oversight to the board's new Web site and to explore ways of improving communications with the public, attorneys, law students and others.

Among the board's first actions, in 2004 the Office of Disciplinary Counsel will begin offering accredited Continuing Legal Education programs directed to lawyers and to the public to better familiarize them with the Rules of Professional Conduct and how the disciplinary system works.

Hearing Committees

As of December 31, 2003, 177 regular Hearing Committee members and 24 alternate members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

2003 Executive Session Results

Action	Total
Adjudications involving formal charges	57
Board referrals to Supreme Court, including report and recommendation for public discipline	42
Oral arguments before three-member panels of board members	7
Hearing before one board member on petition to dissolve temporary suspension	1
Hearing before three-member panel on petition to dissolve freeze on certain bank accounts*	1
Considerations by three-member panels of recommendations for summary private reprimands	31
Appeals by Office of Disciplinary Counsel from Review Hearing Committee members before three-member panels	3
Respondents appearing before board or three-member panels to receive private reprimands	29
Approval of filing petitions with the Supreme Court for emergency temporary suspensions	6
Petitions for reinstatement to active status of attorneys inactive more than three years with no discipline involved	43

*Action taken at request of Supreme Court

Table 3.8.2

Web Site

June 25, 2003, the Disciplinary Board launched its new Web site at www.padisiplinaryboard.org. The site offers a wealth of information for consumers and lawyers, including giving visitors the capability to search attorney registration records for address information, current status and standing as well as to ascertain whether a lawyer has ever been publicly disciplined.

Consumers can also learn how to file a complaint against a lawyer and can download the complaint form in either English or Spanish. In

addition, lawyers can get answers to frequently asked questions concerning attorney registration, reinstatement and disciplinary procedures; download copies of the current rules and forms for attorney registration and reinstatement; and view Notices of Proposed Rulemaking. Viewers can also subscribe to the board's e-mail newsletter.

A number of the courts in the Commonwealth are also finding this site useful in verifying information concerning attorneys appearing before them.

National Council of Lawyer Disciplinary Boards

In early 2003 board executive director/secretary Elaine Bixler participated in a meeting

with seven other jurisdictions to discuss the possibility of forming a national organization for members and staff of disciplinary boards. As a result, the first meeting of the National Council of Lawyer Disciplinary Boards was held May 30, 2003, in conjunction with the American Bar Association's 29th National Conference on Professional Responsibility in Chicago, Illinois.

The mission of the organization is to serve as a national forum for the exchange of information and ideas about the administration, conduct and improvement of formal disciplinary and related proceedings for lawyers admitted to practice in one or more jurisdictions of the United States. AOPC

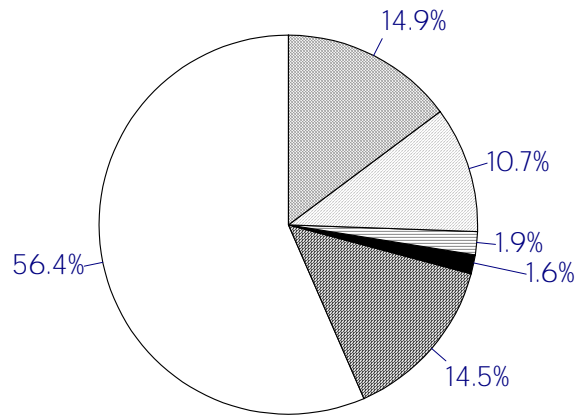
Disciplinary Board Actions: 1973-1992

Disciplinary Cases	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Informal Admonition	37	55	95	81	96	102	121	98	113	156	137	125	123	101	110	106	123	98	115	82
Private Reprimand	0	7	8	9	7	14	5	5	4	6	9	21	19	27	17	25	31	26	46	42
Probation	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	1	1	7
Public Censure	0	2	5	8	10	7	6	1	1	2	6	1	3	2	3	0	2	1	4	1
Suspension	3	12	12	8	10	13	17	8	17	12	7	7	16	5	10	17	17	18	10	20
Disbarment	3	4	6	5	13	6	12	12	21	33	24	21	16	29	23	32	18	26	27	38
TOTAL	43	80	126	111	138	143	161	124	156	209	183	175	177	164	163	180	191	170	203	190
Reinstatement Cases																				
Petitions Granted	1	2	2	3	3	4	2	6	42	21	22	25	21	17	24	34	27	34	35	27
Petitions Denied	1	2	2	0	0	3	1	5	4	0	0	2	0	2	1	1	0	1	0	1
TOTAL	2	4	4	3	3	7	3	11	46	21	22	27	21	19	25	36	27	35	35	28

Disciplinary Board Actions: 1993-2003

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	54	58	2,817
Private Reprimand	30	41	48	31	46	43	26	29	35	32	36	725
Probation	5	5	7	3	8	5	7	3	10	8	8	81
Public Censure	0	1	6	3	3	7	4	0	2	2	1	94
Suspension	12	23	26	37	33	24	23	30	27	29	31*	534
Disbarment	20	32	35	41	40	33	29	32	31	42	38+	742
TOTAL	152	177	196	185	236	200	137	139	145	167	172	4,993
Reinstatement Cases												
Petitions Granted	29	24	44	31	35	33	45	35	55	64	58#	747
Petitions Denied	1	0	1	0	2	1	4	2	3	4	4▲	44
TOTAL	30	24	45	31	37	34	49	37	58	68	62	791
<p>* This figure does not include eight temporary suspensions (Rule 214 Pa.R.D.E.) and seven temporary suspensions (Rule 208(f) Pa.R.D.E.).</p> <p>+ This figure includes 26 disbarments on consent (Rule 215 Pa.R.D.E.).</p> <p># This figure includes reinstatement to active status of 40 attorneys who had been inactive three or more years, 14 reinstatements after suspensions and five reinstatements after disbarment.</p> <p>▲ This figure includes one reinstatement denied after suspension and three reinstatements denied after disbarment</p>												

Disciplinary Board Actions Comparison 1973-2003



2003

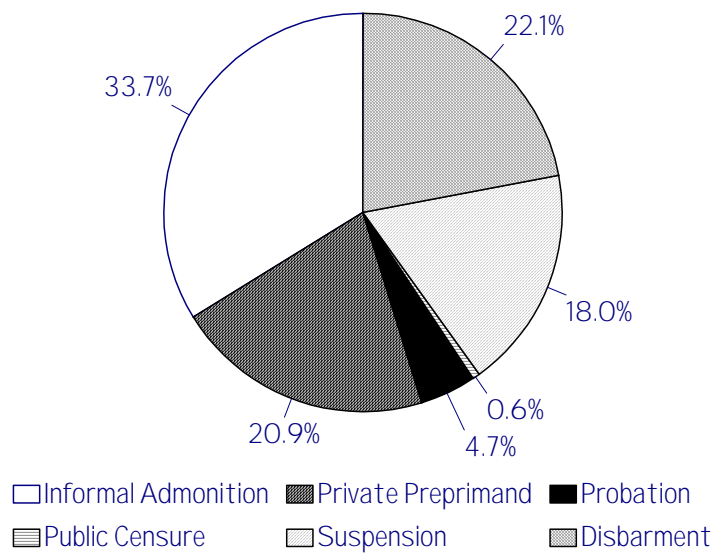


Table 3.8.3

2003 Membership:

Honorable Jeannine Turgeon, *Chair**
Robert C. Capristo, Esq. , *Chair***
Nancy P. Wallitsch, Esquire, *Vice Chair+*
Mark M. Dalton, *ex officio*
Mark B. Dischell, Esq.
Honorable Kevin M. Dougherty
Honorable Myrna P. Field
Howard M. Goldsmith, Esq.*
David N. Hofstein, Esq.
John C. Howett, Jr., Esq.*
Frederick R. Mogel, Esq.
Honorable Eugene F. Scanlon, Jr.
Leslee Silverman Tabas, Esq.*
James B. Yelovich, Esq

- * Term expired 3-1-03
- ** Appointed chair effective 3-1-03
- + Appointed vice chair effective 3-1-03

Staff:

Patricia A. Miles, Esq., *Counsel*
Terri L. Metil, *Administrative Assistant*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722(a)

About the Committee

Begun as a seven-member section of the Civil Procedural Rules Committee in 1984 and established as its own committee by order of the Supreme Court on June 30, 1987, the Domestic Relations Procedural Rules Committee strives to simplify family law practice. It does this by recommending new rules or amendments to the existing procedural rules relating to paternity, support, custody, divorce and protection from abuse. It reviews new legislation and court decisions to ensure the rules conform with developments in the law as well as the realities of domestic relations practice.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Domestic

Relations

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2037
fax (717) 795-2175
e-mail patricia.miles@
pacourts.us

2003 Activities

The committee met four times in 2003 as follows:

February	Hershey
May	Pittsburgh
August	Allentown
November	Farmington

The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes. To this end, throughout 2003 committee members and staff spoke at conferences and seminars to inform lawyers, court personnel and others of recent and proposed changes in the procedural rules related to family law matters. These included the Pennsylvania Bar Association Family Law Section's summer and winter meetings, the Domestic Relations Section Director's Conference and the Domestic Relations Association of Pennsylvania Conference.

2003 Recommendations

The following recommendations were promulgated or pending with either the Supreme Court or the committee in 2003. A chart listing the statuses of the recommendations is set forth in Table 3.9.1 on page 68.

Recommendation 61: Has two provisions:

Rule 1910.16-5 (b) (8)--Spousal Support/Alimony Pendente Lite. Clarifies that the court may deviate in the duration as well as the amount of spousal support/alimony *pendente lite* awards based upon the length of the marriage.

Rule 1910.16-6 (c) -- Unreimbursed Medical Expenses. Deletes the phrase "predictable and recurring" in relation to unreimbursed medical expenses that may be apportioned between the parties.

Promulgated 9-24-03, effective immediately.

Recommendation 63: Affects Rule 1910.16-1, originally published as part of Recommendation 61, setting forth a procedure for **calculating support** when a child is in foster care or institutional placement. The new rule treats each parent as a separate obligor and requires calculation of support for all children of the obligors with that sum being deducted from the obligors' incomes for purposes of determining support for the child in placement. Promulgated 8-20-03, effective immediately.

Recommendation 64: Proposes new Rule 1930.7 dealing with the **right to counsel** in civil contempt proceedings that might lead to incarceration. Submitted to the Court 6-24-03; tabled by the Court for further consideration.

Recommendation 65: Technical amendments submitted to the Court without publication.

Note to Rule 1910.10 -- Support Procedure. Reflects Lehigh County's change in support procedure.

Rule 1910.16-6(b)(2) -- Health Insurance Premium. New language inserted to clarify that the portion of a health insurance premium that covers the party providing the insurance is to be allocated between the parties, but the portion of the premium attributable to non-parties or children not subjects of the support order is not.

Rule 1920.46 -- Forms. Eliminates the requirement of filing a vital statistics form as the form is no longer required by the Pennsylvania Department of Health pursuant to the 2001 amendments to 35 P.S., §450.602.

Promulgated 6-30-03, effective immediately.

Recommendation 66: Proposed changes as follows:

Rule 1910.16-2(b) -- Benefits. Would treat Social Security death benefits the same as

retirement and disability benefits and clarify the obligations of third parties.

Rule 1910.16-6(a) -- Federal Child Care Tax Credit. Rather than including specific figures and percentages as in the current rule, the proposed revision refers to the tax code such that any future changes in the tax law regarding the credit would be reflected automatically.

Rule 1910.16-6(e) -- Mortgage Adjustment. Would limit application of the mortgage contribution to the time period before an equitable distribution order is entered, overruling *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), to the extent it is inconsistent.

Submitted to the Court 12-3-03.

Recommendation 67 -- Support Guidelines Review (Rules 1910.16-1 through 1910.16-7). Pursuant to both federal-- Family Support Act of 1988 (P.L. 100-485, 102 Stat. 2343 (1988)), 42 U.S.C., §467(a)-- and state-- 23 Pa. C.S., §4322(a)-- law, statewide support guidelines must be reviewed at least once every four years to assure that appropriate child support amounts are being awarded. In addition, federal regulation 45 CFR 302.56 requires that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited.

The Domestic Relations Procedural Rules Committee began the mandated review process in early 2003, assisted by Jane Venohr, Ph.D., an economist with Policy Studies, Inc., under contract with the Pennsylvania Department of Public Welfare.

Recommendation 67 includes the following provisions:

Rule 1910.16-3 -- Child Support Schedule. Amendments to reflect updated economic data to ensure that children continue to receive adequate levels of support. In addition, the support amounts in the schedule would apply

to parties with a combined net monthly income of \$20,000, rather than the current \$15,000. The amended schedule also would incorporate an increase in the Self Support Reserve* from \$550 per month to \$748 per month.

*Formerly designated as the Computed Allowance Minimum or CAM, the Self Support Reserve is intended to assure that low-income obligors retain sufficient income to meet their own basic needs as well as to maintain the incentive to continue employment.

Rule 1910.16-4 -- Reductions in Support for Shared Parenting Time. Proposed adoption of a model similar to the one that has been used in Arizona for several years. Because the basic child support schedule at Pa.R.C.P. 1910.16-3 is based upon studies of expenditures on children in intact households, no consideration is made of the costs the obligor assumes when he/she exercises visitation or partial or shared custody. This amendment assumes that no reduction will be made in the basic amount of support if the obligor spends less than four days per year with the child. Incremental reductions would be made when the obligor is with the child four or more days per year.

The proposal also includes a new method of calculating support when more than one child is involved and the children follow different custodial schedules.

Rule 1910.16-6 -- Child Care. Proposed amendment to apportion between the parties the cost of child care incurred by both parties during their custodial time with the child.

Published for comment 12-03.

Recommendation 68. Technical amendments submitted to the Court without publication to change the **notices regarding legal counsel** in domestic relations matters to be consistent with the notices in other civil matters. (Supreme Court *per curiam* order dated June 10, 2003, promulgates amendments recommended by the

Civil Procedural Rules Committee, revising all notices regarding legal counsel in the general civil rules.) Submitted 9-5-03.

of the child support guidelines and finalize its recommendation to the Court. The committee also will continue to monitor legislation, practice and procedure and make recommendations that may facilitate the practice of family law in the Commonwealth. AOPC

Plans for 2004

The Domestic Relations Procedural Rules Committee will continue its work on the review

Status of Recommendations		
Recommendation	Subject	Status
61	Spousal support/alimony <i>pendente lite</i> and unreimbursed medical expenses	Promulgated 9-24-03, effective immediately
63	Setting forth a procedure for calculating support when a child is in foster care or institutional placement	Promulgated 8-20-03, effective immediately
64	New Rule 1930.7 dealing with the right to counsel in civil contempt proceedings that might lead to incarceration	Submitted to the Court 6-24-03; tabled by Court for further consideration
65	Technical amendments regarding support procedure, health insurance premiums and vital statistics forms	Promulgated 6-30-03, effective immediately
66	Various child support amendments related to social security death benefits, federal child care tax credit and mortgage adjustments	Submitted to the Court 12-3-03
67	Various amendments related to determination of child support amounts	Published for comment 12-03
68	Technical amendments related to notices regarding legal counsel	Submitted to the Court 9-5-03

Chart 3.9.1

2003 Membership:

Gerald A. McHugh, Jr., Esq., *Chairman**
David E. Lehman, Esq. , *Chairman***
Richard I. Thomas, Esq., *Vice Chairman+*
Hubert X. Gilroy, Esq.++
Lewis F. Gould, Jr., Esq.
Kenneth M. Jarin, Esq.
Maureen P. Kelly, Esq.++
Honorable William P. Mahon, Esq.+
M. Mark Mendel, Esq.
Sallie Updyke Mundy, Esq.*
Carl Oxholm, III, Esq.
Ernestine Watlington*

Staff:

Alfred J. Azen, *Executive Director*

- * Term expired 9-1-03
- ** Appointed chairman effective 9-1-03
- + Appointed vice chairman effective 9-1-03
- ++ Effective 9-1-03

Legal Authorization:

Supreme Court Order No. 252 (Disciplinary Docket No. 3, July 17, 1996)
Rule 1.15, Pennsylvania Rules of Professional Conduct

About the Board

The Interest on Lawyers Trust Account (IOLTA) program was first established in 1988 as a voluntary means to raise money to provide civil legal services to the poor and disadvantaged of Pennsylvania. With the issue of Supreme Court Order 252, Disciplinary Docket No. 3 on July 17, 1996, this program became mandatory. It is the job of the IOLTA Board to administer the program, collecting and managing the funds received and awarding grants to nonprofit organizations, law school clinical and internship programs, and *pro bono* programs.

The IOLTA Board is comprised of nine members appointed by the Supreme Court. Members serve terms of three years and may serve maximums of two consecutive terms.

Interest on Lawyers Trust Account Board

115 State Street
P. O. Box 1025
Harrisburg, PA 17108
(717) 238-2001
(888) 724-6582
fax (717) 238-2003
e-mail paiolta@pcourts.us
www.paiolta.org

How the IOLTA Program Works

Clients often ask attorneys to hold particular sums of money for them. When this involves a large amount or a lengthy period of time, attorneys invest the money for their clients. When the amount is small or will be held for a relatively short period of time, however, investing is not practical. It is these funds that the IOLTA program targets.

These small or short-term funds are deposited into special interest-bearing IOLTA accounts at financial institutions that have been approved by the Supreme Court. On a quarterly basis, the financial institutions transfer the interest from these accounts to the Pennsylvania Interest on Lawyers Trust Account Board, which administers the program. The board, upon approval from the Supreme Court, distributes the funds to nonprofit organizations, law school-administered clinics and administration of justice projects that provide civil legal services free of charge to the poor and disadvantaged.

Attorneys may apply for exemption from IOLTA requirements. This is usually granted when attorneys infrequently handle fiduciary funds or when the service charges on an IOLTA account routinely and significantly exceed the interest that might be generated by the account. Currently, the IOLTA Board has established that accounts with an average daily balance of \$3,500 or less over a twelve-month period (higher for accounts at banks that assess higher service charges) will be exempted from the requirements. Other exemption requests are considered on a case by case basis.

Additional Funding

Effective November 1, 2002, IOLTA began receiving income from a second major source. The Access to Justice Act (AJA), part of Act 122 of 2002, provides for a \$10 surcharge to be placed on all civil filings and on criminal filings where a conviction or guilty plea is obtained. A percentage of this surcharge is placed into the Access to Justice Account for the

IOLTA Board to provide grants to legal services organizations. (Under a sunset provision in the statute, the AJA is scheduled to expire November 1, 2007, unless reviewed by the legislature.)

The IOLTA Board also receives a small amount of funding from voluntary lawyer contributions. These contributions are used to increase organized *pro bono* representation in Pennsylvania.

Pennsylvania Lawyers Fund for Client Security

Plagued by historically low interest rates on IOLTA accounts over the past year, funding for the IOLTA Board has reached critical levels. Grants for law school clinics and internships declined significantly, and the board used nearly all of its cash reserve in order to fund its grants. With interest rates likely to remain low and the board in dire need of additional funds, the Supreme Court authorized a one-time transfer of \$1.4 million from the Pennsylvania Lawyers Fund for Client Security (PLFCS) to the IOLTA Board. This funding will allow the board to reestablish its cash position as well as provide stabilizing grants to the law school clinics and internships. It will also allow the board time to explore potential alternative funding sources or policy alternatives to stabilize the law school grants program.

Attorney Compliance

To assure attorney compliance with the IOLTA program requirements, attorneys must report their fiduciary accounts on the attorney fee form, which is filed annually with the Disciplinary Board of the Supreme Court. Follow-up with attorneys is made if the data on the form does not match the IOLTA Board's records.

Banks

Participation by financial institutions in the IOLTA program is voluntary. Since attorneys must

have IOLTA accounts if they handle qualified funds, however, banks that do not offer IOLTA accounts risk losing their attorney customers.

To ease the administrative burden that comes with offering IOLTA accounts, the IOLTA Board initiated an automated clearinghouse (ACH) service for smaller banks. This service is available at no cost to financial institutions that do not assess IOLTA service charges and that have 50 or fewer IOLTA accounts. Under the ACH service, the IOLTA Board's staff, through the use of the Federal Reserve's ACH system, initiates the transfer of IOLTA interest from individual attorney/law firm IOLTA accounts to the IOLTA Board's account.

IOLTA Grants

Under Rule 1.15 of the Rules of Professional Conduct, IOLTA program funds may be used for the following purposes:

- providing civil legal assistance to the poor and disadvantaged in Pennsylvania
- educational legal clinical programs and internships administered by law schools located in Pennsylvania
- administration and development of the IOLTA program in Pennsylvania
- the administration of justice in Pennsylvania.

This includes the full range of legal services needed for the representation of a client, including brief service, litigation or representation of a class of similarly situated eligible clients, and other advocacy.

The board also seeks to assure the geographical dispersion of IOLTA grant awards to legal services organizations and encourages law schools to reach beyond the physical locations of the schools when providing externship opportunities for their law students.

Board policy states that IOLTA funds may not be used to provide legal assistance for any of the following purposes:

- fee-generating cases
- the defense of any criminal prosecution
- civil actions brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of a criminal conviction
- advancement of any political party or association or candidate for any public office or to support or oppose any ballot question
- support of activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation or to influence the introduction, amendment, passage or defeat of any legislation
- seeking the freedom to choose abortion or the prohibition of abortion.

Upon careful consideration, the board, with Supreme Court approval, has decided on the following priorities for distribution of funds (not to include AJA or PLFCS funds):

- Before any allocation of funds is made, the estimated administrative expenses associated with operation of the program will be deducted (currently \$300,000).
- After this initial deduction, \$5 million will be distributed as follows:
 - 85% to legal services programs
 - 15% to qualified law school clinical and internship programs.
- Income between \$5.3 million and \$7.3 million will be allocated in the following manner:
 - 50% to legal services programs
 - 50% to law school clinical and internship programs.

- Any income over \$7.3 million will be distributed to legal services programs and administration of justice programs at the board's discretion and upon approval by the Supreme Court.

Grant Process

In December of each year, the IOLTA Board projects its expected annual revenues for the upcoming fiscal year grant cycle (July 1 - June 30). Variations from projections are generally taken into consideration in subsequent grant cycles, although the board reserves the right to adjust current grants if actual IOLTA revenues are significantly below projections. In mid-January the board announces the availability of funds.

Grant applications must be made to the board by early February. The board reviews all requests and submits its recommendations to the Supreme Court in late March. Upon approval by the Court, grant applicants are notified and grant agreements executed with the successful organizations and law schools.

Applicant Qualifications

The IOLTA Board has determined the following qualifications for prospective applicants to be considered for an IOLTA grant:

Legal Services Organizations

Organizations must:

- be not-for-profit Pennsylvania corporations
- be tax exempt under section 501(c)(3) of the Internal Revenue Code
- operate primarily within Pennsylvania
- have as their primary purpose the provision of civil legal services without charge.

Organizations may provide *pro bono* legal services directly and/or administer provision of services.

Law Schools

Law schools must meet the following requirements:

- the funds must be used to address the current civil legal needs of the poor, organizations assisting the poor or other charitable organizations
- the schools must consult with local area *pro bono* or legal services programs that provide free or low-fee legal services to the poor
- the funds must be used for live-client or other real-life practice experience
- the school must demonstrate its own funding participation for clinical and internship programs.

Other factors considered by the board when reviewing law school applications include whether:

- the clinical/internship program is for credit
- specific and measurable training goals and objectives are defined
- the IOLTA-funded program is integrated with the school's curriculum
- the school's standing faculty has made an articulated commitment to the IOLTA-funded program
- the school has an articulated *pro bono* or public service policy
- the funds are being used to expand clinical educational opportunities for students and not simply to replace existing financial commitments by the law schools.

Administration of Justice

The board has not yet defined this grant category.

Legal Service Organizations	\$6,006,015
Pennsylvania Law Schools	844,113
<i>Pro Bono</i> Grants	17,151

2003 Statistics

Grants totaling \$6,867,279 were awarded in fiscal year 2003-04 as follows:

The largest grant, \$5,010,915, was awarded to Pennsylvania Legal Services, which is an administrative and support organization that oversees a statewide system of legal aid programs (the Pennsylvania Legal Aid Network) that is staffed by professional poverty law lawyers.
AOPC

2003 Membership:

F. Barry McCarthy, *Chair*
Honorable Carol K. McGinley, *Vice Chair*
Bruce L. Castor, Esq.
Honorable Robert J. Colville
John P. Delaney, Jr., Esq.
Honorable Thomas J. Doerr
James J. Fowkes, *ex officio*
Honorable Kevin A. Hess
Jason P. Kutulakis, Esq.
Honorable Abram Frank Reynolds

Staff:

A. Christine Riscili, Esq., *Staff Counsel*
Tricia D. Remmert, Administrative Assistant

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa.C.S., § 1722
Supreme Court Order No. 264 (Docket No. 1, Book No. 2) January 22,
2001

About the Committee

The Supreme Court of Pennsylvania established the Juvenile Court Procedural Rules Committee in January 2001 to advise the Court concerning its constitutional and statutory responsibility to prescribe general rules governing juvenile delinquency practice and procedure, and the conduct of all courts and proceedings before the minor judiciary within the Unified Judicial System.

Juvenile

Court

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175
e-mail: juvenile.rules@
pacourts.us
www.courts.state.pa.us/
Index/SupCtCmtes/
juvct/indexjuvct.asp

2003 Activities

In March 2003 the committee published its proposed rules of court for juvenile delinquency cases. After receiving public comment, the committee revised its proposal and sent a final recommendation to the Supreme Court in September of 2003.

In October 2003 the committee began addressing issues for proposed dependency rules.

Looking Ahead to 2004

The committee plans to continue drafting rules on dependency matters. It will also look at business of courts; records; commencement of proceedings; emergency custody; emergency custody hearings and pre-adjudicatory procedures, including venue, petitions, motions, discovery, pre-adjudicatory conferences, preservation of testimony & evidence and summons & notice. AOPC

**Minor
Court
Rules
Committee**

2003 Membership:

Honorable Thomas E. Martin, Jr., *Chairman*
Honorable Robert S. Blasi
Aileen Bowers, Esq., *ex officio*
Honorable M. Kay DuBree
Honorable Robert V. Manlove
Honorable Timothy Patrick O'Reilly
Honorable Henry J. Schireson
Honorable Carla M. Swearingen

Staff:

Michael F. Krimmel, Esq., *Counsel*
Tricia D. Remmert, Administrative Assistant

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2) April
17, 1990

About the Committee

The Minor Court Rules Committee examines and evaluates the rules and standards governing practice and procedure in Pennsylvania's district justice courts. It reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect district justice procedure and necessitate amendments to the rules or other action by the Supreme Court.

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175
minorcourt.rules@pacourts.us

Reports

Prior to submitting a recommendation to the Supreme Court, the committee publishes the proposal and an explanatory “Report” that describes the proposal and gives members of the bench, bar and public an opportunity to comment on it. The proposals and reports are published in the *Pennsylvania Bulletin* and West’s *Atlantic Reporter* advance sheets. Comments are also solicited directly from various associations and court-related agencies, including the Special Court Judges Association of Pennsylvania, the Minor Judiciary Education Board and the Administrative Office of Pennsylvania Courts (AOPC).

All comments are considered and, when appropriate, proposals are modified before final submission to the Court. When the committee makes significant modifications to the initial draft of a proposal, the proposal may be republished for additional comments.

On occasion, proposals and reports may be submitted to the Court without publication, pursuant to Pennsylvania Rule of Judicial Administration 103(a)(3). This would occur in the interest of justice, when exigent circumstances warrant prompt action or because the proposed changes are technical or perfunctory in nature.

If a recommendation is adopted by the Supreme Court, the committee prepares a final explanatory report for publication with the Court’s order. While the Court does not adopt the contents of the report, the report is a useful source of information about the rule changes and the committee’s considerations in developing the recommendation.

Web Site

The Minor Court Rules Committee publishes its rule proposals and reports, the Supreme Court’s orders promulgating rule changes, the text of the rule changes and the “Final Reports” on the Unified Judicial System

Web site. These documents may be found on the Supreme Court Committees page at www.courts.state.pa.us. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available on this page.

2003 Activities

The committee held five meetings in 2003 (one having been rescheduled from December 2002 because of inclement weather): in Farmington (two meetings), State College, Wilkes-Barre and Philadelphia.

Counsel to the committee also participated in the educational programming at the conferences of the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

The committee considered a number of issues in 2003 as follows:

- a proposal to clarify the conduct rules regarding **attorney district justices** serving as arbitrators in contractual arbitration cases, and to enhance the readability of Rules 13, 14 and 15. Published at Volume 33, *Pennsylvania Bulletin*, page 745 (February 8, 2003).
- a proposal regarding Rule 416 and the distribution of **proceeds of a sale**. Published at Volume 33, *Pennsylvania Bulletin*, page 5076 (October 11, 2003).
- continued work on a proposal to clarify the definition of “**attorney of record**,” to establish procedures for an attorney to become the attorney of record in a matter, and to create consistency in the rules as to how various **notices** are to be sent to parties and their attorneys. In addition, the committee expanded the proposal to address issues related to Rule 207 and **representation** in district justice proceedings. Published at Volume 33, *Pennsylvania Bulletin*, page 4892 (October 4, 2003).

- beginning work, at the direction of the Supreme Court, on a joint project with the Criminal Procedural Rules Committee to study the question of whether district justices may issue **subpoenas** in blank.
- the start of a **review of local rules** governing practice before district justices
- correspondence with the Civil Procedural Rules Committee regarding 42 Pa.C.S., § 8127 (Act 215-2002) and attachment of wages for damages resulting from residential **landlord-tenant** cases.

2003 Committee Action

The committee submitted six recommendations to the Supreme Court in 2003. The Court approved three recommendations, and three were pending at the end of the year. A chart indicating the status of the recommendations in 2003 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 1, Minor Court Rules 2003: Amendment to Rule 111 to provide for the use of a facsimile or preprinted **seal** in lieu of an original seal on documents signed by a district justice. Adopted 4-15-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 2167 (May 3, 2003).

Recommendation No. 3, Minor Court Rules 2003: Amendment to Rules 302 and 314 to provide clarification regarding **venue** and transfer of cases to and from other courts when venue is found to be improper in the originating court. Adopted 7-3-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 3491 (July 19, 2003).

Recommendation No. 4, Minor Court Rules 2003: Amendment to Rules 202 and 421, adoption of new Rules 213 and 214, and rescinding of Rules 317 and 510 to add definitions and provide for **subpoenas** to attend and testify in civil and landlord-tenant proceedings before district justices. Adopted 9-3-2003, effective 1-1-2004. See Order and Final Report at 33 *Pa.B.* 4663 (September 20, 2003).

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2003: New rules to implement the provisions of Act 100 of 2002, which amended the **Right-to-Know Law**. Submitted to the Court 4-17-03.

Recommendation No. 5, Minor Court Rules 2003: Amendment to Rule 314 to provide clarification regarding the costs for **reinstating a civil complaint** and to make other technical changes to the rule. Submitted to the Court 5-1-03.

Recommendation No. 6, Minor Court Rules 2003: Amendment to Rule 420 to provide clarification regarding the relief a district justice may grant in connection with objections to **levy** and to make other technical changes. Submitted to the Court 5-1-03.

Looking Ahead to 2004

The committee's main focus at the beginning of 2004 will be on its proposal regarding attorneys of record and representation in district justice proceedings. The committee will also continue to work with the Civil and Criminal Procedural Rules Committees on a number of matters of mutual concern. AOPC

Status of Recommendations		
Recommendation	Subject	Status
1, 2003	Amendment to Rule 111 to provide for use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice	Adopted 4-15-03, effective 1-1-04
2, 2003	Recommendation to implement Act 100 of 2002, the Right-to-Know Law	Submitted 4-17-03
3, 2003	Amendment to Rules 302 and 314 to provide clarification regarding venue and transfer of cases to and from other courts when venue is found to be improper in the originating court	Adopted 7-3-03, effective 1-1-04
4, 2003	Amendment to Rules 202 and 421, adoption of new Rules 213 and 214, and rescission of Rules 317 and 510 to add definitions and provide for subpoenas to attend and testify in civil and landlord-tenant proceedings before district justices	Adopted 9-3-03, effective 1-1-04
5, 2003	Recommendation to amend Rule 314 to provide clarification regarding costs for reinstating a civil complaint; other technical changes	Submitted 5-1-03
6, 2003	Recommendation to amend Rule 420 to provide clarification regarding relief a district justice may grant in connection with objections to levy; technical changes	Submitted 5-1-03

Table 3.12.1

2003 Membership:

Honorable Daniel B. Garber, *Chairman*
Honorable James J. Dwyer, III, *Vice Chairman*
Terry R. Marolt, *Secretary*
Honorable Catherine M. Hummel, *Treasurer*
Gregory E. Dunlap, Esq.
Jerry J. Russo, Esq.
Honorable Robert E. Simpson, Jr.

Staff:

Robert E. Hessler, *Executive Director*

Legal Authorization:

Pa. Constitution, Article V, § 12
42 Pa. C.S., § 31
42 Pa. C.S., § 2131
42 Pa. C.S., § 3118

About the Board:

Article V, §12 of the Pennsylvania Constitution requires that district justices and judges of the Philadelphia Traffic Court either be members of the bar of the Supreme Court or, before taking office, complete a course and pass an examination in the duties of their respective offices. It is the responsibility of the Minor Judiciary Education Board (MJEB) to instruct and certify individuals wishing to become district justices, Philadelphia Traffic Court judges or Philadelphia Bail Commissioners. The board approves the curriculum, appoints and evaluates instructors, establishes course content, reviews all tests, and issues certificates to successful program participants.

In addition, the board conducts one-week continuing education classes for district justices, Philadelphia Traffic Court judges, Philadelphia Bail Commissioners and for those individuals who wish to maintain a current certification in one or more of these areas. It also conducts a one-week practicum, or orientation course, for newly elected or appointed district justices.

The board has seven members, who are appointed by the governor with a two-thirds approval by the Senate.

Minor

Judiciary

Education

Board

3301 Black Gap Road,
Suite 108
Chambersburg, PA 17201
(717) 263-0691
fax (717) 263-4068

2003 Curriculum

Four-Week District Justice Certifying Course

- criminal law and procedure
- civil law and procedure
- Rules of Evidence
- judicial ethics
- motor vehicle law
- arrest/search and seizure
- Pennsylvania Drug/Device and Cosmetics Act
- Pennsylvania crimes code

Continuing Education for District Justices

Class requirements are 32 hours per year and were offered over 17 scheduled weeks.

- review and update of civil and criminal procedure
- Motor Vehicle Code
- sexual assault
- civil update
- evidence
- Mental Illness & the Criminal Justice System
- Mental Health Issues For DJs

Philadelphia Bail Commissioners

- sexual assault
- National Alliance for the Mentally Ill Training Institute
- mental health issues

- criminal law
- Ethics, Drug Device & Cosmetic Act

Orientation Course for New District Justices

- District Justice System panel
- District Justice Practices
- office administration
- human behavior

Philadelphia Traffic Court Judges

- court procedures
- Philadelphia Traffic Court Administration
- Pennsylvania Motor Vehicle Code review and update
- Mental Illness & The Criminal Justice System
- ethics

Statistics

The Minor Judiciary Education Board provided continuing education to 634 district justices and senior district justices, continuing legal education credits to 129 attorney district justices; district justice recertification to 84 individuals; certification classes to 36 prospective district justices and an additional 34 students who were not certified. The board also certified two prospective Philadelphia Bail Commissioners and one prospective Philadelphia Traffic Court judge.

AOPC

2003 Membership:

Honorable John M. Cascio, *Chair*
Mary Jane Barrett, Esq.
Richard E. Flannery, Esq.
Kenneth E. Lewis, Esq.
Edward S. McKenna, Esq.
Honorable Joseph D. O'Keefe
Honorable Eunice L. Ross
Carolyn Crandall Thompson, Esq., *ex officio*

Staff:

Dean R. Phillips, Esq., *Chief Counsel*
Rebecca M. Darr, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
42 Pa. C.S., § 1722

About the Committee

The Orphans' Court Procedural Rules Committee responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules as necessary.

Orphans'

Court

Procedural

Rules

Committee

Dean R. Phillips, Counsel
P.O. Box 3010
Blue Bell, PA 19422
(215) 977-1067
e-mail dean.phillips@
pacourts.us

2003 Activities

As a result of meetings and work sessions in 2003, the committee has

- undertaken a statewide standardized forms project for orphans' court practice in the Commonwealth
- begun a comprehensive review of the adoption rules in light of pending legislation.

2004 Plans

Among the subjects of the committee's agenda for 2004 are

- completion of the above-named projects
- submission of a recommendation enabling judicial districts, if they so choose, to implement the electronic filing of orphans' court documents
- submission of a joint recommendation with the Appellate Court Procedural Rules Committee seeking to amend Pa.R.A.P. 342 and 313 with regard to the appealability of removing a fiduciary in orphans' court matters.

AOPC

2003 Membership:

Paul S. Diamond, Esq., *Board Chair**
Carl D. Buchholz, III, Esq., *Board Chair***
Derek C. Hathaway, *Board Vice Chair+*
Zygmunt R. Bialkowski, Jr., Esq.
Joseph H. Jacovini, Esq.
Beth Lang
Kelly Beaudin Stapleton, Esq.
Morris M. Shuster, Esq.++

- * Term expired 3-31-04
- ** Appointed chair effective 4-1-04
- + Appointed vice chair effective 4-1-04
- ++ Appointed 4-1-04

Staff:

Kathryn J. Peifer, Esq., *Executive Director*
Lisa A. Watkins, Esq., *Counsel*
Susan L. Erdman, *Administrative Assistant*

Legal Authorization:

Pa. Constitution, Article V, § 12
Pennsylvania Rules of Disciplinary Enforcement, §501 *et seq.*

About the Board

The Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court in 1982 as a means of helping clients recover some or all losses of money and/or property stolen from them by their attorneys. It is funded by a special annual assessment (\$45 for 2003-04) paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for any claim.

The fund is supervised by the Pennsylvania Lawyers Fund for Client Security Board. This board includes five members of the bar of the Supreme Court and two non-lawyer public members. Each member's term is three years in length, and a member may serve a maximum of two consecutive terms.

Pennsylvania

Lawyers

Fund

for

Client

Security

4909 Louise Drive,
Suite 101
Mechanicsburg, PA 17055
(717) 691-7503
(800) 962-4618
fax (717) 691-9005
www.palawfund.com

2003 Claims Statistics

Statistics for the 2003-04 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 87 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 88 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 89 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2003-04.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
Received	259*	\$4,920,304
*16 in excess of \$75,000 limit		
Awarded	173	1,484,314
Rejected	60	1,155,017
Discontinued	11	113,130
Total	244	\$2,752,461
Pending	234	\$5,090,557

Table 3.15.1

Claims Categories

Fiduciary funds - Theft of estate funds and trust/escrow funds consistently tops the list of claims filed against attorneys. Combined, these two types of theft during FY 2003-04 cost the fund \$1,117,508, 75.29% of its total award dollars, settling 36 claims. Of this amount \$218,118 went to eight former clients of one attorney.

Lawsuit Settlement Proceeds - Claims of misappropriation of settlement proceeds often occur when an attorney settles a lawsuit without the knowledge or consent of the client. The attorney receives the funds and fails to remit them to the client. Also included in this category are claims involving attorneys who withhold funds from settlement proceeds to pay clients' medical providers and fail to make the payment/s. Payments of \$118,117 to 13 claimants fitting this category were made in 2003-04, 7.96% of the total dollars awarded. Of this, \$56,200 were paid to five former clients of one attorney.

Non-performance* - The acceptance of unearned fees or retainers represented the third highest payment category in 2003-04 with awards to 120 claimants totaling \$149,466, 10.07% of the total dollars awarded. Of this amount, 80 former clients of one attorney received \$89,322.

*Since the fund does not arbitrate fee disputes, for an award to be considered when the attorney performed any services of value, the

claimant typically must first file a complaint with the local bar association's fee dispute committee. If the committee determines that all or a portion of the fees or retainer paid were not earned, and the attorney does not return the fee, the board will consider this type of claim and categorize the award as non-performance by the attorney.

Notwithstanding the award amounts reported, it should be noted that claims are filed against fewer than one percent of all Pennsylvania licensed attorneys.

2003 Activities

During the year the board met in Mechanicsburg, Pittsburgh and Philadelphia.

Restitution and Subrogation Efforts

The fund received \$1,114,399 in restitution payments during FY 2003-04.

Mandatory Overdraft Notification

Pennsylvania Rule of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 2003-04 the fund received 320 overdraft notices, 280 of which were reviewed

and dismissed and 40 of which were referred to the Office of Disciplinary Counsel. No notices remained pending at the end of the fiscal year.

County Bench, Bar Meetings

The board has been holding meetings and dinners with leaders of the county benches and bars in conjunction with the board's quarterly business meetings since 1989. These meetings keep the county bench and bar leaders informed about the fund's activities, both statewide and regionally, and request the assistance of the bench and bar in carrying out the fund's mission. In 2003 and 2004 the fund met with Allegheny, Cumberland and Philadelphia Counties.

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to nonprofit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 2003-04 \$240,000 of funding was given to the organization known as Lawyers Concerned for Lawyers. Such assistance complements the fund's mission to ameliorate losses resulting from attorney dishonesty as oftentimes when an attorney converts client funds, the conduct is related to substance abuse. The financial support for Lawyers Concerned for Lawyers helps to mitigate the losses by providing a resource for impaired attorneys. AOPC

Categories of Claims

Amounts Awarded
2003-04

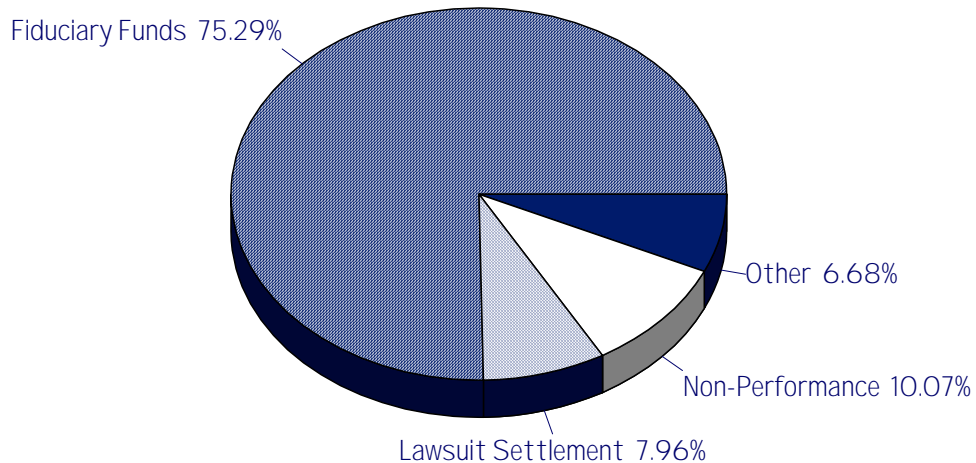
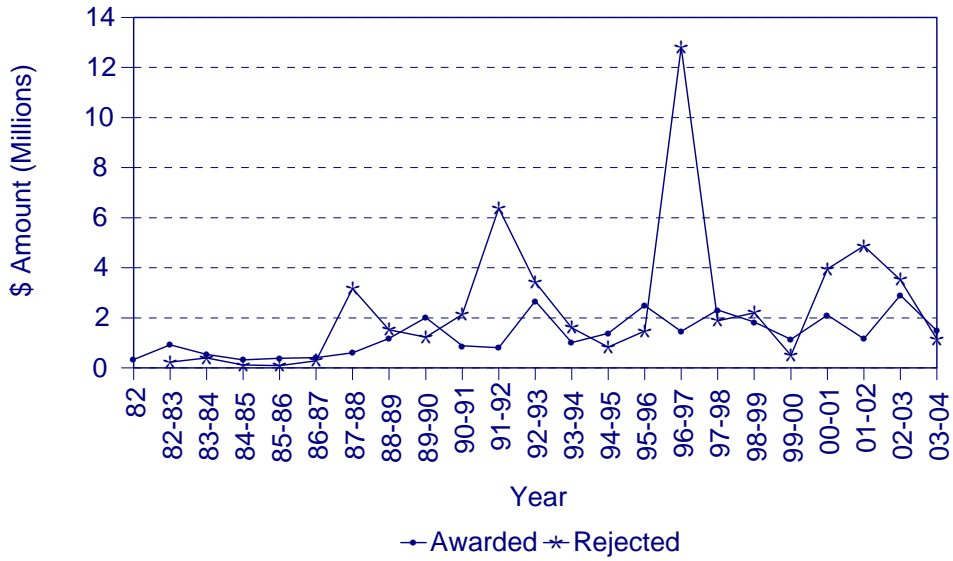


Table 3.15.2

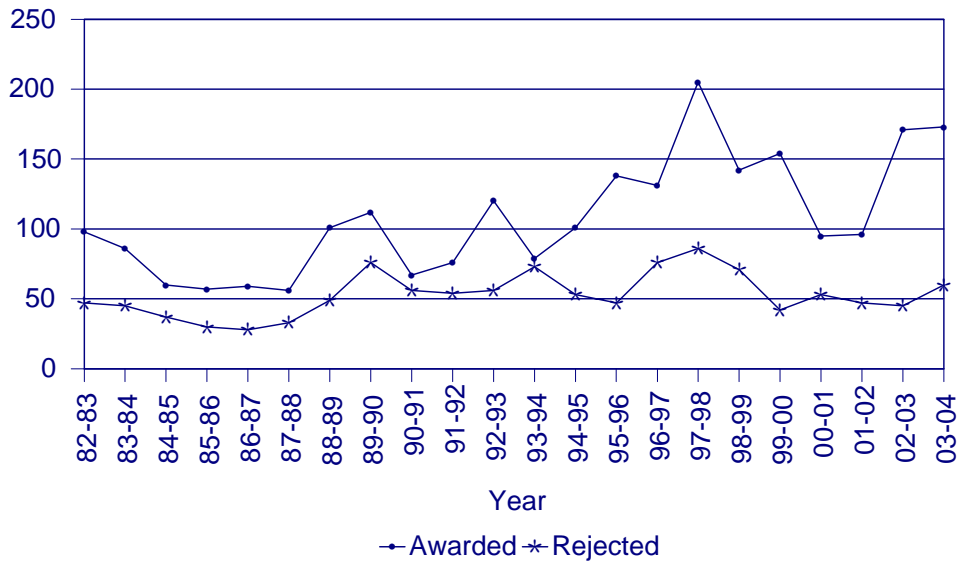
Claim Awards v. Rejections

1982-2004



Claims Awarded v. Rejections

1982-2004

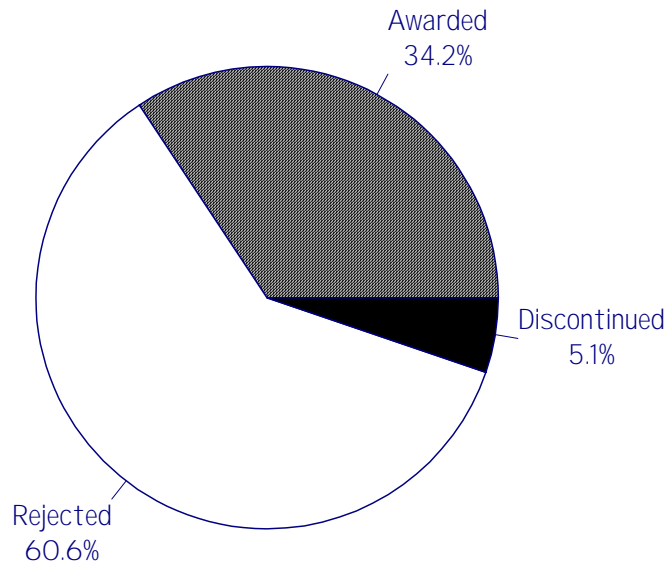


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2004

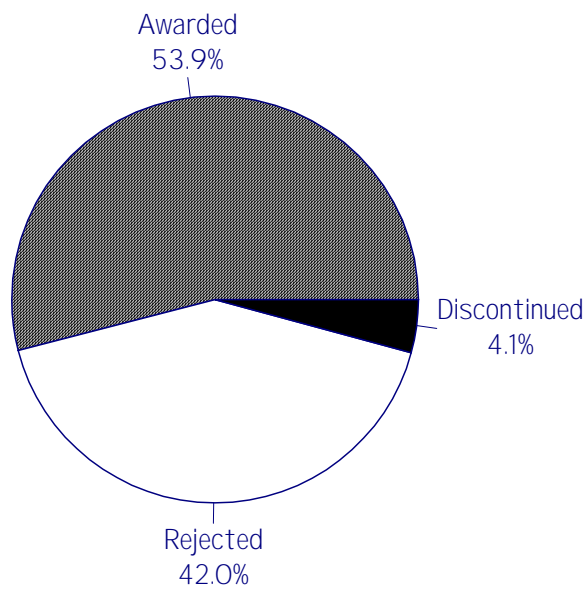


Table 3.15.4

Funding for the Unified Judicial System derives from both state and county appropriations. The state pays the salaries for all judicial officers as well as the personnel and operating costs of the entire appellate court system, including the committees and boards of the Supreme Court and the Administrative Office of Pennsylvania Courts. Beginning January 1, 2000, in accordance with Act 12 of 1999, the Commonwealth also funds the salaries and benefits for district court administrators transferred to state service effective that date. Table 4.1 on page 93 provides a break-down of these state-funded expenditures for fiscal year 2003-04.

Of the total state government expenditures for fiscal year 2003-04, *administrative costs for the judiciary accounted for approximately one-half of one percent.* Table 4.2 on page 95 shows the distribution of expenditures across the three branches of government. (With the county reimbursement grant discussed below, the judiciary accounts for approximately 0.61% of total state government expenditures.)

County Reimbursement Program

The Commonwealth also provides reimbursement to the counties for costs incurred in support of the Common Pleas Courts. Counties are reimbursed for a percentage of juror costs incurred when a trial or grand jury proceeding lasts longer than three days.

In addition, counties have traditionally been reimbursed for personnel and operating costs associated with the administration of the Courts of Common Pleas. Reimbursement is based on a flat rate established by the General Assembly for each authorized Common Pleas judge position.

For each Common Pleas judge position, the General Assembly also requires that counties spend an amount at least equal to the flat reimbursement rate per judge, which was \$70,000 for FY 2003-04.

Court
Finances -
Fiscal
Year
2003-2004

A new grant was created and funded in fiscal year 2001-02 to partially reimburse counties for expenses they incur to provide support - facilities and staff services - to assigned Common Pleas senior judges in accordance with Pennsylvania Rule of Judicial Administration (RJA) 701(F). Act 88 of 2001 served as the enabling legislation for the Senior Judge Support Reimbursement Grant. This grant has been funded each year since its inception.

Table 4.3 on page 96 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2003-04.

One exception to the current funding pattern is the Pittsburgh Magistrates Court, where all costs are borne by the City of Pittsburgh. In fiscal year 1995-96, however, the Commonwealth for the first time reimbursed the city for costs related to the Magistrates Court by the payment of a \$1.2 million grant. Grant money was provided to Pittsburgh for this purpose each year until FY 2000-01, when the grant was not funded. Funding was restored in FY 2001-02 at the \$1.2 million level, but has not been funded since then.

Local, State Government Revenue

The Unified Judicial System is a source of considerable revenue to local and state government. An example of this revenue can be found in Table 4.4 on page 98, which lists fees collected by the appellate courts, the Minor Judiciary Education Board and the Pennsylvania Board of Law Examiners. Appropriated by the General Assembly, these fees are used to support state-funded court operations.

Although exact figures are not available, the court system raises millions of dollars in revenue for local municipalities. Depending on the police department (local or state) from which a citation is issued, a portion of fines collected is disbursed to local political subdivisions after adjudication within the Unified Judicial System. Some examples of these fines include traffic violations under the vehicle code, violations of local ordinances and certain violations of summary offenses.

Counties also receive court-collected fines, fees and costs. Fees are generated in connection with the commencement of actions or the filing of liens, appeals and accounts, etc. On an annual basis, the collections amount to tens of millions of dollars. The monies are collected by courts at all levels of the system.

Finally, a portion of the revenues collected by the courts is earmarked for the state. Some of these funds are program specific, e.g., Pennsylvania's Emergency Medical Fund and the Crime Victims' Compensation Board. Others are used, through Act 64 of 1987 and Act 59 of 1990, as amended by Act 122 of 2002, to provide funding for the statewide Judicial Computer System. Still other monies collected, such as motor vehicle fines, revert to state general use.

As part of the reform of the judicial discipline process, the Judicial Conduct Board and the Court of Judicial Discipline were established as independent organizations responsible for their own affairs, including financial matters. Pursuant to Act 56 of 1993, however, their annual budget requests are made as separate line items in the Supreme Court's request to the General Assembly on behalf of the judicial branch.

AOPC

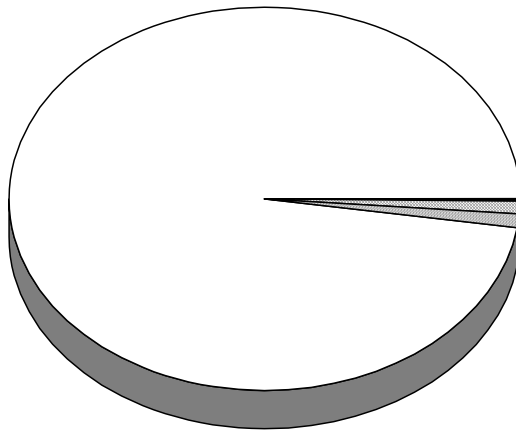
APPROPRIATIONS	
APPROPRIATION	2003-04 (thousands)
Supreme Court	\$12,696
Justices' Expenses	180
Civil Procedural Rules Committee*	423
Criminal Procedural Rules Committee*	418
Domestic Relations Procedural Rules Committee*	196
Judicial Council*	183
Juvenile Court Procedural Rules Committee*	198
Appellate Court/Orphans' Court Procedural Rules Committees*	180
Committee on Rules of Evidence*	169
Minor Court Rules Committee*	178
Superior Court	25,733
Judges' Expenses	237
Commonwealth Court	16,019
Judges' Expenses	143
Court Administrator	7,960
District Court Administrators*	14,487
Court Management Education*	157
Statewide Judicial Computer System**	44,863
Integrated Criminal Justice System	1,999
Courts of Common Pleas*	63,655
Common Pleas Senior Judges*	3,879
Common Pleas Judicial Education	727
Ethics Committee of the Pennsylvania Conference of State Trial Judges	40
District Justices*	52,364
District Justice Education	605
Philadelphia Traffic Court*	747
Philadelphia Municipal Court*	4,855
Philadelphia Law Clerks	39
Domestic Violence	204
Juror Cost Reimbursement*	1,369
County Court Reimbursement	32,196
Senior Judge Support Reimbursement*	2,500
	continued...

Table 4.1

APPROPRIATIONS, continued	
APPROPRIATION	2003-04 (thousands)
Judicial Conduct Board	1,094
Court of Judicial Discipline	433
TOTAL	\$291,126
<p>* As authorized by Act 9-A of 2003, funds were transferred from other judiciary appropriations and deposited into the Judicial Computer System restricted receipt account in the following amounts: Civil Procedural Rules - \$120,000; Criminal Procedural Rules - \$35,000; Domestic Relations Procedural Rules - \$10,000; Judicial Council - \$35,000; Juvenile Court Procedural Rules - \$6,000; Appellate Court/Orphans' Court Procedural Rules - \$15,000; Rules of Evidence - \$10,000; Minor Court Rules - \$10,000; District Court Administrators - \$541,000; Court Management Education - \$120,000; Court of Common Pleas - \$1,080,000; Common Pleas Senior Judges - \$410,000; District Justices - \$2,389,000; Philadelphia Traffic Court - \$23,000; Philadelphia Municipal Court - \$356,000; Juror Cost Reimbursement - \$302,000; and Senior Judge Support Reimbursement - \$964,532, for a total of \$6,426,532. These transfers reduced the funds available to the respective appropriations but did not reduce the various appropriated amounts.</p>	
<p>** The Statewide Judicial Computer System is funded through a restricted account in accordance with Act 64 of 1987 and Act 59 of 1990 as amended by Act 122 of 2002. The funds in the account are supplemented periodically by the transfer of available surplus funds at year end from certain UJS appropriations as authorized by the annual appropriation acts. The full amount of the FY 2003-04 \$44,863,000 appropriation was drawn from the restricted receipt account, consisting of \$40,368,000 of Act 64/Act 59/Act 122 funds and \$4,495,000 in fiscal year 2002-03 funds transferred to the restricted receipt account from other judiciary appropriations in accordance with Act 7-A of 2002. An additional \$58,000 was derived from fees charged to users for information generated by the District Justice System, and \$69,500 was derived from augmentations as mandated by Act 119 of 1996 (Jen and Dave's Law). The total amount available to the Judicial Computer System in FY 2003-04 was \$44,990,500.</p>	

Table 4.1, cont'd.

Pennsylvania Government FY 2003-04 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.81%
- ▨ Legislative Branch - .58%
- ▩ Judicial Branch - .53%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The governor's budget showed FY 2003-04 funds available to the judiciary as \$291,968,000. Actual total available funds available were \$292,113,000. The state total operating expenditures shown here were adjusted upward to reflect this difference.

Source: FY 2004-05 Governor's Recommended Budget

Table 4.2

**COUNTY REIMBURSEMENTS FOR COURTS
FY 2003-04**

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Adams	\$2,632.78	\$210,000.00	\$204.00	\$212,836.78
Allegheny	94,056.21	2,870,000.00	377,600.00	3,341,656.21
Armstrong	260.67	140,000.00	310.00	140,570.67
Beaver	7,115.12	420,000.00	50,420.00	477,535.12
Bedford	335.76	140,000.00	0.00	140,335.76
Berks*	11,753.34	840,000.00	28,340.00	934,093.34
Blair	5,939.20	280,000.00	420.00	286,359.20
Bradford	1,296.79	140,000.00	0.00	141,296.79
Bucks	35,738.89	770,000.00	40,356.00	846,094.89
Butler	9,877.67	350,000.00	37,428.00	397,305.67
Cambria	0.00	350,000.00	0.00	350,000.00
Cameron	0.00	10,500.00	184.00	10,684.00
Carbon	0.00	140,000.00	300.00	140,300.00
Centre	1,670.08	210,000.00	0.00	211,670.08
Chester	12,996.52	770,000.00	29,820.00	812,816.52
Clarion	1,202.99	70,000.00	6,298.00	77,500.99
Clearfield	922.49	140,000.00	292.00	141,214.49
Clinton	710.45	140,000.00	0.00	140,710.45
Columbia	0.00	109,200.00	0.00	109,200.00
Crawford*	2,140.82	210,000.00	1,196.00	213,336.82
Cumberland	21,115.83	350,000.00	0.00	371,115.83
Dauphin	56,075.22	560,000.00	17,442.00	633,517.22
Delaware	29,119.36	1,260,000.00	39,200.00	1,328,319.36
Elk	1,201.39	59,500.00	3,188.00	63,889.39
Erie*	10,522.94	630,000.00	0.00	640,522.94
Fayette#	11,777.48	420,000.00	6,324.00	438,101.48
Forest*	0.00	14,000.00	0.00	14,000.00
Franklin	3,110.18	252,000.00	0.00	255,110.18
Fulton	612.90	28,000.00	0.00	28,612.90
Greene	15,508.82	140,000.00	0.00	155,508.82
Huntingdon	324.06	70,000.00	0.00	70,324.06
Indiana	1,288.10	140,000.00	120.00	141,408.10
Jefferson	376.44	70,000.00	3,192.00	73,568.44
Juniata	0.00	47,600.00	72.00	47,672.00
Lackawanna*	15,074.82	490,000.00	103,804.00	608,878.82
Lancaster*	16,149.01	840,000.00	3,120.00	859,269.01
Lawrence*	8,305.53	280,000.00	0.00	288,305.54
Lebanon	2,215.67	280,000.00	0.00	282,215.67
Lehigh	18,537.32	630,000.00	42,976.00	691,513.32

continued...

Table 4.3

COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2003-04

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Luzerne	28,998.28	630,000.00	65,728.00	724,726.28
Lycoming	10,081.58	350,000.00	0.00	360,081.58
McKean	0.00	70,000.00	5,612.00	75,612.00
Mercer	6,347.78	210,000.00	700.00	217,047.78
Mifflin	0.00	70,000.00	476.00	70,476.00
Monroe	286.38	350,000.00	528.00	350,814.38
Montgomery**	42,023.14	1,400,000.00	59,356.00	1,501,379.14
Montour	232.38	30,800.00	0.00	31,032.38
Northampton	11,832.17	490,000.00	45,860.00	547,692.17
Northumberland*	0.00	210,000.00	6328.00	216,328.00
Perry	0.00	92,400.00	0.00	92,400.00
Philadelphia	472,608.83	10,075,327.00	270,068.00	10,818,003.83
Pike	0.00	70,000.00	45,042.00	115,042.00
Potter	393.44	70,000.00	0.00	70,393.44
Schuylkill*	3,274.42	420,000.00	0.00	423,274.42
Snyder	6,019.36	65,800.00	0.00	71,819.36
Somerset	2,620.27	210,000.00	0.00	212,620.27
Sullivan	0.00	13,300.00	0.00	13,300.00
Susquehanna	2,178.77	70,000.00	0.00	72,178.77
Tioga	359.15	70,000.00	556.00	70,915.15
Union	2,683.57	74,200.00	0.00	76,883.57
Venango	4,600.80	140,000.00	2,876.00	147,476.80
Warren*	5,626.04	126,000.00	1,212.00	132,838.04
Washington	1,751.02	350,000.00	73,004.00	424,755.02
Wayne	4,359.47	70,000.00	0.00	74,359.47
Westmoreland	30,008.47	770,000.00	43,640.00	843,648.41
Wyoming	312.10	56,700.00	0.00	57,012.10
York	30,437.79	770,000.00	67,876.00	868,313.79
Transfer to JCS	302,000.00	0.00	964,532.00	1,266,532.00
TOTAL	\$1,369,000.00	\$32,195,327.00	\$2,500,000.00	\$36,064,327.00

FUNDING METHODOLOGIES:

- * Includes one additional judge per Act 105 of 2000
- ** Includes two additional judges per Act 105 of 2000
- # Includes one additional judge per Act 28 of 2001

Juror Cost - The grant reimburses counties for 80% of the amounts they expend for compensation and travel allowances to jurors participating in a trial or grand jury proceedings after the first three days of service.

continued...

Table 4.3, cont'd.

**COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2003-04**

FUNDING METHODOLOGIES, continued:

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 2003-04, the reimbursement was paid at a rate of \$70,000 per authorized Common Pleas position whether filled or vacant. In order for counties to receive the full reimbursement, they must provide a level of support at least equal to the reimbursement rate per authorized position. Nevertheless, no county will receive less than 77.5% of the actual reimbursement for court costs provided to it from state funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

Senior Judge - The grant provides partial reimbursement for expenses counties incur to provide support - facilities and staff services - to assigned Common Pleas Court senior judges in accordance with Rule of Judicial Administration 701. Facilities include the use of judicial chambers, office equipment and supplies. Staff services include the services of law clerks and secretaries. The use of facilities is reimbursed at the current statutory rate of \$60 per day, billable in half-day increments. Services of a secretary are reimbursed at \$12 per hour and the services of a law clerk at \$20 per hour. For FY 2003-04 the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2003.

Table 4.3, cont'd.

FEES THAT SUPPORT STATE OPERATIONS

APPROPRIATION	2003-04 (thousands)
Supreme Court	\$380
PA Board of Law Examiners	1,663
Judicial Computer System*	126
Superior Court	236
Commonwealth Court	204
District Justice Education	30
Court Management Education	5
Court Administrator	6
TOTAL	\$2,650

*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$69,500 to support the "Jen/Dave" functions during FY 2003-04. The remainder was derived from public access fees levied on nongovernmental users of information captured by the District Justice System.

Table 4.4

Supreme Court Justices

Complement 7

Cappy, Ralph J.
Chief Justice

Castille, Ronald D.
Nigro, Russell M.
Newman, Sandra Schultz
Saylor, Thomas G.

Eakin, J. Michael
Lamb, William H.*
Baer, Max**

* Appointed 1-27-03; term expired
1-4-04

** Elected 11-4-03

Superior Court Judges

Complement 15

Del Sole, Joseph A.
President Judge

Johnson, Justin M.**
Hudock, Joseph A.
Ford Elliott, Kate
Joyce, Michael T.
Stevens, Correale F.
Musmanno, John L.
Orie Melvin, Joan
Lally-Green, Maureen

Todd, Debra B.
Klein, Richard B.
Bender, John T.
Bowes, Mary Jane
Graci, Robert A.+
Gantman, Susan Peikes*
McCaffery, Seamus P.*
Panella, Jack A.*

* Elected 11-4-03

** Retired 12-31-03

+ Term expired 1-4-04

Commonwealth Court Judges

Complement 9

Colins, James Gardner
President Judge

McGinley, Bernard L.
Smith-Ribner, Doris A.
Pellegrini, Dante R.
Friedman, Rochelle S.

Leadbetter, Bonnie Brigance
Cohn Jubelirer, Renée
Simpson, Robert E., Jr.
Leavitt, M. Hannah

Appellate

Court

Judges

(As of 6-30-04)

**Appellate
Court
Senior
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.
Cavanaugh, James R.
Johnson, Justin M.*
Kelly, John T.J., Jr.
McEwen, Stephen J., Jr.
Montemuro, Frank J., Jr.
Olszewski, Peter Paul
Popovich, Zoran
Tamilia, Patrick R.

* Effective 1-1-04

**Commonwealth
Court Senior
Judges**

Feudale, Barry F.+
Flaherty, James J.
Jiuliante, Jessamine S.#
Kelley, James R.
McCloskey, Joseph F.▲
Mirarchi, Charles P., Jr.##
Morgan, Warren G.**
Quigley, Keith B.++
Ross, Eunice L.*

- * Allegheny County senior Common Pleas judge assigned to Commonwealth Court; retired 12-31-03
- ** Dauphin County senior judge; sits on occasion in Commonwealth Court; retired 12-31-03
- + Northampton County senior judge; sits on occasion in Commonwealth Court; effective 1-5-04
- ++ Perry-Juniata Counties senior judge; sits on occasion in Commonwealth Court; effective 1-5-04
- # Erie County senior Common Pleas judge assigned to Commonwealth Court
- ## Philadelphia County senior Common Pleas judge assigned to Commonwealth Court
- ▲ Schuylkill County senior Common Pleas judge assigned to Commonwealth Court

(As of 6-30-04)

†Act 105 of 2000 added 19 new judgeships to the Courts of Common Pleas over the course of three years, beginning with the 2001 election. Courts marked with the dagger symbol (†) after the complement are those courts which received new judgeships in 2003. The number after the symbol denotes the number of judgeships given. E.g., †1 means the district increased by one judgeship.

‡Act 215 of 2002 added ten new judgeships to the Courts of Common Pleas over the course of three years, beginning with the 2003 election. Courts marked with the double dagger symbol (‡) after the complement are those courts which received new judgeships in 2003. The number after the symbol denotes the number of judgeships given. E.g., ‡1 means the district increased by one judgeship.

ADAMS COUNTY (51)

Complement 3

Kuhn, John D.
Bigham, Robert G.
George, Michael A.

ALLEGHENY COUNTY (05)

Complement 41

Vacancy 2

Kelly, Robert A.##
James, Joseph M.▲

Administrative Judges

Bigley, Gerard M.++
Lucchino, Frank J.
McDaniel, Donna Jo#
Mulligan, Kathleen R.++
Scanlon, Eugene F., Jr.
Wettick, R. Stanton, Jr.#

Allen, Cheryl Lynn
Baer, Max+
Baldwin, Cynthia A.
Cashman, David R.
Clark, Kim Berkeley
Colville, Robert E.
Colville, Robert J.
De Angelis, Guido A.
Della Vecchia, Michael A.
Durkin, Kathleen A.

Eaton, Kim D.
Folino, Ronald W.
Friedman, Judith L.A.
Gallo, Robert C.
Horgos, Robert P.

Jaffe, Joseph A.**
Little, Walter R.
Lutty, Paul F., Jr.
Machen, Donald E.
Manning, Jeffrey A.

Mazur, Lee J.
Nauhaus, Lester G.
O'Brien, W. Terrence
O'Reilly, Timothy Patrick
O'Toole, Lawrence J.

Penkower, Alan S.
Rangos, Jill E.*
Sasinoski, Kevin G.
Strassburger, Eugene B., III
Todd, Randal B.

Ward, Christine A.*
Wecht, David N.*
Zottola, John A.

- * Appointed 2-11-03; elected 11-4-03
- ** Resigned 4-9-03
- + Elected to Supreme Court 11-4-03
- ++ Administrative judge term expired 12-22-03
- # Appointed administrative judge effective 12-23-03
- ## President judge term expired 12-23-03
- ▲ Elected president judge effective 12-24-03

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

Common

Pleas

Judges

As of 6-30-04)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BEAVER COUNTY (36)

Complement 6

Kunselman, Robert E.
Dohanich, John P.*
James, George E.
Kwidis, C. Gus
Mancini, Richard*

McBride, John D.
Steege, Peter O.**

* Elected 11-4-03
** Retired 12-31-03

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

BERKS COUNTY (23)

Complement 12

*Stallone, Albert A.***
Grim, Arthur E.+
Bucci, James M.*
Campbell, Mary Ann
Eshelman, Thomas J.

Keller, Scott D.
Lash, Scott E.
Lieberman, Stephen B.
Ludgate, Linda K.M.
Parisi, Thomas G.

Schmehl, Jeffrey L.
Schmehl, Peter W.
Sprecher, Jeffrey K.

* Elected 11-4-03
** Retired 12-31-03
+ Elected president judge
effective 1-1-04

BLAIR COUNTY (24)

Complement 4

Peoples, Thomas G., Jr.
Carpenter, Hiram A., III
Doyle, Elizabeth A.**
Kopriva, Jolene Grubb
Milliron, Daniel J.*

* Defeated 11-4-03; term
expired 1-4-04
** Elected 11-4-03

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 13†2

McAndrews, R. Barry+
Heckler, David W.++
Biehn, Kenneth G.
Boylan, Rea Behney
Cepparulo, Albert J.**

Fritsch, C. Theodore, Jr.**
Goldberg, Mitchell S.*
Kane, Michael J.
Lawler, Daniel J.
Mellon, Robert J.

Rubenstein, Alan M.
Rufe, John J.
Scott, Susan Devlin
Waite, Clyde W.**

* Appointed 2-11-03; elected
11-4-03
** Elected 11-4-03
+ Retired 12-31-03
++ Elected president judge
effective 1-1-04

BUTLER COUNTY (50)

Complement 5

Doerr, Thomas J.
Hancher, George H.
Horan, Marilyn J.
Shaffer, William R.
Yeager, S. Michael

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
Creany, Timothy P.
Krumenacker, Norman A., III
Leahy, Francis J.
Swope, Thomas A., Jr.

CARBON COUNTY (56)

Complement 2

Webb, Richard W.
Nanovic, Roger N.

CENTRE COUNTY (49)

Complement 3

Brown, Charles C., Jr.
Grine, David E.
Kistler, Thomas King

CHESTER COUNTY (15)

Complement 13†2
Vacancy 1

Riley, Howard F., Jr.
Cody, Jacqueline C.
Gavin, Thomas G.
Griffith, Edward*
Hall, John L.*

MacElree, James P., II
Mahon, William P.
Ott, Paula Francisco
Platt, Katherine B.L.
Sánchez, Juan R.**

Sarcione, Anthony A.
Shenkin, Robert J.
Streitel, Phyllis R.

* Elected 11-4-03
** Appointed to U. S. District
Court; resigned 7-9-04

CLARION COUNTY (18)
Complement 1

Arner, James G.

CLEARFIELD COUNTY (46)
Complement 2

*Reilly, John K., Jr.***
Ammerman, Frederic J.+
*Cherry, Paul E.**

* Elected 11-4-03
** Did not run for retention; term
expired 1-4-04
+ Appointed president judge
effective 1-5-04

CLINTON COUNTY (25)
Complement 2

Saxton, Richard N., Jr.
Williamson, J. Michael

**COLUMBIA-MONTOUR
COUNTIES (26)**
Complement 2

Naus, Scott W.
James, Thomas A., Jr.

CRAWFORD COUNTY (30)
Complement 3

Miller, Gordon R.
Spataro, John F.
Vardaro, Anthony J.

CUMBERLAND COUNTY (09)
Complement 5

Hoffer, George E.
Bayley, Edgar B.
Guido, Edward E.
Hess, Kevin A.
Oler, J. Wesley, Jr.

DAUPHIN COUNTY (12)
Complement 8

Kleinfelter, Joseph H.
Bratton, Bruce F.
Cherry, John F.
Clark, Lawrence F., Jr.
Evans, Scott A.
Hoover, Todd A.
Lewis, Richard A.
Turgeon, Jeannine

DELAWARE COUNTY (32)
Complement 19†1

Clouse, Kenneth A.
Bradley, Harry J.
Burr, Charles B., II
*Coll, Michael F. X.**
Cronin, Joseph P., Jr.
Dozor, Barry C.
Durham, Kathrynann W.
Fitzpatrick, Maureen F.
Hazel, Frank T.
Jenkins, Patricia H.
Keeler, Charles C.
Kelly, Kevin F.
*Kenney, Chad F.**
Koudelis, George
Osborne, Ann A.

Pagano, George A.
Proud, James F.
Wright, Robert C.
Zetusky, Edward J., Jr.

* Elected 11-4-03

**ELK-CAMERON
COUNTIES (59)**
Complement 1

*Masson, Richard A.**

* Appointed 2-11-03; elected
11-4-03

ERIE COUNTY (06)
Complement 9

Cunningham, William R.
Anthony, Fred P.
Bozza, John A.
Connelly, Shad F.
DiSantis, Ernest J., Jr.
Domitrovich, Stephanie A.
Dunlavey, Michael E.
Kelly, Elizabeth K.
Trucilla, John J.

FAYETTE COUNTY (14)
Complement 5

Capuzzi, Conrad B.
Leskinen, Steve P.
Solomon, Gerald R.
Wagner, John F., Jr.
Warman, Ralph C.

**FRANKLIN-FULTON
COUNTIES (39)**
Complement 4

Walker, John R.
Herman, Douglas W.
Van Horne, Carol L.
Walsh, Richard J.

GREENE COUNTY (13)
Complement 2

Grimes, H. Terry
Nalitz, William R.

HUNTINGDON COUNTY (20)

Complement 1

Kurtz, Stewart L.

INDIANA COUNTY (40)

Complement 3†1

Martin, William J.
*Hanna, Carol**
Olson, Gregory A.

* Elected 11-4-03

JEFFERSON COUNTY (54)

Complement 1

Foradora, John H.

LACKAWANNA COUNTY (45)

Complement 7

Harhut, Chester T.
Barrasse, Michael J.
Corbett, Patricia
Geroulo, Vito P.
Mazzoni, Robert A.

Minora, Carmen D.
Nealon, Terrence R.

LANCASTER COUNTY (02)

Complement 13†1
Vacancy 1

Georgelis, Michael A.
Allison, Paul K.
Ashworth, David L.
Cullen, James P.
Farina, Louis J.

Gorbey, Leslie
Hoberg, Jay J.
Hummer, Wayne G., Jr.
Kenderdine, Henry S., Jr.
Madenspacher, Joseph C.

Perezous, Michael J.
*Stengel, Lawrence F.***
*Workman, Daniel R.**

* Elected 11-4-03
** Appointed to U. S. District Court; resigned 6-27-04

LAWRENCE COUNTY (53)

Complement 4
Vacancy 1

*Pratt, Ralph D.**
*Motto, Dominick***
Cox, J. Craig
Piccione, Thomas M.

* Resigned 6-29-04
** Appointed president judge effective 6-30-04

LEBANON COUNTY (52)

Complement 4

Eby, Robert J.
Charles, Bradford H.
Kline, Samuel A.
Tylwalk, John C.

LEHIGH COUNTY (31)

Complement 10†1

Platt, William H.
*Banach, Kelly L.**
Black, Alan M.
Brenner, Lawrence J.
Ford, William E.

*Johnson, J. Brian**
McGinley, Carol K.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.

* Elected 11-4-03

LUZERNE COUNTY (11)

Complement 9

Conahan, Michael T.
Augello, Joseph M.
Burke, Thomas F., Jr.
Ciavarella, Mark A., Jr.
Lokuta, Ann H.

Mundy, Hugh F.
Muroski, Chester B.
Olszewski, Peter Paul, Jr.
Toole, Patrick J., Jr.

LYCOMING COUNTY (29)

Complement 5

*Smith, Clinton W.***
Brown, Kenneth D.+
Anderson, Dudley N.
Butts, Nancy L.
*Gray, Richard A.**

Kieser, William S.

* Elected 11-4-03
** Retired 12-31-03
+ Appointed president judge effective 1-1-04

MCKEAN COUNTY (48)

Complement 2†1

Cleland, John M.
*Yoder, John H.**

* Elected 11-4-03

MERCER COUNTY (35)

Complement 4†1

Fornelli, Francis J.
Dobson, Thomas R.
*St. John, Christopher J.**
Wherry, Michael J.

* Elected 11-4-03

MIFFLIN COUNTY (58)

Complement 1

Searer, Timothy S.

MONROE COUNTY (43)

Complement 6†1

Vican, Ronald E.
Cheslock, Jerome P.
Miller, Linda Wallach
O'Brien, Peter J.
Pazuhanich, Mark P.*

Worthington,
Margherita Patti

* Elected 11-4-03

MONTGOMERY COUNTY (38)

Complement 21†1

Corso, S. Gerald
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.
Branca, Thomas C.

Carpenter, William R.
Daniele, Rhonda Lee
DelRicci, Thomas M.
Dickman, Toby L.
Drayer, Calvin S., Jr.

Furber, William J., Jr.
Hodgson, Richard J.
Moore, Bernard A.
Nicholas, William T.
O'Neill, Steven T.*

Ott, Stanley R.
Rogers, Thomas P.*
Rossanese, Maurino J., Jr.
Smyth, Joseph A., Jr.
Tilson, Arthur R.

Tressler, Paul W.

* Elected 11-4-03

NORTHAMPTON COUNTY (03)

Complement 7
Vacancy 1

Freedberg, Robert A.
Baratta, Stephen G.
Giordano, Emil A.**
McFadden, F. P. Kimberly
Moran, William F.

Panella, Jack A.*
Smith, Edward G.

* Elected to Superior Court
11-4-93

** Elected 11-4-03

NORTHUMBERLAND COUNTY (08)

Complement 3

Sacavage, Robert B.
Saylor, Charles H.
Wiest, William Harvey

PERRY-JUNIATA COUNTIES (41)

Complement 2

*Quigley, Keith B.**
*Rehkamp, C. Joseph***
Morrow, Kathy A.+

* Resigned 1-4-04

** Appointed president judge
effective 1-5-04

+ Appointed 6-29-04

PHILADELPHIA COUNTY (01)

Complement 93

*Massiah-Jackson,
Frederica A.*

Administrative Judges

Field, Myrna P.
Fitzgerald, James J., III
O'Keefe, Joseph D.

Abramson, Howland W.
Ackerman, Norman
Allen, Jacqueline F.
Bernstein, Mark I.
Berry, Willis W., Jr.

Bright, Gwendolyn N.
Brinkley, Genece E.
Brown, Joan A.
Byrd, Sandy L.V.
Carrafiello, Matthew D.

Chen, Ida K.
Clark, Tama Myers
Cohen, Denis P.
Cohen, Gene D.
Colins, Mary D.

Cooperman, Amanda
D'Alessandro, Nicholas M.#
DeFino-Nastasi, Rose Marie
Dembe, Pamela Pryor
Dempsey, Thomas E.

Di Vito, Gary F.
DiBona, Alfred J., Jr.
DiNubile, Victor J., Jr.
Djerassi, Ramy I.+
Dougherty, Kevin M.

Dumas, Lori A.**
Dych, Joseph A.++
Fleisher, Leslie
Ford, Holly J.++
Fox, Idee C.

Frazier-Clemons, Brenda++
Geroff, Steven R.
Glazer, Gary S.
Gordon, Richard J.
Greenspan, Jane Cutler

Herron, John W.
Hill, Glynnis D.
Hughes, Renee Cardwell
Jackson, Elizabeth
Johnson, Joel S.++

Jones, C. Darnell, II
Joseph, Barbara A.
Kane, Harold M.
Kean, Joyce S.
Keogh, D. Webster

Lachman, Marlene
Lazarus, Anne E.
Lerner, Benjamin
Lewis, Kathryn Streeter
Lynn, James Murray

Maier, Eugene Edward J.
Manfredi, William J.
Matthews, Robert J.
Mazzola, William J.
McInerney, Patricia A.

McKeown,
 Margaret T. Murphy
Means, Rayford A.
Minehart, Jeffrey B.**
Moss, Bradley K*
Moss, Sandra Mazur

New, Arnold L.
O'Grady, John J., Jr.#
Olszewski, Walter J.▲
Overton, George W.
Panepinto, Paul P.

Papalini, Joseph I.
Patrick-Johnakin, Paul A.++
Pechkurow, Doris A.++
Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris

Rau, Lisa M.
Rebstock, Robert J.
Reynolds, Abram Frank
Rizzo, Annette M.
Robins New, Shelley

Robinson, Roslyn K.
Rogers, Peter F.
Sarmina, M. Teresa
Sheppard, Albert W., Jr.
Shreeves-Johns, Karen

Smith, Gregory E.
Snite, Albert John, Jr.
Summers, Edward R.

Sylvester, Esther R.
Temin, Carolyn Engel

Tereshko, Allan L.
Trent, Earl W.
Watkins, Thomas D.#
Wogan, Chris R.
Wolf, Flora Barth

Woods-Skipper, Sheila A.
Wright Padilla, Nina N.+
Younge, John Milton
Zaleski, Jerome A.#

- * Appointed 2-11-03; defeated 11-4-03; term expired 1-4-04
- ** Appointed 2-11-03; elected 11-4-03
- + Appointed 6-30-03; elected 11-4-03
- ++ Elected 11-4-03
- # Retired 12-31-03
- ▲ Appointed 6-29-04

PIKE COUNTY (60)
Complement 1

*Kameen, Joseph F.**

- * Elected 11-4-03

POTTER COUNTY (55)
Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)
Complement 6

Baldwin, William E.
Dolbin, Cyrus Palmer
Domalakes, John E.
Miller, Charles M.
Russell, Jacqueline L.

Stine, D. Michael

SNYDER-UNION COUNTIES (17)

Complement 2

Woelfel, Harold F., Jr.
Knight, Louise O.

SOMERSET COUNTY (16)

Complement 3
Vacancy 1

Fike, Eugene E., II
Cascio, John M.
Gibson, Kim R.*

- * Appointed to U. S. District Court; resigned 10-19-03

SUSQUEHANNA COUNTY (34)

Complement 1

Seamans, Kenneth W.

TIOGA COUNTY (04)

Complement 1

Dalton, Robert E., Jr.

VENANGO COUNTY (28)

Complement 2

White, H. William, Jr.
Lobaugh, Oliver J.

WARREN-FOREST COUNTIES (37)

Complement 2

Millin, Paul H.
Morgan, William F.

WASHINGTON COUNTY (27)

Complement 5

Gilmore, David L.
Emery, Katherine B.
Mascara, Mark E.*
O'Dell Seneca, Debbie
Pozonsky, Paul M.

* Elected 11-4-03

WAYNE COUNTY (22)

Complement 1

Conway, Robert J.

**WESTMORELAND
COUNTY (10)**

Complement 11

Ackerman, Daniel J.
Bell, Alfred B.
Blahovec, John E.
Caruso, Gary P.
Driscoll, John J.
Feliciani, Christopher A.*
Hathaway, Rita Donovan
Marsili, Anthony G.
McCormick, Richard E., Jr.
Ober, William J.
Pezze, Debra A.

* Elected 11-4-03

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 12†1

Chronister, John H.
Blackwell, Penny L.
Bortner, Michael E.*
Brillhart, Michael J.
Dorney, Sheryl Ann
Kelley, Thomas H.**
Kennedy, John S.
Linebaugh, Stephen P.
Renn, Richard K.
Snyder, Gregory M.
Thompson, John W., Jr.
Uhler, John C.

* Appointed 6-30-03; elected 11-4-03

** Elected 11-4-03

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.

ALLEGHENY COUNTY

Farino, S. Louis
Johnson, Livingstone M.
Kaplan, Lawrence W.
McGowan, Bernard J.
McGregor, James R.

McLean, James H.
Novak, Raymond A.
O'Malley, Michael J.*
Watson, J. Warren*
Zelevnik, Richard G.

* Retired 12-31-03

BEAVER COUNTY

Mannix, Thomas C.
Reed, Robert C.
Rowley, James E.
Steege, Peter O.*

* Effective 1-1-04

BERKS COUNTY

Ehrlich, Elizabeth G.
Schaeffer, Forrest G., Jr.
Smith, Calvin E.
Stallone Albert A.*

* Effective 1-1-04

BUCKS COUNTY

Biester, Edward G., Jr.
Clark, Ward F.
Garb, Isaac S.
McAndrews, R. Barry*

* Effective 1-1-04

BUTLER COUNTY

Brydon, John H.
O'Brien, Martin J.

CARBON COUNTY

Lavelle, John P.

CHESTER COUNTY

Wood, Lawrence E.

CLARION COUNTY

Alexander, Charles R.

CLEARFIELD COUNTY

Reilly, John K., Jr.*

* Effective 1-1-04

CLINTON COUNTY

Brown, Carson V.

**COLUMBIA-MONTOUR
COUNTIES**

Keller, Gailey C.

DAUPHIN COUNTY

Morgan, Warren G.*
Morrison, Clarence C.

* Retired 12-31-03

DELAWARE COUNTY

Toal, William R., Jr.

(As of 6-30-04)

ERIE COUNTY

Fischer, Roger M.

FAYETTE COUNTY

Franks, William J.

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker

JEFFERSON COUNTY

Henry, William L.
Snyder, Edwin L.

LACKAWANNA COUNTY

Cottone, S. John
O'Malley, Carlon M., Jr.
Walsh, James J.

LAWRENCE COUNTY

Pratt, Ralph D.*

* Effective 6-30-04

LEHIGH COUNTY

Backenstoe, John E.*
Diefenderfer, James N.

* Retired 5-31-04

LUZERNE COUNTY

Cappellini, Gifford S.
Toole, Patrick J., Jr.*

* Effective 1-1-04

LYCOMING COUNTY

Smith, Clinton W.*

* Effective 1-1-04

MERCER COUNTY

Wherry, Michael J.*

* Effective 1-5-04

MONROE COUNTY

Marsh, James R.*

* Died 2-12-03

MONTGOMERY COUNTY

Brown, Lawrence A.
Salus, Samuel W., II*
Subers, Albert R.

Vogel, William W.

* Retired 10-31-03

NORTHAMPTON COUNTY

Franciosa, Michael V.
Hogan, James C.

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.*
Ranck, Samuel C.

* Sits on occasion in
Commonwealth Court

PERRY-JUNIATA COUNTIES

Quigley, Keith B.*

* Effective 1-5-04; sits on
occasion in Commonwealth
Court

PHILADELPHIA COUNTY

Bonavitacola, Alex
Bruno, Joseph C.
Chiovero, John J.
DeFino, Anthony J.
Goodheart, Bernard J.

Ivanoski, Leonard A.
Jackson, Ricardo C.
Jelin, Sheldon C.
Kafriksen, Arthur S.
Levin, Stephen E.

Lineberger, James A.
O'Brien, Frank X.
O'Grady, John J., Jr.*
Poserina, John J., Jr.
Richette, Lisa A.

Russell, Edward E.
Savitt, David N.

* Effective 1-1-04

PIKE COUNTY

Thomson, Harold A., Jr.

TIOGA COUNTY

Kemp, Robert M.

**WARREN-FOREST
COUNTIES**

Wolfe, Robert L.

WASHINGTON COUNTY

Bell, John F.
Gladden, Thomas D.
Terputac, Thomas J.

WESTMORELAND COUNTY

Loughran, Charles H.
Marker, Charles E.
Mihalich, Gilfert M.

YORK COUNTY

Cassimatis, Emanuel A.
Erb, Joseph E.
Horn, Richard H.
Miller, John T.

Philadelphia Municipal Court Judges

Complement 25

Presenza, Louis J.

Administrative Judge
McCaffery, Seamus P.*

Anderson, Linda F.
Blasi, Robert S.
Brady, Frank T.
Conway, Gwendolyn A.
Daher, Georganne V.

DeLeon, James M.
Deni, Teresa Carr
Gehret, Thomas F.
Gilbert, Barbara S.
Griffin, Deborah Shelton

Jiminez, Nazario, Sr.##
Kirkland, Lydia Y.
Kosinski, Gerard A.**
Krase, Morton++
Meehan, William Austin, Jr.

Merriweather, Ronald B.
Moore, Jimmie
Moss, Bradley K.#
Neifield, Marsha H.
Palumbo, Frank

Pew, Wendy L.
Retacco, Louis G. F.+
Robbins, Harvey W.
Silberstein, Alan K.
Stack, Felice Rowley
Washington, Craig M.

* Resigned administrative judge
position effective 3-7-03;
elected to Superior Court
11-4-03

** Elected 11-4-03

+ Died 11-27-03

++ Did not run for retention; term
expired 1-4-04

Appointed 3-16-04

Appointed 6-29-04

Philadelphia Traffic Court Judges

Complement 7

Kelly, Francis E.

Adams, Willie J.
DeAngelis, Bernice A.
Greene Clark, Earlene**
Perri, Fortunato N., Sr.
Reda, Dominic C., Jr.*

Howlett, Joseph A.
Tynes, Thomasine

* Appointed 3-25-03; defeated
11-4-03; term expired 1-4-04

** Elected 11-4-03

Pittsburgh Magistrates Court

Complement 2*

Simmons, William T.**
Chief Magistrate

Coles, Louis
Harrington, Moira
McLaughlin, Irene M.**

* Per Supreme Court amended
order No. 192, Magisterial
Docket No. 1 dated 4-8-03,
appointments to Pittsburgh
Magistrates Court are sus-
pended after 12-31-02 until
further notice. Current magis-
trates will continue to serve
until their terms expire. This is
in response to the petition
made by the president judge of
Allegheny County that the
court be evaluated over a two-
year period to determine the
feasibility of phasing it out.

** Term expired 1-31-03

Philadelphia and Pittsburgh Special Courts Judges

(6-30-04)

Philadelphia

Special

Courts

Senior

Judges

**Municipal Court
Senior Judges**

Bashoff, Martin W.
Cosgrove, Francis P.
King, William A., Jr.
Krase, Morton*
Lilian, Eric L.
Mekel, Edward G.

* Effective 1-1-04

**Traffic Court
Senior Judges**

Cuffeld, Charles H.
Podgorski, Lillian H.

‡In each year following the decennial federal census, the Supreme Court reviews the numbers and geographical boundaries of the district justice courts to assure the effective administration of justice is being served throughout Pennsylvania. Upon completion of this review, courts may be added to or removed from judicial districts or geographic boundaries may be adjusted, as deemed most beneficial. Courts marked with the double dagger symbol (‡) after the complement are those courts which either received new courts or lost courts in 2003. The plus (+) or minus (-) and number after the dagger denotes the number of courts lost or gained. E.g., ‡+1 means the district increased by one court; ‡-1 means the district decreased by one court. In certain instances districts have both gained and lost courts. Note: Courts eliminated are closed upon the end of the current district justice's term of office. The courts so noted here are only those closed in January 2003.

ADAMS COUNTY (51)

Complement 4

Beauchat, Mark D.
Bowman, Daniel S.
Carr, Thomas R.
Zepp, John C., III

ALLEGHENY COUNTY (05)

Complement 5‡-3, +1
Vacancy 1

Barner, Robert L.
Barton, David J.
Bengel, Carolyn S.
Blaschak, Suzanne R.
Bova, John N.
Boyle, Mary Grace
Brletic, Thomas S.
Bubash, Cathleen Cawood
Burnett, Edward++
Cercone, Mary Ann
Cioppa, Ross C.
Conroy, Eileen M.
Cooper, Kevin E.
Costa, Ronald N., Sr.
Devlin, Mark B.++
Diven, Daniel R.
Dzvonick, Robert P.
Edkins, Sally Ann
Evashavik, Susan F.
Firestone, Nathan N.
Hanley, James J., Jr.
Hromyak, Leonard J.
Joyce, Dennis R.

King, Richard G.
Lang, Elissa M.**

Larotonda, Blaise P.**
Longo, Nancy L.++
Luniewski, Walter W., Jr.
Marraccini, Ernest L.
Martin, Armand

McCarthy, Richard K.
McGraw, Elaine M.
McLaughlin, Charles A., Jr.
Miller, Thomas G., Jr.
Murray, Mary P.**

Olasz, Richard D., Jr.
Opiela, Richard G.**
Petite, Oscar J., Jr.
Presutti, Donald H.
Ravenstahl, Robert P., Jr.

Reed, Douglas W.++
Russo, James E.#
Saveikis, Anthony W.
Scharding, Anna Marie
Schricker, Scott H.**

Sosovicka, David J.
Swearingen, Carla M.
Thompson, Alberta V.
Torkowsky, Thomas R.
Trkula, Shirley R.+

Wagner, William K.
Welsh, Regis C., Jr.
Wright, Geoffrey G.*
Wyda, Robert C.
Zielmanski, Eugene L.

District

Justices

(As of 6-30-04)

(Judicial Districts in parentheses)

ALLEGHENY COUNTY,
continued

Zoller, Richard H.
Zucco, Linda I.
Zyra, Gary M.

- * Defeated 11-4-03; term expired 1-4-04
- ** Elected 11-4-03
- + Didn't run again; term expired 1-04-04
- ++ Court eliminated 1-5-04
- # Died 4-24-04

ARMSTRONG COUNTY (33)

Complement 4
Vacancy 1

DeComo, J. Gary
Gerheim, Michael L.
Goldstrohm, Samuel R.
Young, Jay A.*

- * Died 6-17-04

BEAVER COUNTY (36)

Complement 9

Armour, John W.
Dibenedetto, James F.
Eiler, Donald L.
Howe, Edward C.
Knafelc, Harry E.

Loughner, C. Douglas
Schulte, Martin V.
Swihart, Janet M.
Zupsic, Joseph

BEDFORD COUNTY (57)

Complement 4

Baker, Brian K.
Bingham, H. Cyril, Jr.
Calhoun, Kathy S.
McVicker, Erika

BERKS COUNTY (23)

Complement 18

Beck, Richard C.+
Bentz, Nicholas M., Jr.
Dougherty, Timothy M.
Gauby, Thomas M., Sr.
Greth, Gail M.

Hall, William N., Jr.
Hartman, Michael G.
Kennedy Stuart D.**
Kowalski, Phyllis J.
Lachina, Deborah P.

Leonardziak, Michael J.
Mest, Ronald C.
Patton, Dean R.
Scott, Wallace S.
Stacherski, Felix V.*

Stitzel, Gloria W.
Stoudt, Carol A.
Walley, Susanne R.
Xavios, Thomas H.
Young, Ann L.**

- * Defeated 11-4-03; term expired 1-4-04
- ** Elected 11-4-03
- + Didn't run again; term expired 1-4-04

BLAIR COUNTY (24)

Complement 7

Aigner, Paula M.+
Dole, Elizabeth A.*
Garman, Kenneth L.
Jones, Patrick T.
Kelly, Todd F.

Miller, Fred B.**
Moran, Joseph L.
Ormsby, Craig E.

- * Elected to Common Pleas Court 11-4-03
- ** Elected 11-4-03
- + Appointed 5-18-04

BRADFORD COUNTY (42)

Complement 4

Clark, Timothy M.
Shaw, Michael G.
Wheaton, Fred M.
Wilcox, Jonathan M.

BUCKS COUNTY (07)

Complement 18

Brown, Leonard J.
Burns, Michael J.**
Cappuccio, Charles A.*
Daly, Philip J.
Dietrich, Ruth C.

DuBree, M. Kay
Falcone, Joseph P.
Finello, Daniel J., Jr.+
Gaffney, Robert E.
Hogeland, H. Warren

Kelly, John J., Jr.
Kline, Joanne V.
McEwen, Susan E.
Nasshorn, Donald
Peranteau, Frank W., Sr.

Roth, C. Robert
Schnell, Robert A., Jr.
Vislosky, Jan
Wagner, Robert L., Jr.

- * Died 3-29-03
- ** Elected 11-4-03
- + Appointed 12-8-03

BUTLER COUNTY (50)

Complement 7‡+2

Haggerty, Sue E.
O'Donnell, Joseph D., Jr.
O'Donnell, Kevin P.
Seibel, Wayne D.*
Shaffer, Peter H.*

Streib, Kelly T.D.
Woessner, Clifford J.

- * Elected 11-4-03

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Berkhimer, Allan C.
Creany, Frederick S.
Decort, Galen F.
Grecek, Leonard J.

Musulin, Michael J.
Nileski, Charity L.
Pavlovich, Max F.
Zanghi, Mary Ann
Zungali, Michael

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Hadzick, Paul J.*
Homanko, Joseph D., Sr.**
Kosciolek, Casimir T.
Lewis, Edward M.

* Resigned 8-15-03

** Elected 11-4-03

CENTRE COUNTY (49)

Complement 6†+1

Grine, Jonathan D.*
Hoffman, Daniel R., II
Jordan, Thomas N.*
Lunsford, Bradley P.
Prestia, Carmine W., Jr.
Sinclair, Allen W.

* Elected 11-4-03

CHESTER COUNTY (15)

Complement 19†+2

Anthony, John F.
Arnold, Rita A.
Blackburn, Jeremy
Bruno, Mark A.
Cabry, Michael J., III

Charley, James J., Jr.
Darlington, Chester F.
Davis, Robert L.
DeAngelo, James V.
Farmer, Harry W., Jr.
Gill, Robert E.
Knapp, Gwendoline S.*
Koon, Grover E.*
Maisano, Daniel J.
Martin, Thomas E., Jr.

Michaels, Theodore P., Jr.
Scott, Stanley
Smith, Larry E.
Winther, J. Peter

* Elected 11-4-03

CLARION COUNTY (18)

Complement 4

George, Daniel P.
Kadunce, Nancy M.**
Lapinto, Anthony A.
Long, Amy L.
Quinn, Duane L.*

* Defeated 11-4-03; term
expired 1-4-04

** Elected 11-4-03

CLEARFIELD COUNTY (46)

Complement 4

Ford, Patrick N.
Hawkins, James L.
Ireland, Richard A.
Rudella, Michael A.

CLINTON COUNTY (25)

Complement 3

Dwyer, Kevin R.*
Maggs, John W.
Mills, Frank P.**
Sanders, Joseph L., III

* Resigned 6-2-03

** Appointed 3-29-04

**COLUMBIA-MONTOUR
COUNTIES (26)**

Complement 5

Cashman, Richard P.
Coombe, Donna J.
Long, Craig W.
Shrawder, Marvin K.
Stackhouse, Ola E.

**CRAWFORD
COUNTY (30)**

Complement 6

Chisholm, William D.
Hanson, Wayne E*.
Herzberger, George W., III
Marwood, Rita J.**
Nicols, Amy L.

Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

* Defeated 11-4-03; term
expired 1-4-04

** Elected 11-4-03

**CUMBERLAND
COUNTY (09)**

Complement 8

Bender, Harold E.
Clement, Charles A., Jr.
Correal, Paula P.
Day, Susan K.
Elder, Gayle A.

Manlove, Robert V.
Placey, Thomas A.
Shulenberger, Helen B.

DAUPHIN COUNTY (12)

Complement 16†+2

Bridges, Roy C.
Jennings, Robert, III**
Johnson, Gregory D.

**DAUPHIN COUNTY,
continued**

Judy, David H.
Lindsey, Joseph S.

Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, James
Postelle, Lavon A.**
Semic, Steven M.

Shugars, Ray F.
Solomon, Joseph S.
Stewart, Marsha C.
Wenner, William C.*
Yanich, Bernard B.

Zozos, George A.

* Appointed 5-5-03; elected
11-4-03

** Elected 11-4-03

**DELAWARE
COUNTY (32)**

Complement 35‡+2

Berardocco, Ann
Burke, Robert R.
Cappelli, Richard M.
Cullen, Michael G.
Davis, Horace Z.

Day, William L., Jr.
Foster, Beverly H.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.
Gaspari, Rocco

Karapalides, Harry J.*
Klein, Stephanie H.
Lacey, Thomas J.
Lacianca, Elisa C.*
Lang, David Hamilton

Liberace, Gerald C.
Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.
Mattox, Christopher R.*

McCray, C. Walter, III
McKeon, Laurence J.
Micozzie, Kelly A.
Miller, Kenneth N.
Murphy, David J.

Nilon, James F., Jr.
Perfetti, John J.
Puppio, Andrea E.*
Sandone, Steven A.
Scanlon, Anthony D.*

Seaton, Spencer B., Jr.
Tolliver, Elkin A.
Tozer, Peter P.
Truscello, Deborah M.
Videon, David T.

* Elected 11-4-03

**ELK-CAMERON
COUNTIES (59)**

Complement 3

Brown, Alvin H.
King, George A.
Wilhelm, Donald A.

ERIE COUNTY (06)

Complement 15

Abate, Frank, Jr.
DiPaolo, Dominick D.
Dwyer, James J., III
Krahe, Mark R.
Lefaiver, Joseph R.

Mack, Suzanne C.
MacKendrick,
Christopher K.
Manzi, Paul
Nichols, Patsy A.
Robie, Thomas C.**

Shimek, John J., III*
Southwick, Carol L.
Strohmeier, Susan D.

Stuck-Lewis, Denise M.
Urbaniak, Paul G.

Vendetti, John A.

* Defeated 11-4-03; term
expired 1-4-04

** Elected 11-4-03

FAYETTE COUNTY (14)

Complement 13

Abraham, Randy S.
Blair, Mark L.
Breakiron, Robert W.
Cavalcante, Brenda K.
Cramer, Jesse J.

Defino, Michael J.
Dennis, Wendy D.
Haggerty, Ronald J., Sr.
Kula, Deberah L.
Mitchell, Herbert G., Jr.

Rubish, Michael
Shaner, Dwight K.
Vernon, Rick C.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 10‡+1

Alloway, Richard L., II**
Carter, Gary L.
Hawbaker, David E.
Johnson, Carol J.
Knepper, Brenda M.

Mellott, Wendy Richards
Meminger, Larry K.
Pentz, Larry G.
Rock, Kelly L.**
Shatzer, Shirley M.

Weyman, John P.*

* Defeated in primary; term
expired 1-4-04

** Elected 11-4-03

GREENE COUNTY (13)

Complement 3

Canan, Neil M.
Dayich, Louis M.
Watson, Leroy W.

HUNTINGDON COUNTY (20)

Complement 4

Colyer, Michael M.
Davis, Daniel S.
Jamison, Mary G.
Wilt, Richard S.

INDIANA COUNTY (40)

Complement 4

Orendorff, Richard G.
Rega, Jennifer J.
Steffee, Susanne V.
Thachik, George M.

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Hetrick, Bernard E.**
Inzana, David B.*

* Elected 11-4-03

** Didn't run again; term expired 1-4-04

LACKAWANNA COUNTY (45)

Complement 11

Clark, George E., Jr.
Farrell, Alyce M.
Gallagher, Terrence V.
Giglio, Theodore J.
Golden, Thomas J.

Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.
Russell, Robert G.
Toczydlowski, Joseph S., Jr.

LANCASTER COUNTY (02)

Complement 20

Brian, David E.
Duncan, Jayne F.
Eckert, Leo H., Jr.
Garrett, Daniel B.
Hamill, Nancy G.

Hamilton, Maynard A., Jr.
Hartman, Cheryl N.
Hartman, Rodney H.
Herman, Robert A., Jr.
Miller, David P.

Musser, Richard W.
Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.
Savage, Ronald W.

Simms, Richard H.
Sponaugle, Mary Mongiovi
Stoltzfus, Isaac H.
Willwerth, Jene A.
Winters, John C.

LAWRENCE COUNTY (53)

Complement 5

Amodie, Melissa A.
Battaglia, Samuel A.
Lamb, J. V.
Reed, James A.
Rishel, David B.

LEBANON COUNTY (52)

Complement 6‡-1

Arnold, John F.
Capello, Thomas M.

Foundling, Nigel K.
Heck, Christine R.
Lehman, Lee R.
Smith, Michael D.
Swisher, Hazel V.*

* Court eliminated 1-5-04

LEHIGH COUNTY (31)

Complement 14

Balliet, Carl L.
Butler, Donna R.
Crawford, Charles H.
Devine, Karen C.**
Dugan, John E.+

Engler, Patricia M.*
Gatti, Richard A.+
Harding, David B.
Hartman, Edward E.
Leh, David G.

Merlo, Maryesther S.*
Murphy, Thomas P.
Rapp, Anthony G., Jr.
Snyder, Joan L.
Varricchio, Michele A.

Warmkessel, Patricia E.

* Elected 11-4-03

** Elected 11-4-03; appointed 11-18-03

+ Didn't run again; term expired 1-5-04

LUZERNE COUNTY (11)

Complement 17‡-1

Amesbury, William Henry
Barilla, Andrew, Jr.
Carmody, Joseph J.**
Dotzel, Michael G.
Feissner, Gerald L.

Halesey, Joseph A.
Hasay, John E.
Holly, Karen M.*
Hopkins, John J.+
Kane, Martin R.

**LUZERNE COUNTY,
continued**

Malast, Diana
O'Donnell, Daniel
Pierantoni, Fred A., III
Roberts, Paul J.
Sharkey, Thomas J.

Swank, Ronald W.
Tupper, James E.
Whittaker, Donald L.
Zola, Joseph D.

- * Defeated 11-4-03; term expired 1-5-04
- ** Elected 11-4-03
- + Died 1-9-04; court eliminated 4-13-04

LYCOMING COUNTY (29)
Complement 6

Carn, James G.
Lepley, Jerry C.
McRae, C. Roger
Page, Allen P., III
Schriner, Kenneth T., Jr.

Sortman, James H.

MCKEAN COUNTY (48)
Complement 4

Boser, Barbara L.
Hauser, Christopher G.
Kennedy, Michael J.
Miller, James P.**
Yoder, John H.*

- * Elected to Common Pleas Court 11-4-03
- ** Appointed 6-16-04

MERCER COUNTY (35)
Complement 5

Fagley, William L.
French, Ruth M.

McMahon, James E.
Russo, Henry J.
Silvis, Lawrence T.

MIFFLIN COUNTY (58)
Complement 3†+1

Clare, Barbara A.
Hunter, Tammy L.*
Williams, Rick A.

- * Elected 11-4-03

MONROE COUNTY (43)
Complement 10
Vacancy 1

Claypool, Richard S.
Dennis, C. William
Eyer, Charles P.*
Krawitz, JoLana
Mangan, Anthony J.

Olsen, Thomas E.
Perfetti, Robert J.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

- * Resigned 6-11-04

**MONTGOMERY
COUNTY (38)**
Complement 30‡-1, +1

Augustine, Albert J.
Berkoff, F. Elaine++
Bernhardt, Francis J., III
Borek, Harold D.
Casillo, Ester J.

Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Gadzicki, Walter F., Jr.

Householder,
William R., Jr.

Hummel, Catherine M.
Keightly, David A.
Kowal, John L.
Lawrence, Francis J., Jr.

Leader, Loretta A.
Leo, Paul N.
Lukens, Deborah A.
Maruszczak, William I.
McHugh, Michael F.+

Murray, John S., III
Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.
Richman, Michael C.*

Saraceni, Robert A.
Schireson, Henry J.
Silverman, Stephen H.
Skerchock, Dorothy
Valentine, Katleen M.

Zaffarano, Patricia A.
Zucker, Karen Eisner**

- * Defeated 11-4-03; term expired 1-4-04
- ** Elected 11-4-03
- + Elected 11-4-03; died 2-28-04
- ++ Office eliminated; term expired 1-5-04

**NORTHAMPTON
COUNTY (03)**
Complement 15

Barner, Joseph K.
Elwell, Gay L.
Frey, Elmo L., Jr.
Koury, Michael J., Jr.
Litzenberger, Ralph W.

Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Repyneck, Diane S.
Romig, Elizabeth A.

Schlegel, Barbara A.
Stocklas, James F.

NORTHAMPTON COUNTY,
continued

Strohe, Todd M.
Zaun, William F.
Zemgulis, Sandra J.

NORTHUMBERLAND COUNTY (08)
Complement 5

Bolton, Robert J.
Brown, Wade J.
Gembic, John
Kear, William F.
Mychak, Michael F.

PERRY-JUNIATA COUNTIES (41)
Complement 5
Vacancy 1

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
Moyer, James R., Jr.*

* Resigned 4-30-04

PIKE COUNTY (60)
Complement 4

Cooper, Alan B.
Lieberman, Charles F.
McBride, Stephen A.
Sanquilly, William N.

POTTER COUNTY (55)
Complement 4

Bristol, Delores G.
Burton, Lisa M.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)
Complement 8

Ferrier, James R.
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.
Plachko, David A.

Reiley, James K.
Slezosky, William A.
Zelonis, Andrew B.

SNYDER-UNION COUNTIES (17)
Complement 4

Armbruster, Leo S.
Mensch, Jeffrey L.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)
Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.
Roush, William H.
Stevanus, Sandra L.

SUSQUEHANNA COUNTY (34)
Complement 3

Dayton, Watson J.
Franklin, Gene A.
Janicelli, Peter M.

TIOGA COUNTY (04)
Complement 3

Carlson, James E.
Edgcomb, Brian W.
Sweet, Phillip L.

VENANGO COUNTY (28)
Complement 4

Boyer, Robert L.
Fish, David L.
Gerwick, Douglas B.
Martin, William G.

WARREN-FOREST COUNTIES (37)
Complement 6

Bauer, Laura S.
Carbaugh, Curtis E.
Carlson, Glenn S.
Fedora, Michael L.
Lindemuth, Cynthia K.
Zerbe, Arthur W.

WASHINGTON COUNTY (27)
Complement 11‡-1
Vacancy 1

Amati, Ronald**
Costanzo, Valarie S.
Dutton, Jay H.
Ellis, James C.
Havelka, Gary H.
Hopkins, Larry W.
Mark, David W.
Pelkey, William P.
Spence, J. Albert
Teagarden, Marjorie L.*
Thompson, Curtis L.
Weller, Jay H.

* Office eliminated; term expired 1-5-04

** Resigned 2-2-04

WAYNE COUNTY (22)
Complement 4

Carney, Bonnie L.**
Edwards, Ronald J.
Farrell, Jane E.

**WAYNE COUNTY,
continued**

Laabs, Mitchell J.*
Lewis, Bonnie P.

* Defeated 11-4-03; term
expired 1-5-04
** Elected 11-4-03

**WESTMORELAND
COUNTY (10)**
Complement 18‡-1

Albert, James E.
Bilik, Mark J.
Christner, Charles M., Jr.
Conway, Charles R.
Dalfonso, Joseph A.

DiClaudio, Mary S.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.
King, J. Bruce

Kistler, Helen M.*
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.
Medich, Martha**

Pallone, Frank J., Jr.
Peck-Yokopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

* Elected 11-4-03
** Office eliminated 1-5-04

**WYOMING-SULLIVAN
COUNTIES (44)**
Complement 4

Baumunk, Linda M.
Robinson, Patricia A.
Shurtleff, Russell D.
Smith, Carl W., Jr.

YORK COUNTY (19)
Complement 19‡+1

Dubs, Mervin L.
Edie, Nancy L.
Garber, Daniel B.
Groom, Walter R.*
Gross, Scott J.

Haskell, Ronald J., Jr.
Heilman, Vera J.
Kessler, Harold D.
Leppo, Kim S.
Martin, Richard E., II

Meisenhelter, Douglas F.
Miner, James S.
Naylor, Alan G.
Nixon, Barbara H.
Olwert, John R.*

Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.
Williams, Linda Lou*

* Elected 11-4-03

ADAMS COUNTY

Deardorff, Harold R.

ALLEGHENY COUNTY

Boehm, Leonard W.*
Burnett, Edward+
Casper, Raymond L.
Comunale, Frank, III
Devlin, Mark B.+

Franci, Georgina G.++
Longo, Nancy L.+
Morrissey, Charles M.**
Peglow, Lee G.
Reed, Douglas W.+

Terrick, Richard J.
Tibbs, Edward A.
Tucker, Robert E.

* Retired 12-31-03
** Removed from list 12-31-03
+ Effective 1-5-04
++ Removed from list 6-24-04

BEAVER COUNTY

Keefer, Ross M., Jr.*
Mihalic, Stephen D.

* Retired 12-31-03

BERKS COUNTY

Dougherty, John F.
Horning, Anthony F.*

* Resigned 2-16-03

BLAIR COUNTY

Greene, John B., Jr.*

* Removed from list 12-31-03

BUCKS COUNTY

Groman, Oliver A.

BUTLER COUNTY

Wise, Frank C.

CAMBRIA COUNTY

Coleman, Alfred B.

CENTRE COUNTY

Horner, Ronald J.
Shoff, Robert A.

CHESTER COUNTY

Mull, Robert G.
Welsh, Susann E.

CLARION COUNTY

Heasley, Norman E.

CLINTON COUNTY

Dwyer, Kevin R.*

* Effective 6-3-03; resigned
3-10-04

CUMBERLAND COUNTY

Farner, Glenn R.*

* Retired 9-16-03

Senior

District

Justices

(As of 6-30-04)

DAUPHIN COUNTY

Magaro, Samuel J.
Rathfon, William P.
Williams, Edward R.

DELAWARE COUNTY

Harkin, Edward C.
LaRosa, Barbara
McDevitt, Leonard M.
Quinn, Joseph T. F.
Sellers, Nicholas

Shaffer, Robert M.
Truscello, Anthony M.

ERIE COUNTY

Smith, Charles F.
Stuck, Ronald E.

FAYETTE COUNTY

Blair, Lawrence

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Watson, John C.*

* Removed from list 6-24-04

INDIANA COUNTY

DeGrutolla, Delores
Steffee, Michael K.

JEFFERSON COUNTY

Lester, Guy M.

LANCASTER COUNTY

Garrett, James L.*
James, Doris R.
Miller, John W.
Reeser, Richard L.

* Removed from list 12-31-03

LEBANON COUNTY

Shultz, Jo Ann
Spannuth, Mary M.**
Swisher, Hazel V.*

* Effective 1-5-04

** Retired 4-1-04

LEHIGH COUNTY

Dugan, John E.*
Gatti, Richard A.*
Hausman, Joan K.
Maura, Joseph J.

* Effective 1-5-04

LUZERNE COUNTY

Hendrzak, Bernard J.*

* Retired 8-1-03

LYCOMING COUNTY

McDermott, John M.*
McGee, Gerald A.
Stack, Robert W.

* Retired 3-1-03

MCKEAN COUNTY

Ackerman, Thomas E.

MONROE COUNTY

Eyer, Charles P.*
McCool, Henry

* Effective 6-14-04

MONTGOMERY COUNTY

Dasch, Charles A.*
Hunter, James B.
Inlander, Gloria M.
Liss, Henry M.
Price, Richard M.

Riehl, Donald O.**

* Retired 12-31-03

** Removed from list 12-31-03

NORTHAMPTON COUNTY

Grigg, Sherwood R.
Leo, Joseph N.

WASHINGTON COUNTY

Mark, Walter A.
Teagarden, Marjorie Lee*

* Effective 1-5-04

WAYNE COUNTY

Laabs, Dorothy C.

WESTMORELAND COUNTY

Caruso, Angelo*
DelBene, Frank, Jr.
Medich, Martha**
Scott, Robert E.

* Retired 12-31-03

** Effective 1-1-04

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dixon, Harold C.*
Estep, Roger A.
Hodge, James D.

Lafean, John W.
Stambaugh, Quentin R.

* Resigned 5-13-03

**District Court
Administrators**

Administrator
Betty Davis Overman**
Mark D. Grim, Jr.
Raymond L. Billotte
Martha J. Davidson
Joseph Cabraja

Laurie J. Staub
Dale G. Derr
Michael D. Reighard
Mary Lou Vanderpool
G. Thomas Wiley

Candace Y. Fry
Donald J. Scotilla
Roberta L. Brewster
Maxine O. Ishler
Margaret M. Yokemick

Tammy J. Slike
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Miles D. Kessinger, III
Joseph A. Blass
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Gerald C. Montella, Esq.
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Thomas C. Aaron

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Audrey Szoyka
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Michael J. Kuhar
Norma R. Brown*
Patricia C. Ellis
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Mark M. Dalton

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David P. Wingert, Esq.
Susan T. Schellenberg
William T. Sharkey
Kevin H. Way, Esq.

Joanne L. Bly
Peter A. Morin
Melissa K. Fultz

District
Adams

Allegheny
Armstrong
Beaver

Bedford
Berks
Blair
Bradford
Bucks

Butler
Cambria
Carbon
Centre
Chester

Clarion
Clearfield
Clinton
Columbia
Crawford

Cumberland
Dauphin

Delaware
Elk-Cameron
Erie

Fayette
Franklin-Fulton
Greene
Huntingdon

Indiana
Jefferson

Lackawanna
Lancaster

Lawrence
Lebanon
Lehigh
Luzerne
Lycoming

McKean
Mercer
Mifflin

**District Justice
Court
Administrators**

Administrator
Betty Davis Overman**
Mark D. Grim, Jr.
Nancy L. Galvach
Susan A. Davis
Aileen Bowers, Esq.

Laurie J. Staub
Faith Phillips
Patricia M. Gildea
Mary Lou Vanderpool
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Barbara G. Gallo
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Carole D. Lang**
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Kristen Jones
H. Gordon Roberts
Kathleen L. Hubbard
Kevin H. Way, Esq.

Joanne L. Bly
Peter A. Morin
Melissa K. Fultz

Court

Administrators

(As of 6-30-04)

**Court
Administrators,
continued**

**District Court
Administrators**

Administrator

Lyn Bailey
Michael R. Kehs, Esq.

Judy I. Melito
James N. Onembo
Brandy L. Scott, Esq.
Robin L. Lehman
Joseph A. Cairone

Colleen McCarthy
Patricia Ann Fluty
Lois A. Wallauer
Charlotte N. Kratzer
Kathleen A. Riley

Mary L. Foster
Nancy L. Clemens
Carol E. Hutchison
Sherry R. Phillips
Christine L. Brady

Linus Myers
Paul S. Kuntz, Esq.
Alma F. Custer
J. Robert Chuk

* Retired 4-1-04
** Retired 4-30-04

District

Monroe
Montgomery

Montour
Northampton
Northumberland
Perry-Juniata
Philadelphia

Pike
Potter
Schuylkill
Snyder-Union
Somerset

Susquehanna
Tioga
Venango
Warren-Forest
Washington

Wayne
Westmoreland
Wyoming-Sullivan
York

**District Justice
Court
Administrators**

Administrator

Deborah A. Krom
Michael J. Morris, Esq.
Joseph A. Blass
Debra C. French
Brandy L. Scott, Esq.
Robin L. Lehman

Colleen McCarthy
Patricia Ann Fluty
Bruce D. Heffner
Charlotte N. Kratzer
Kathleen A. Riley

Mary L. Foster
Nancy L. Clemens
Carol E. Hutchison
Sherry R. Phillips
Christine L. Brady

Linus Myers
Donald L. Heagy, Jr.
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Terry R. Baker

Court Administrator

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*Court Administrator of
Pennsylvania*

Andrea B. Tuominen, Esq.
Assistant Court Administrator

Dawn Brown
Administrative Assistant

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Director of Judicial Programs

Cherstin M. Hamel
*Assistant Director of
Judicial Programs*

Richard J. Pierce
*Judicial Programs
Administrator*

Susan B. Davis
*Judicial Programs
Administrator*

Amy Y. Kehner
*Judicial Programs
Administrator*

Diane Bowser
Controller

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Bunny Baum
Director of Judicial Services

Nicholene DiPasquale
Administrative Assistant

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Director of Policy & Research

Kim E. Nieves
*Assistant Director of Policy &
Research*

Jennifer Hayes
Statistical Analyst

Yan Liu
Statistical Analyst

Lisa Colby
Research Analyst

Chief Counsel

Howard M. Holmes, Esq.
Chief Legal Counsel

Maryellen Gallagher, Esq.
Assistant Chief Legal Counsel

Daryl Walker, Esq.
Staff Attorney

David M. Donaldson, Esq.
Chief of Litigation

A. Taylor Williams, Esq.
Assistant Chief of Litigation

Mary Butler, Esq.
Staff Attorney

Geri Romanello St. Joseph, Esq.
Staff Attorney

Timothy McVay, Esq.
Supervising Staff Attorney

David S. Price, Esq.
Staff Attorney

Tara A. Kollas, Esq.
Staff Attorney

Administrative

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of

Pennsylvania

Courts

Philadelphia

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215-560-6300

(As of 6-30-04)

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Darryl Walker, Esq.
Staff Attorney

David Lane
*Assistant for
Intergovernmental Affairs*

Arthur J. Heinz
*Communications/
Legislative Coordinator*

Gina L. Earle
Communications Assistant

Steven F. Angle
Payroll Manager

William L. Hollenbach
*Manager of Administrative
Services*

Frank P. Lalley
*Judicial Security
Administrator*

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Director of Finance

Kenneth R. Crump
Budget Administrator

R. Dean Stitler
Accounting Administrator

Human Resources

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Director of Human Resources

David W. Kutz
*Assistant Director of
Human Resources*

Margaret A. Arris
*Employment Services
Administrator*

Nancy L. Kranz, CEBS
Benefits Administrator

Judicial Automation

Amy J. Ceraso, Esq.
*Director of Judicial
Automation*

Ralph W. Hunsicker
Director of Special Projects

Stanley K. Ritchie
Systems Support Manager

Nicholas Melnick, Jr.
DJS Project Manager

Judy K. Souleret
ASAP Project Manager

Barbara Holmes
*Common Pleas Software
Development Manager*

5001 Louise Drive
Harrisburg, PA 17055
717-795-2000

Alphabetical Order**District Order**

County	District	District	County
Adams	51	01	Philadelphia
Allegheny	05	02	Lancaster
Armstrong	33	03	Northampton
Beaver	36	04	Tioga
Bedford	57	05	Allegheny
Berks	23	06	Erie
Blair	24	07	Bucks
Bradford	42	08	Northumberland
Bucks	07	09	Cumberland
Butler	50	10	Westmoreland
Cambria	47	11	Luzerne
Cameron-Elk	59	12	Dauphin
Carbon	56	13	Greene
Centre	49	14	Fayette
Chester	15	15	Chester
Clarion	18	16	Somerset
Clearfield	46	17	Snyder-Union
Clinton	25	18	Clarion
Columbia-Montour	26	19	York
Crawford	30	20	Huntingdon
Cumberland	09	21	Schuylkill
Dauphin	12	22	Wayne
Delaware	32	23	Berks
Elk-Cameron	59	24	Blair
Erie	06	25	Clinton
Fayette	14	26	Columbia-Montour
Forest-Warren	37	27	Washington
Franklin-Fulton	39	28	Venango
Fulton-Franklin	39	29	Lycoming
Greene	13	30	Crawford
Huntingdon	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawanna	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Warren-Forest
Lebanon	52	38	Montgomery
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana

**Judicial
Districts**

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lycoming	29	41	Perry-Juniata
McKean	48	42	Bradford
Mercer	35	43	Monroe
Mifflin	58	44	Wyoming-Sullivan
Monroe	43	45	Lackawanna
Montgomery	38	46	Clearfield
Montour-Columbia	26	47	Cambria
Northampton	03	48	McKean
Northumberland	08	49	Centre
Perry-Juniata	41	50	Butler
Philadelphia	01	51	Adams
Pike	60	52	Lebanon
Potter	55	53	Lawrence
Schuylkill	21	54	Jefferson
Snyder-Union	17	55	Potter
Somerset	16	56	Carbon
Sullivan-Wyoming	44	57	Bedford
Susquehanna	34	58	Mifflin
Tioga	04	59	Elk-Cameron
Union-Snyder	17	60	Pike
Venango	28		
Warren-Forest	37		
Washington	27		
Wayne	22		
Westmoreland	10		
Wyoming-Sullivan	44		
York	19		

Glossary

Following is a glossary of terms commonly used in the judicial system.

A

abatement of action A suit that has been quashed and ended.

abeyance Incomplete or undetermined state of affairs.

abscond To run away or hide from the jurisdiction of the court in order to avoid legal proceedings.

abstract of record Abbreviated, but complete history of a case as found in the record.

abstract of title Concise chronological history of all official records and recorded documents affecting title to a parcel of land.

Accelerated Rehabilitative Disposition (ARD) Voluntary program established by Pennsylvania's Supreme Court in 1972 for first-time, non-violent offenders whereby offenders undergo a probation supervision program for two years without conviction. If the program is successfully completed, charges against the offender are dismissed.

accessory Person who aids or contributes in commission of a crime, usually by convincing someone to commit a crime or by helping the suspect escape or hide evidence. Usually not present during the crime. Compare **accomplice**.

accomplice Person who knowingly and voluntarily participates with another in a criminal act through aiding, abetting, advising or encouraging offender. See **aid and abet**. Compare **accessory**.

accord and satisfaction Method of discharging a claim whereby parties agree to give and accept something in settlement of claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.

acknowledgment Short declaration at end of a legal paper showing paper was duly executed and acknowledged.

acquittal Verdict after a criminal trial that **defendant** is not guilty of charged crime. Compare **guilty**.

- action** A judicial proceeding. An action **in personam** is against a person. An action **in rem** is against a thing, usually where property is involved.
- actus reus** (ACK tus REE us) Proof that a criminal act has occurred. See **elements of a crime**.
- ad litem** (add LYE dem) For the purposes of the lawsuit. E.g., a **guardian ad litem** is appointed to prosecute or defend a suit on behalf of an incapacitated person or a minor.
- additur** (ADD ih tur) Increase by judge in amount of damages awarded by jury.
- adjudication** Pronouncing judgment or decree; the judgment given.
- administrator** One who administers estate of person who dies without a will. See **personal representative**. Compare **executor**.
- admissible evidence** Evidence which can be legally introduced in a trial.
- adversary proceeding** Proceeding having opposing parties; contested. Differs from **ex parte** proceeding.
- adversary system** Trial method used in U.S. and some other countries, based on belief that truth can best be determined by giving opposing parties full opportunity to present and establish evidence and to test by cross-examination evidence presented by adversaries under established rules of procedure before an impartial judge and/or jury.
- advocate** Person who assists, pleads, defends or prosecutes on behalf of another.
- affiant** Person who makes and signs an **affidavit**.
- affidavit** Voluntary written statement of facts given under oath. In criminal cases affidavits are often used by police officers seeking to obtain search or arrest warrants. In civil cases affidavits of witnesses are often used to support motions for summary judgment.
- affirm** Act of appellate court to uphold decision of a lower court.
- affirmative defense** Without denying charge, defendant raises extenuating or **mitigating circumstances** such as insanity, self-defense or entrapment to avoid civil or criminal responsibility.
- aggravated assault** See **assault**.
- aggravating circumstances** Circumstances occurring in commission of an offense which occur above and beyond the offense itself and which serve to increase the offense's guilt or enormity or add to its consequences. May increase sentence of individual convicted of the offense. Compare **mitigating circumstances**.
- aggrieved party** Party whose rights have been adversely affected by a court's or another person's actions.
- aid and abet** To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.
- alibi** Proof offered by defendant that he/she was at some other place at time of crime and thus could not have committed crime charged.
- allegation** Statement by a party in an **action** which the party intends to prove.
- alleged** Claimed as true.
- allocatur** (AL lo CAH tur) "It is allowed." Petition to **appeal**.
- allocution** In criminal cases, convicted defendant's statement to the sentencing judge or jury before sentencing. Victim's allocution is a crime victim's address to the court before sentencing.
- alternative dispute resolution (ADR)** Settling a dispute without a full, formal trial. Methods include **mediation, conciliation, arbitration** and settlement, among others.
- amenable** Legally accountable.
- amicus curiae** (uh ME kus KYU ree EYE) Friend of the court. One not a party to a case who, having strong interest in the outcome, offers information on a point of law or some other aspect of the case.
- answer** Defendant's response to plaintiff's **allegations** as stated in a **complaint**. Item-by-item, paragraph-by-paragraph response to points made in complaint. Part of the **pleadings**.
- appeal** Request to have a decision made by a lower court reviewed by a higher court.
- appearance** Coming into court. Formal act by which a defendant submits to the jurisdiction of a court. Compare **arraignment**.
- appellant** Party who initiates an appeal.
- appellate court** Court having jurisdiction to review decisions of lower courts or administrative agencies.

appellee Party against whom an appeal is taken. Also called a respondent.

arbitration Form of **alternative dispute resolution** in which parties bring a dispute to a neutral third party and agree to abide by the decision reached. Decisions usually cannot be appealed.

arraignment Proceeding in which an accused person appears before a judge to hear the criminal charges filed against him/her and to enter a plea of guilty or not guilty. Compare **preliminary hearing** and **initial appearance**. See also **appearance**.

array A panel of potential jurors or the jurors empaneled for a trial.

arrest To take into custody by legal authority.

arrest of judgment Act of delaying the effect of a **judgment** already entered.

assault Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force which would give victim reason to fear or expect immediate bodily harm. Aggravated assault must include another act which is also criminal, e.g., an attempt to cause serious bodily injury, commit another crime or use a deadly weapon. Compare **battery**.

assumpsit Oral or written agreement or contract not under seal.

at issue Point in a lawsuit when complaining party has stated a claim and other side has responded with a denial. Contested points are said to be “at issue.”

attachment Legal seizure and holding of a person’s property pending outcome of a lawsuit. Also, arrest of person guilty of **contempt of court**.

attempt Effort to commit a crime, carried beyond preparation, but not executed.

attest To bear witness. To affirm to be true.

attorney-at-law **Advocate**, counsel or official agent employed in preparing, managing and trying cases in the courts. Generally shortened to attorney. Also called lawyer.

attorney-in-fact Private person, not necessarily an attorney, authorized by another to act in his place and stead, either for a particular purpose or for transaction of business in general that is not of a legal nature. Authority is conferred by an instrument in writing called

a letter of attorney or, more commonly, **power of attorney**.

attorney of record Principal attorney in a lawsuit who signs all formal documents relating to suit.

auter action pendant Another action pending.

averment A verification of fact, especially an **allegation** in a pleading.

B

backlog Number of pending cases exceeding the capacity of a court.

bail Money or other security (such as a **bail bond**) given to a court to temporarily secure a person’s release from **custody** and assure his/her appearance in court. May be forfeited should individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the district justice, magistrate, Philadelphia bail commissioner or judge with jurisdiction over the case in question authorized by law to set, modify, revoke or deny bail.

bail bond (often referred to simply as bond) Obligation, signed by accused, to secure his/her presence at trial

bailiff Court attendant who keeps order in the courtroom and has custody of the jury.

bankruptcy Statutes and judicial proceedings involving persons or businesses who cannot pay debts and seek the assistance of the court in getting a fresh start.

bar Historically, partition separating general public from space occupied by judges, lawyers and other participants in a trial. More commonly, the whole body of lawyers. A “case at bar” is a case currently being considered.

bar examination State examination taken by prospective lawyers in order to be admitted to practice law.

battered child syndrome Medical and psychological condition of a child who has suffered continuing injuries not inflicted accidentally and thus are presumed to have been inflicted by someone close to the child.

- battered woman syndrome** Medical and psychological condition of a woman who has been physically, sexually and/or emotionally abused by a spouse or lover. Also called battered wife syndrome or battered spouse syndrome.
- battery** Physical contact intended to harm someone. Threat to use force is **assault**; use of it is battery, which usually includes an assault. Aggravated battery is unlawful use of force with unusual or serious consequences, e.g., use of a dangerous weapon.
- bench** Seat occupied by the judge or the court itself.
- bench conference** See **sidebar conference**.
- bench ruling** Oral ruling from a judge on the bench.
- bench trial** Trial with no jury, in which the judge decides the facts.
- bench warrant** Arrest warrant issued directly by a judge.
- beneficiary** Someone named to receive benefits from a legal device such as a will, trust or insurance policy.
- bequeath** To give someone a gift through a will.
- bequest** Gift made in a will.
- best evidence** Primary evidence; best evidence available. Evidence short of this is “secondary.” E.g., an original letter is the best evidence; a photocopy is secondary evidence.
- beyond a reasonable doubt** Standard in a criminal case requiring the jury to be satisfied “to a moral certainty” that every element of a crime has been proven by the prosecution. Does not require state to establish absolute certainty by eliminating all doubt, but does require that evidence be so conclusive that all **reasonable doubts** are removed from the mind of the ordinary person.
- bifurcation** Dividing the issues in a case so that one issue can be decided before the others. E.g., a divorce will often be granted before custody, support and marital property issues are resolved.
- bill** Formal written declaration, petition, complaint or statement. E.g., a declaration of wrong a complainant has suffered is a bill of complaint. Also, a draft of a new or amended law presented to a legislature for action.
- bill of evidence** Transcript of testimony heard at trial.
- bill of particulars** Statement detailing charge/s made against defendant.
- billable hour** Unit of time used by attorneys to account for work completed for clients and chargeable to clients. Usually broken into tenths or quarters of hours.
- bind over** To hold a person for trial on bond (**bail**) or in jail. If the judicial official conducting the preliminary hearing finds **probable cause** to believe accused committed a crime, he/she will “bind over” accused, normally by setting **bail** for the accused’s appearance at trial.
- binding instruction** Instruction in which jury is told that if it finds certain conditions to be true, to find for the plaintiff or defendant, as the case may be. Compare **directed verdict**.
- blackletter laws** Informal term encompassing basic principles of law generally accepted by courts or present in statutes of a particular jurisdiction. Also called hornbook laws.
- blood alcohol content (BAC)** Concentration of alcohol in one’s bloodstream. Federal law requires that all states adopt a maximum BAC of 0.08% for one to be considered legally drunk.
- blue laws** Laws regulating commercial activity on Sundays.
- blue sky laws** State statutes regulating sale of securities.
- bona fide** Made in good faith. Sincere; genuine.
- bond** See **bail bond**.
- booking** Process of photographing, fingerprinting and recording identifying data of a suspect following arrest.
- breach of contract** Legally inexcusable failure to perform contractual obligation.
- Breathalyzer** Device used to measure **blood alcohol content** via a person’s breath.
- brief** Written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and applicable law.
- burden of proof** Necessity or duty to prove a fact in a dispute. Not the same as standard of proof. Burden of proof deals with which side must establish a point or points; standard of proof indicates degree to which point must be proven.
- burglary** Breaking into and entering a building with intent to commit a felony.

C

- calendar** List of cases scheduled for hearing in court.
- call to the bar** To admit someone to practice law.
- calling the docket** Public calling of the **docket** or list of **causes** at commencement of a court term.
- calumny** (KAL uhm nee) Maliciously accusing someone falsely in order to damage that person's reputation.
- capital crime** Crime punishable by death.
- capital punishment** See **death penalty**.
- caption** Heading on a legal document listing parties, court, case number and related information.
- case at bar** See **bar**.
- caselaw** Collection of reported cases that form the body of law within a jurisdiction. Also known as **jurisprudence**.
- caseload** Total number of cases filed in a given court or before a given judicial officer for a given period of time.
- cause** Lawsuit, litigation or **action**.
- cause of action** Facts that give rise to a lawsuit.
- caveat** (KA vee OTT) Warning; note of caution.
- cease and desist order** Order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.
- censure** An official reprimand, particularly of a public official.
- certiorari** (SIR she oh RARE ee) Writ issued by appellate court directing lower court to deliver record of a case for review. Often referred to as "granting cert."
- challenge** Objection, such as when an attorney objects at **voir dire** hearing to seating of a particular individual on a jury. May be **challenge for cause** or **peremptory challenge**. See also **challenge to the array**.
- challenge to the array** Questioning the qualifications of an entire jury panel, usually on the grounds of some legal fault in composition of the panel, e.g., racial discrimination.
- challenge for cause** Objection to seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. Judge has discretion to deny challenge. Also known as challenge to the poll. Compare **peremptory challenge**.
- change of venire** (veh NI ree; popularly pronounced veh NEER) Bringing in a jury from another county to hear a trial, usually because of concerns that pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venue**.
- change of venue** Moving a lawsuit to another place for trial, usually because pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venire**.
- character evidence** Testimony of witnesses who know the general character and reputation of a person in the community in which that person lives.
- charge** Formal complaint issued accusing an individual of a crime. Compare **indictment** and **information**. Also, judge's instruction to the jury concerning law which applies to the facts of a case. Also called **instruction**. Compare **binding instruction** and **directed verdict**.
- circuit court** Court whose jurisdiction extends over several counties or districts and which holds sessions in all of those areas. Pennsylvania's appellate courts are circuit courts, holding sessions in various locations throughout the Commonwealth.
- circumstantial evidence** Evidence which suggests something by implication, from which an inference can be drawn, e.g., physical evidence, such as fingerprints. Also called indirect evidence. Compare **direct evidence**.
- citation** Reference to source of legal authority. Also, writ issued by a court commanding a person to appear at a specified place and time and do something specified or to give just cause why he/she should not. Also, direction to appear in court, as when a driver receives a citation for a moving or parking violation.
- civil actions** Noncriminal cases in which one private party sues another for redress of private or civil rights.
- civil procedure** Entire process by which a civil case is tried.

- class action** Lawsuit brought by one or more persons on behalf of a larger group.
- clear and convincing evidence** Evidence indicating that which is to be proven is highly probable or reasonably certain. Greater than **preponderance of evidence**, which is generally the standard applied in civil trials, but less than the evidence **beyond a reasonable doubt** required in criminal trials.
- clemency** (also called executive clemency) Act of grace or mercy by president or governor to ease consequences of criminal act, accusation or conviction. May take form of **commutation** or **pardon**.
- clerk of courts** In Pennsylvania an officer appointed or elected to oversee court matters of a criminal nature such as the filing of motions or petitions. Compare **prothonotary**.
- closing argument** In a trial, closing statements by counsel to the judge or jury after evidence has been presented. Also called summation.
- code** Complete, systematic collection of laws.
- codicil** (KOD I sill) Addition to a will.
- cognovit actionem** (KOG NO vit ACK she OH nem) "He has confessed the action." Written confession by defendant of plaintiff's claim. Usually upon condition. Authorizes plaintiff's attorney to sign **judgment** and issue execution.
- cognovit judgment** See **confession of judgment**.
- commit** To send a person to prison, an asylum or reformatory pursuant to court order.
- common law** Law arising from tradition and judicial decisions rather than laws passed by the legislature. Originated in England and has been followed as law in most American jurisdictions. Compare **statute**.
- Common Pleas Court** See **Court of Common Pleas**.
- community service** Sentencing option whereby offender performs volunteer work for government, non-profit or community-based organizations.
- commutation** Form of **clemency** reducing one's sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which negligence of plaintiff determines amount plaintiff may recover from defendant. Compare **contributory negligence**.
- complainant** See **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies action court is asked to take.
- conciliation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps reach a solution. Nonbinding. Similar to **mediation**, but may be less formal.
- concur** To agree, act together or consent. Compare concurring opinion under **opinion**.
- concurrent sentence** Two or more sentences served at same time rather than one after another. Three five-year terms served concurrently add up to no more than five years in prison. See also **consecutive sentence**.
- condemnation** Legal process by which government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, act of judicially pronouncing someone **guilty**. Usually called **conviction**.
- confession of judgment** Act of a debtor in permitting **judgment** to be entered against him/her by a creditor. Also known as cognovit judgment.
- consecutive sentences** Successive sentences, one beginning at the expiration of another. Three five-year terms served consecutively impose a 15-year sentence. Also called cumulative sentence. See also **concurrent sentence**.
- consent decree** Disposition in juvenile court in which proceedings are suspended and child is continued under supervision in his/her own home under terms and conditions negotiated with probation services and agreed to by all parties concerned. Also, a court decree to which all parties agree.
- consent judgment** See **judgment**.
- conservatorship** See **guardianship**.
- consideration** Inducement for which a party enters into a contract.
- conspiracy** Two or more people joining together to commit an unlawful act.
- contempt of court** Willful disobedience of judge's command or official court order.
- contingency fee** Fee for an attorney's services paid only if attorney is successful or suit is

- favorably settled out of court. Fee is usually a percentage of the amount client recovers.
- continuance** Postponement of a legal proceeding to a later date.
- contributory negligence** Legal doctrine that says if plaintiff in a civil action for negligence was also negligent, he/she cannot recover damages from defendant for defendant's negligence. Most jurisdictions have abandoned this doctrine in favor of **comparative negligence**.
- controlled substance** A drug whose possession and use is controlled by law.
- conviction** Act of judicially declaring a criminal defendant **guilty**. Also called condemnation.
- copyright** Exclusive right of the author of a literary or artistic work to control how his/her work is used. Many jurisdictions have expanded this right to include computer programs and other electronic data.
- corporal punishment** Physical punishment, e.g., spanking, caning or branding.
- corpus delicti** (COR pus di LICK ty) Material substance (body) upon which a crime has been committed, i.e., the physical evidence a crime has been committed, e.g., the body of a homicide victim or broken windows in a vandalized building.
- corroborating evidence** Supplementary evidence that strengthens or confirms initial evidence.
- counsel** Another name for attorney. Also, advice given by an attorney to a client.
- count** Each offense listed in a **complaint, information** or **indictment**.
- counterclaim** Claim made by defendant against plaintiff in a civil lawsuit, especially in opposition to the plaintiff's claim.
- court administrator** Officer who oversees administrative, nonjudicial activities of a court.
- Court of Common Pleas** Intermediate original court in some states, including Pennsylvania, that usually has civil and criminal jurisdiction. In Pennsylvania Common Pleas Courts also hear appeals from certain state and most local government agencies and from the minor courts. May also be referred to as trial courts or county courts.
- court costs** Fees and costs legally charged by the court for expenses of the litigation, e.g., filing fees, jury fees, reporter fees. Also, an amount of money that may be awarded to the successful party, recoverable from the losing party, as reimbursement for the cost of the litigation.
- court order** A court or judge's written command.
- court of record** Court whose proceedings are permanently recorded and which has power to fine or imprison for contempt.
- court reporter** Person who records and transcribes verbatim reports of all proceedings in court. Also called a stenographer.
- court-martial** Military court set up to try military personnel accused of crimes.
- crime** Type of behavior defined by law as deserving punishment. Crimes are classified as either **misdemeanors** or **felonies**.
- crime of passion** Crime committed during an intensely emotionally-charged moment.
- Crimes Code** Short title for Title 18 of *Purdon's Pennsylvania Statutes*, "Crimes and Offenses."
- criminal history record information** Information collected by criminal justice agencies on individuals with arrest records. Includes descriptions and notations of arrests, detentions, indictments or other formal criminal charges, dispositions, sentencing, correctional supervision and release. Also called a prior record or rap sheet.
- criminal insanity** Mental condition which renders a person unable to determine right from wrong. Defendants criminally insane cannot be convicted as criminal conduct involves conscious intent to do wrong.
- criminal summons** Order commanding accused to appear in court. May be issued in lieu of an arrest warrant for misdemeanors when the issuing official believes the accused will appear without being placed under bail.
- cross-claim** Claim by codefendants or coplaintiffs against each other.
- cross-examination** Questioning of witness by opponent in a trial. Compare **direct examination**.
- cruel and unusual punishment** Punishment that is considered barbaric, tortuous, degrading and out of proportion to the crime committed. Prohibited by the Eighth Amendment to the U.S. Constitution, although not specifically defined.

cumulative sentence See **consecutive sentence**.

custody Responsibility for care of a person, often a minor child whose parents are divorced. Legal custody is the right to make decisions regarding child's care and upbringing. Physical custody is the right to have child live with the individual to whom physical custody has been granted. Joint custody is custody shared by both parents. Sole custody is when one parent has lone control over a child. Also, being held under control by law enforcement officials. Being in custody is being under **arrest**. See also **protective custody**.

D

damages Money awarded by court to a person for injury or loss suffered by the unlawful act or negligence of another. Compensatory or actual damages are awarded for amount actually loss, as in payment of hospital bills. Punitive damages are awarded above and beyond actual damages to punish the guilty party and deter any future similar actions.

de facto In fact. Exercising power as if legally constituted. Compare **de jure**.

de jure (dee JOOR ee) By right; by the law. Exercising power in accordance with the law. Compare **de facto**.

de novo (deh NO vo) Anew. A "trial de novo" is a new trial of a case.

death penalty Sentence of death for being convicted of committing certain serious crimes such as murder. Also called capital punishment.

decedent Person who has died.

decision Judgment reached or given by a court.

declaratory judgment Judgment in a civil case that declares rights and responsibilities of the parties or interpretation of the law without awarding damages or requiring action. E.g., a court may be asked to issue a declaratory judgment on the constitutionality of a statute or whether an insurance policy covers a given activity. Usually requested by plaintiffs in order to avoid future legal difficulties.

decree Order of the court. A final decree fully and finally disposes of litigation. An interlocutory decree settles preliminary or subordinate points or pleas, but not entire case.

defamation Harming the reputation of another by making false statements to a third party, thus exposing the individual to ridicule, hatred, contempt or condemnation. May be criminal or civil. Includes **libel** and **slander**.

default Failure to fulfill a legal or contractual obligation.

default judgment Judgment entered against a defendant who does not respond to a claim or does not appear at trial.

defendant In a civil case, the person being sued. In a criminal case, the person charged with a crime.

demurrer (dih MUR rer) Motion still used in Pennsylvania to dismiss a civil case because the complaint is legally insufficient. In most states this is now called a **motion to dismiss**.

deponent One whose **deposition** is being taken.

depose To testify, bear witness. Also, to examine a witness via **deposition**.

deposition Sworn testimony of a witness taken under oath outside of court. Also, the session at which such testimony is recorded.

descent and distribution statutes State laws that provide for distribution of estate property when a person dies without a will. Also known as intestacy laws. Compare **intestate succession**.

direct evidence Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from **circumstantial**, or indirect, evidence.

direct examination First questioning of a witness by the party who called him/her. Compare **cross-examination**.

directed verdict Instruction by judge to jury to return a specific verdict, usually because one party failed to prove its case. Compare **binding instruction**.

disbarment Form of disciplining a lawyer whereby he/she loses, permanently or temporarily, the right to practice law.

discharge Dismissal of a case. Also, vacating of a court order. Also, dismissal of a juror, jury or

witness from any further responsibilities in a case.

disclaim To renounce one's legal rights or claims.

discovery Pretrial process by which one party reveals, at other party's request, relevant information about the litigation.

dismissal Termination of a lawsuit. "Dismissal without prejudice" permits the suit to be filed again at a later time. "Dismissal with prejudice" prevents the lawsuit from being refiled.

disorderly conduct Conduct that bothers others or disturbs the peace, such as loitering, public drunkenness, parties that are too loud.

disposition Court's final determination of a lawsuit or criminal charge.

dissent Disagreement by one or more appellate court judges with the decision the majority.

disturbing the peace Engaging in **disorderly conduct**.

diversion Process of removing certain minor criminal, traffic or juvenile cases from full judicial process on condition that accused undergo some sort of rehabilitation or training, e.g., job training. If defendant completes probation successfully, the charges may be dropped.

docket List of cases to be heard by court. Also, log containing brief entries of court proceedings.

domicile Place where a person has his/her permanent, legal home. A person may have several residences, but only one domicile.

double jeopardy Putting a person on trial more than once for the same crime. Forbidden by the Fifth Amendment to the U.S. Constitution.

due process of law Right of all persons to receive guarantees and safeguards of law and judicial process. Includes such constitutional rights as adequate notice; assistance of counsel; and rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

wear an electronic device which transmits the individual's whereabouts to a receiver that is monitored for violations. Usually used in connection with **house arrest**.

elements of a crime Specific factors that define a crime, which the prosecution must prove **beyond reasonable doubt** in order to obtain **conviction**. Elements that must be proven are (1) that a crime actually occurred (**actus reus**), (2) that the accused intended the crime to happen (**mens rea**), (3) a timely relationship between the first two factors.

embezzlement Fraudulently taking property or money entrusted to one individual by another.

eminent domain Power of the government to take private property for public use, after paying owner reasonable compensation. See **condemnation**.

en banc All judges of a court sitting together. Appellate courts often hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

encumbrance A claim against property.

enjoin To require a person, via an **injunction**, to perform or abstain from performing some specific act.

entrapment Defense to criminal charges, alleging that agents of the government induced a person to commit a crime he/she otherwise would not have committed.

equal protection of the law Guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons or classes of persons be treated equally by the law.

equitable action Action which seeks just, fair, nonmonetary remedy, e.g., an **injunction**.

equitable distribution Fair distribution of marital property in a divorce. May not mean equal distribution.

equity Generally, **justice** or fairness; body of principles that determine what is just or fair. Historically, refers to a system of law developed in England in reaction to the legal inability of common law courts to consider or provide remedy for every injury. The king established a court of chancery to do justice between parties in cases where common law would give inadequate redress. Compare **justice**.

E

electronic monitoring Type of sentencing or arrest wherein an individual is required to

escheat (iss SHEET) Process by which the property of one who has died goes to the state if no heir can be found.

esquire Title used after an attorney's name.

estate All properties owned by an individual when he/she dies.

estate tax Tax paid on an estate as it passes to the heirs.

estoppel Principle that prevents someone from claiming or denying something in court that contradicts what has already been established as fact.

evidence Information presented in court to prove or disprove **alleged** facts. See also specific types, including **admissible, best, character, circumstantial, clear and convincing, corroborating, direct, expert, hearsay, irrelevant, material, opinion, prima facie, real, relevant, state's and substantive evidence**. Compare **rebuttal, testimony, preponderance of evidence, corpus delicti, exhibit and weight of evidence**.

ex delicto (ex dee LICK toh) Arising from a tort; breach of duty.

ex officio By virtue of an office or position.

ex parte (ex PART ee) On behalf of only one party, without notice to any other party. E.g., a request for a search warrant is an **ex parte proceeding** since person subject to the search is not notified of proceeding.

ex parte proceeding Proceeding in which only one side is represented. Differs from **adversary system or proceeding**.

ex post facto (ex post FAC toh) After the fact. E.g., ex post facto laws permit conviction and punishment for a lawful act performed before law was changed and act was made illegal. The U.S. Constitution prohibits these.

examination Questioning of witness under oath. See **direct examination and cross-examination**.

exclusionary rule Rule preventing illegally obtained evidence from being used in any trial. See **suppress**.

exculpate To free from blame or accusation, particularly in matters of small importance. Compare **exonerate**.

execute (a judgment or decree) To put final judgment of court into effect.

executor Personal representative, named in a will, who administers an estate. Compare **administrator**.

exempt property Certain property protected by law from creditors.

exhibit Document or other article introduced as evidence in court.

exonerate Removal of a charge, duty or responsibility. Also, to clear completely from accusation or blame and any attendant suspicion of guilt. Compare **exculpate**.

expert evidence Testimony relating to scientific, technical or professional matters given by persons particularly qualified by reason of special training, skill or familiarity with the subject.

expert witness Person with special knowledge in a particular field who may testify and give opinion on meanings of facts related to that knowledge. See also **opinion evidence**.

expungement Official and formal removal of conviction from a criminal record.

extenuating circumstances See **mitigating circumstances**.

extortion Illegally obtaining money or property by force, threat, intimidation, or undue or illegal power.

extradition Process by which one state or nation surrenders to another state or nation a person accused or convicted of a crime in the requesting state/nation.

F

fair comment Term used in **libel** law applying to statements relating to matters of public concern made by a writer in honest belief that they are true, even though they are not.

false arrest Arresting an individual without proper legal authority.

false pretenses Purposely misrepresenting a fact or condition in order to obtain another's money or goods.

family court Court having jurisdiction over family matters such as child abuse and neglect, support, paternity and custody.

felony Serious crime punishable by imprisonment for more than a year or death and/or substantial fines. Compare **misdemeanor**.

fiduciary (fih DOO she AIR ee) Person having a legal relationship of trust and confidence with another and a duty to act primarily for the other's benefit, e.g., **guardian**, **trustee** or **executor**.

file To submit a paper to the clerk of court/court administrator to be entered into the official files or records of a case. Also, to begin a lawsuit.

finding Formal conclusion by judge, jury or regulatory agency on issues of fact.

fine Money penalty imposed in criminal or civil actions.

first appearance See **initial appearance**.

forcible entry and detainer Summary proceeding for restoring possession of land to one who has been wrongfully deprived of it.

forgery Falsely and fraudulently making or altering a document, e.g., a check.

fraud Intentional deception to deprive another person of property or to injure that person in some other way.

frivolous lawsuit Lawsuit having no legal merit. Often filed to harass defendant.

G

garnishment Legal proceeding in which a debtor's money is seized to pay the debtor's creditors, such as when one's wages are garnished.

good faith Honest belief; absence of **malice** and intent to defraud. Also known as **bona fide**.

good time Reduction in time served in prison as reward for good behavior.

grand jury Group of citizens, usually numbering 23, assembled to determine whether enough evidence exists to charge an individual with a felony. May issue **indictment**, charging the suspect, or may have power to issue **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

gravamen (gruh VAY men) The significant point of a grievance or complaint.

guardian ad litem (add LYE dem) Person appointed by court to look after interests of a minor or incapacitated person involved in legal proceedings.

guardianship Legal right given to a person to care for an individual or his/her property when that individual is deemed incapable of doing so for him/herself. Also called **conservatorship**.

guilty Plea made by accused in confessing crime with which charged. Also, verdict reached when jury convicts defendant of crime with which charged. Compare **acquittal**.

H

habeas corpus (HAY be us KOR pus) Writ that orders a person to be brought before a judge, usually to determine whether that individual is being legally detained or imprisoned.

harmless error Error committed during trial which was not serious enough to affect outcome of trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to witness by a third party. Generally inadmissible in court.

holographic will Will written by testator in his/her own handwriting, usually unwitnessed.

homicide Killing of one human being by another.

hornbook laws See **blackletter laws**.

hostile witness Witness biased against the examining party or who does not want to testify. May be asked **leading questions**.

house arrest Sentence or type of arrest whereby an individual is confined to his/her residence except for preapproved trips, such as medical appointments, work, community service obligations, etc. Often used in connection with **electronic monitoring**.

hung jury Jury unable to reach a verdict.

hypothetical question Imaginary situation, incorporating facts previously established, upon which an **expert witness** is permitted to give an opinion. Most often asked of medical experts in personal injury suits.

I

- immediate cause** Last event in a series of events which causes another event, particularly an injury, to occur. May or may not also be the **proximate cause**. An event may have more than one proximate cause, but only one immediate cause.
- immunity** Agreement by court not to prosecute an individual in exchange for that individual providing criminal evidence.
- impeach** To attack the credibility of a witness. Also, to charge with a crime or misconduct; in particular, to charge a public official with a violation of the public trust. Also, to challenge the authenticity or accuracy of a document.
- impunity** Exemption from punishment.
- in camera** In the judge's private chambers, or in private. A hearing in camera takes place in the judge's office, outside of the presence of jury and public.
- in forma pauperis** (in FORM uh PAH per us) In the manner of a pauper. Permission given to an **indigent** or poverty-stricken individual to sue without payment of court fees.
- in limine** (LIM ih nee) Motion requesting that court exclude certain evidence that might prejudice jury.
- in perpetuity** Forever.
- in personam** (per SO nam) Procedural term used to designate proceedings or actions involving the personal rights and interests of the parties. Compare **in rem**.
- in propria persona** (PRO pree uh per SO nuh) See **pro se**.
- in rem** Procedural term used to designate proceedings or actions in determining the status of a thing or the rights of persons with respect to that thing. Compare **in personam**.
- inadmissible** That which under rules of evidence cannot be admitted as evidence.
- incarcerate** To confine in jail.
- incompetent** Person lacking the capacity, legal qualification or fitness to manage personal affairs or to discharge a required duty.
- indemnity** Liability or loss shifted from one person held legally responsible to another.
- indeterminate sentence** Sentence with specified minimum and maximum length, e.g., one to five years in prison. Also, a maximum sentence which may be reduced by a parole board, via statutory authorization, after minimum term has been served.
- indictment** Formal written accusation by a **grand jury** charging a person with a crime. Compare **charge**, **information**, **presentment**.
- indigent** Poor person. An individual who can demonstrate his/her indigence to the court may be assigned a court-appointed attorney or may not have to pay filing fees and court costs. See also **in forma pauperis**.
- indirect evidence** See **circumstantial evidence**.
- inferior court** Court of special, limited or statutory jurisdiction. May also denote any court subordinate to chief appellate court. See **limited jurisdiction**.
- information** Formal accusation of a crime filed by a prosecutor without a grand jury indictment. Compare **charge** and **indictment**.
- infraction** Violation of law usually not punishable by imprisonment, e.g., minor traffic offenses.
- initial appearance** First appearance in court of a person who has been arrested, to hear charges read, be advised of rights and have bail determined. Person generally comes before judge within hours of arrest. Also called first appearance. Compare **arraignment** and **preliminary hearing**.
- injunction** Court order preventing or requiring a specific action. See **preliminary injunction** and **permanent injunction**.
- instructions** Judge's directions/guidelines to jury regarding law which applies to the facts of a case. Also called **charge**. Compare **binding instruction** and **directed verdict**.
- intangible assets** Nonphysical items such as patents, trademarks, copyrights and good will.
- integrated bar** State bar association to which a lawyer must belong in order to practice in that state.
- inter alia** (IN ter AY lee uh or AH lee uh) Among other things.
- inter alios** (IN ter AY lee us or AH lee us) Among other persons.

inter vivos gift (IN ter VEE VOHS) Gift made during giver's life.

inter vivos trust See **living trust**.

interlocutory appeal Appeal made before the trial court's final ruling on the entire case.

interlocutory decree See **decree**.

interlocutory order Any order given before the final order is issued. Usually cannot be appealed until case is fully resolved.

intermediate punishment Set of sentencing options more severe than probation, but not as severe as incarceration. Includes, among other options, **electronic monitoring**, intensive supervision, and residential drug and alcohol treatment. May or may not involve housing of offender.

interpleader Suit filed by a party holding property who does not know to whom the property should go, to determine who should receive the property.

interrogatories Written questions submitted to another party in a lawsuit for which written answers must be provided. Part of **discovery** process.

intervention Action by which a third party who may be affected by a lawsuit is permitted to become a party to the suit. Compare **third party claim**.

intestacy laws (in TES ta see) See **descent and distribution statutes**.

intestate One who dies without leaving a will.

intestate succession Process by which property of person who has died without a will or whose will has been revoked is distributed to others. Compare **descent and distribution statutes**.

irrelevant Evidence not related or applicable to an issue in a trial and thus not admissible.

irrevocable trust (ear REV o cuh b'l) Trust that, once set up, grantor may not revoke.

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a lawsuit. Compare **misjoinder** and **nonjoinder**.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at adversary's discretion.

joint tenancy Form of legal co-ownership of property which gives the survivors, when one of the owners dies, the rights to the decedent's shares of the property. Tenancy by the entirety is a special form of joint tenancy between husband and wife. Compare **tenancy in common**.

joint custody See **custody**.

judge Elected or appointed public official with authority to hear and decide cases in a court of law. A judge pro tem is a temporary or visiting judge. Compare **justice** and **magistrate**.

judgment Final disposition of a lawsuit. See **consent judgment**, **declaratory judgment**, **default judgment**, **summary judgment** and **non obstante veredicto**.

judicatory Relating to judgment.

judicial bypass Obtaining permission from the court to do something that ordinarily requires permission of someone else, e.g., a minor obtaining a court order to have an abortion without notifying her parents.

judicial officer An officer of a court; someone charged with upholding the law, administering the judicial system.

judicial review Authority of court to review and declare unconstitutional actions of other branches of government.

Judiciary Act Repealer Act (JARA) Act of 1978 that enacted 42 Pa.C.S., Pennsylvania's judicial code.

judicial (juh RID ih kul) Relating to law, judicial proceedings and administration of justice.

judicial day Day on which a court is in session.

juris Of law.

Juris Doctor Doctor of Law. Law degree bestowed on those who have successfully graduated from law school.

jurisdiction Court's authority to hear and/or decide a case. Also, territory in which a court is authorized to hear cases.

jurisprudence Study of law and legal system. See also **caselaw**.

jurist One skilled or versed in the law. Also refers to judges, justices, district justices, magistrates, etc.

jury Group of people selected according to law and sworn to decide questions of fact and render a decision about these matters. See **grand jury** and **petit jury**.

jury commissioner Court officer responsible for choosing the panel of potential jurors for a particular court term.

jury instructions See **instructions**.

justice Fair administration of laws. Compare **equity**. Also, an appellate court judge. Compare **judge** and **magistrate**.

justice of the peace Local judicial officer who has **limited jurisdiction**, usually involving minor offenses and civil matters, and with authority to perform civil functions such as marriages. Pennsylvania used justices of the peace prior to the Constitution of 1968.

justiciable (jus TISH ee uh b'l) Of issues and claims which may be properly examined in court.

juvenile Person who has not yet reached age (usually 18) at which he/she can be treated as adult for purposes of criminal law.

juvenile court Court having jurisdiction over cases involving children under a specific age, usually 18.

juvenile delinquent A minor guilty of criminal or anti-social behavior for which he/she may not be punished as an adult.

K

kidnapping Unlawfully taking and carrying away a person by force, against his/her will.

King's Bench power Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

knowingly Willfully or intentionally with respect to a material element of an offense.

L

lack of jurisdiction Court's lack of power to act in a particular manner or to give certain kinds of relief.

lapsed gift Gift made in a will to a person who died before will-maker.

larceny Unlawfully taking personal property with intent to deprive owner of it permanently. Also called theft. Differs from **robbery**.

law Rules established by governing authorities to maintain order in a society.

law clerks Law students who assist judges and attorneys with legal research, writing, etc.

leading question Question which suggests answer desired of witness. Generally may be asked only of a **hostile witness** and on **cross-examination**.

leave of court Permission received from a court to take a nonroutine action.

legal aid Professional legal services available for free or for reduced cost to those unable to afford them.

legal custody See **custody**.

leniency Recommendation by prosecutor to judge for a sentence less than maximum allowed.

levy Seizing property of a debtor for satisfaction of a judgment against him/her. Also, imposition of fine or tax.

liable Legally responsible for.

libel Published words or pictures that falsely and maliciously defame a person. Compare **slander** and **fair comment**.

lien Legal claim against another person's property as security for a debt, lasting until the debt has been paid.

limited action Civil action in which recovery of less than a certain amount as specified by statute is sought.

limited jurisdiction Courts limited in types of cases they may hear. In Pennsylvania these courts include district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts or special courts. See **inferior court**.

lis alibi pendens (liss PEN DENZ) Lawsuit pending elsewhere.

lis pendens Pending suit. Also, legal notice that a dispute exists which may affect title to a certain piece of land.

litigant Party to a lawsuit.

litigation Lawsuit or process of carrying through a lawsuit.

living trust Trust set up and in effect during lifetime of grantor. Also called inter vivos trust. Compare **testamentary trust**.

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge. Compare **judge** and **justice**.

mala in se (MAL uh in see) “Evil in itself.” Behavior universally regarded as criminal, e.g., murder. Also called *malum in se*. Compare **mala prohibita**.

mala prohibita (MAL uh PRO HIB ih duh) “Prohibited evil.” Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance Unlawful act. Often used to describe misconduct by public officials. Compare **misfeasance** and **nonfeasance**.

malice Intent to commit a wrongful act without just cause or excuse.

malice aforethought Mental state required to prove murder.

malicious prosecution Action instituted with intention of injuring defendant and without probable cause.

mandamus (man DAY mus) Writ issued by a court ordering a public official, another court, a corporation, public body or individual to perform an act.

mandate Judicial command or order directing an officer of the court to enforce judgment, sentence or decree.

mandatory sentence Sentence set by law, allowing for little or no discretion by the sentencing judge.

manslaughter Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed, resulting in fatal collision. Compare **murder**.

master Official appointed by a court to assist with proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present written report to court.

material evidence Evidence that is relevant and goes to substantiate issues in a dispute.

mediation Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps them agree on settlement. Nonbinding. Similar to **conciliation**.

memorial Abstract of a legal record. Also, written statement of facts presented to legislature or executive as a petition.

mens rea (menz REE uh) The state of mind of the defendant the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.

minor courts See **limited jurisdiction**.

Miranda rule Requirement that police advise a suspect in custody of constitutional rights before questioning him/her. Named after U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966) establishing such requirements.

mischarge Erroneous jury instruction that could be grounds for verdict reversal.

misdemeanor Criminal offenses generally punishable by fine or limited local jail term, but not by imprisonment in penitentiary. Compare **felony**.

misfeasance Lawful act performed in wrongful manner. Compare **malfeasance** and **nonfeasance**.

misjoinder Erroneously joining parties in a lawsuit. Compare **joinder** and **nonjoinder**.

mistrial Trial terminated before verdict is reached, either because of some procedural error, serious misconduct during proceedings or **hung jury**.

mitigating circumstances Circumstances which do not constitute justification for committing an offense, but which may reduce degree of blame and help reduce sentence of individual convicted. Also known as extenuating circumstances. Compare **aggravating circumstances**.

mittimus (MIT ih mus) Written court order directing a jailer to receive and safely keep a person until ordered otherwise.

moot Having no practical significance. Usually refers to court's refusal to consider a case because issue involved no longer exists.

moral turpitude Immorality, depravity; conduct so wicked as to be shocking to the community's moral sense.

motion Application to a court or judge for a ruling or order.

motion to dismiss Request to dismiss a civil case because of settlement, withdrawal or a procedural defect. Compare **demurrer**.

multiplicity of actions Two or more separate litigations of the same issue against the same defendant.

Multistate Bar Examination (MBE) Multiple-choice bar exam given by every state's bar association. Its 200 questions are not state-specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

municipal court Court whose jurisdiction is confined to the city or community in which it is erected. Usually has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally also possesses limited civil jurisdiction. Pennsylvania has one municipal court, Philadelphia Municipal Court.

murder Unlawful killing of a human being with **malice aforethought**. First degree murder is premeditated, i.e., planned. Second degree murder is sudden, instantaneous intent to kill or to cause injury without caring whether injury kills or not. Pennsylvania and some other states also allow for third degree

murder, which is murder committed by a person engaged in commission of a felony. Compare **manslaughter**.

N

negligence Failure to use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

next friend One acting without formal appointment as guardian, for benefit of minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on written indictment indicating insufficient evidence was found to indict. Compare **true bill**.

no contest See **nolo contendere**.

no-contest clause Language in a will that a person who makes a legal challenge to the will's validity will be disinherited.

"no-fault" proceeding Civil case in which claim is adjudicated without finding of error or fault.

nol pros Abbreviation of **nolle prosequi**.

nolle prosequi (NAHL ee PROS eh KWEE) "I do not choose to prosecute." Decision by prosecutor or plaintiff not to go forward with an **action**. Called "nol pros" for short.

nolo contendere (NO LO con TEN deh ree) Criminal defendant's plea, whereby he/she accepts punishment without admission of guilt. Also called no contest.

nominal party One joined as a party or defendant in a lawsuit because the technical rules of pleading require his/her presence in the record.

non compos mentis (non COM pos MENT iss) Not of sound mind.

non obstante veredicto (non ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." Verdict entered by judge contrary to jury's verdict.

non prosequitur (non preh SEK wit tur) Judgment entered when plaintiff, at any stage of proceedings, fails to prosecute his/her action. Called "non pros" for short.

non pros Abbreviation of **non prosequitur**.

nonfeasance Failure to act when duty required. Compare **malfeasance** and **misfeasance**.

nonjoinder Neglecting to add a party to a lawsuit who should be added. Compare **joinder** and **misjoinder**.

nonsuit Plaintiff's voluntary withdrawal of a suit without decision on merits or court's dismissal of a case because plaintiff has failed to make out a legal case or to bring forward sufficient evidence.

notary public Licensed public officer who has authority to certify documents, administer oaths, take acknowledgement and deposition and perform other specified functions, depending on the state.

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nugatory Useless; invalid.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with use or enjoyment of a property.

nunc pro tunc "Now for then." Action applied to acts which should have been completed at an earlier date than actually were, with the earlier date listed as the completion date.

nuncupative will (nun KY00 puh tive) An oral will.

O

oath Solemn pledge to keep a promise or speak the truth.

obiter dictum (OH bih der DICK tum) "Something said in passing." Remarks or observations of a judge, made in passing during pronouncement of judicial opinion, but not necessary to the pronouncement. Often called dictum or dicta.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requests immediate ruling by judge.

"on his own recognizance" See **personal recognizance**.

one-day, one-trial jury service Method of jury selection in many jurisdictions which requires prospective jurors to serve for only one day if they are not chosen for a jury or for only the length of a trial if chosen.

onus probandi (OH nus pruh BAN die) **Burden of proof**. Often shortened to **onus**.

opening statement Statements made at the start of a trial by attorneys for each side, outlining each's legal position and the facts each intends to establish during the trial.

opinion Court's written decision of a case. A majority or plurality opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. A dissenting opinion states opinion of judges who disagree with majority. *Per curiam* opinion is an unsigned opinion of an appellate court.

opinion evidence What a witness thinks, believes or infers regarding disputed facts. Generally admissible only when given by an **expert witness** unless opinion is based on matters common to lay persons.

oral argument Summary by attorneys before court (particularly appellate court) of positions regarding legal issue being litigated.

order Command, written or oral, from a court.

ordinance Law enacted by a municipality such as a county or city council.

orphans' court Court that oversees estates, adoptions, appointments of guardians. Also called probate court.

overrule Judge's decision not to allow an **objection**. Also, decision by higher court finding that lower court decision was in error.

overt act Act done to carry out or in furtherance of intention to commit a crime. Compare **actus reus**.

P

pain and suffering Physical and/or emotional distress compensable as an element of damage in **torts**.

pardon Form of **clemency** releasing one from the penalties of a criminal conviction.

parens patriae (PAH renz PATE ree eye) Doctrine under which the government protects the interests of a minor or incapacitated person.

parole Supervised, conditional release of a prisoner before expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor exclusive right to make or sell his/her invention for a term of years.

penal Of, relating to or involving punishment or penalties.

penal code Code of laws concerning crimes and offenses and their punishment.

pendente lite (pen DEN tee LYE tee) During the progress of a lawsuit; contingent on the outcome of the suit.

per curiam (per KYUR ee uhm) See **opinion**.

peremptory challenge (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving a reason. Compare **challenge for cause**.

perjury Deliberately making a false or misleading statement under oath.

permanent injunction Court order requiring or forbidding an action, granted after final hearing has been held on its merits. (Does not necessarily last forever.) Compare **preliminary injunction**.

personal jurisdiction Adjudicative power of a court over an individual.

personal property Any movable physical property or intangible property which may be owned. Does not include real property such as land or rights in land.

personal recognizance Release of a defendant without bail upon promise to return to court as required. Also known as releasing one "on his own recognizance."

personal representative Person who administers legal affairs of another because of incapacity or death.

petit jury (PEH tee) Jury composed of six to twelve persons who hear evidence presented at a trial and determine the facts in dispute. Compare **grand jury**.

petition Written request to a court asking for a particular action to be taken.

petitioner See **plaintiff**.

physical custody See **custody**.

plaintiff Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.

plea Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).

plea bargaining Mutually satisfactory disposition of a case negotiated between accused and prosecutor. Usually defendant pleads guilty to lesser charge/s in exchange for reduced sentence or dismissal of other charges.

pleadings Written statements by parties to a lawsuit, setting forth or responding to allegations, claims, denials or defenses.

plenary action (PLEH nuh ry) Complete, formal hearing or trial on merits.

polling the jury Asking jurors individually after verdict has been announced whether they agree with verdict.

Post-Conviction Relief Act Process by which someone who has been convicted of a crime may request a court to vacate or correct a conviction or sentence.

pour-over will Will that leaves some or all estate assets to existing trust.

power of attorney Legal authorization for one person to act on behalf of another individual. See **attorney-in-fact**.

praecipe (PRESS ih pee) Writ commanding a person to do something or to show cause why he/she should not.

precedent Previously decided case which guides decisions of future cases. Compare **stare decisis**.

precept Writ issued by person of authority commanding a subordinate official to perform an act.

prejudice Preconceived bias. Judgment decided before facts are given.

prejudicial error See **reversible error**.

preliminary hearing Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Compare **arraignment** and **initial appearance**.

preliminary injunction Court order requiring or forbidding an action until a decision can

- be made whether to issue a **permanent injunction**. Issued only after both parties have had opportunity to be heard. Compare **temporary restraining order**.
- premeditation** Decision or plan to commit a crime.
- preponderance of evidence** Greater weight of evidence, a common standard of proof in civil cases. Jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing evidence**.
- presentencing report** Report to sentencing judge containing background information about crime and defendant to assist judge in making his/her sentencing decision. Sometimes called sentencing report.
- presentment** Declaration or document issued by grand jury on its own initiative, making accusation. Compare **indictment**.
- presumption of innocence** Fundamental principle of American justice system that every individual is innocent of a crime until proven guilty in a court of law.
- presumption of law** Rule of law that courts and judges must draw a particular inference from a particular fact or evidence.
- pretermitted child** (PRE ter MITT ed) Child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of the estate to go to such children.
- pre-trial conference** Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has minimum amount of evidence necessary to allow it to continue in the judicial process.
- prima facie evidence** Evidence sufficient to establish a fact or sustain a finding in favor of the side it supports unless rebutted.
- prior record** See **criminal history record information**.
- prior restraint** Restraint on speech or publication before it is spoken or published. Prohibited by constitution unless defamatory or obscene or creates a clear and present danger.
- privileged communication** Communication protected by law from publication. Includes certain communications between attorneys and clients, clergymen and confessors, doctors and patients, and husbands and wives as well as issues of national security and foreign policy and journalists protecting sources.
- pro bono publico** “For the public good.” When lawyers represent clients without a fee. Usually shortened to “pro bono.”
- pro hac vice** (pro hack VEE chay) “For this time only.” Usually refers to an attorney who is not licensed in a particular jurisdiction who has been granted permission to try a particular case in that jurisdiction.
- pro se** (pro see) An individual who represents himself/herself in court. Also called “in propria persona” or “pro persona.”
- probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.
- probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.
- probate court** See **orphans’ court**.
- probation** Alternative to imprisonment, allowing person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for invasion of rights. Compare **substantive law**.
- proceeding** A legal action. Conducting judicial business before a court or judicial officer.
- process** Summons to appear in court or notification to a defendant that a suit has been filed against him/her.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.
- protective custody** Confinement of an individual by law enforcement officials to protect that individual from a dangerous person or situation.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary In Pennsylvania an officer elected or appointed to oversee court matters of a civil nature, including maintaining all official court documents and records. Compare **clerk of courts**.

proximate cause Act legally sufficient to result in liability. Also, act without which an action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

public domain Government-owned land. Also, publications, inventions, etc., not protected by **copyright**.

punishment Penalty, such as a fine, imprisonment or probation, imposed on one who has broken the law. See also **death penalty** and **cruel and unusual punishment**.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish defendant and thus deter future behavior of like nature.

purge To **exonerate** or cleanse from guilt.

Q

quash To vacate, void, nullify.

quid pro quo "Something for something." Fair return consideration; i.e., giving something of value in return for getting something of similar value.

quo warranto (quo wah RANT oh) Writ used to discover by what authority an individual holds or claims a public office, franchise or liberty.

R

rap sheet See **criminal history record information**.

ratio decidendi (RAY she oh DES ih DEN die) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in an incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an individual is **guilty** of crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment. Used as legal standard to determine negligence.

rebuttal Evidence which disproves evidence introduced by the opposing party.

recidivism (reh SID ih vizm) Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

recognizance See **personal recognizance**.

record Official documents, evidence, transcripts, etc., of proceedings in a case.

recovery To obtain judgment in one's favor. Also, to obtain damages or other relief in a lawsuit or other legal proceeding.

recusal Process by which a judge excuses him/herself from hearing a case.

recusation Plea by which defendant requests that judge hearing his/her trial excuse him/herself from case.

re-direct examination Opportunity to question witness after cross-examination regarding issues brought up during the cross-examination. Compare **rehabilitation**.

redress To set right; to remedy; to compensate.

referral Process by which a juvenile case is introduced to court, agency or program where needed services can be obtained.

referee Person appointed by a court to assist with certain proceedings, such as taking testimony.

rehabilitation Reexamining a witness whose credibility has suffered during cross-examination to restore that witness's credibility. Compare **re-direct examination**.

- rehearing** Another hearing of case by same court in which suit was originally heard.
- rejoinder** Defendant's answer to the plaintiff's reply.
- relevant evidence** Evidence that tends to prove or disprove a matter at issue.
- relief** See **remedy**.
- remand** To send a case back to the court where originally heard for further action. Also, to send an individual back into custody after a preliminary examination.
- remedy** Means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated. Also called relief.
- remit** To send a case back to a lower court.
- remittitur** (reh MID ih dur) Judge's reduction of damages awarded by jury.
- removal** Transfer of state case to federal court for trial.
- replication** Plaintiff's reply to defendant's plea, answer or counterclaim.
- replevin** (reh PLEV in) Action for recovery of a possession wrongfully taken.
- reply** Plaintiff's response to defendant's argument, counterclaim or answer. Plaintiff's second pleading; followed by defendant's rejoinder.
- reprieve** Temporary postponement of a sentence, particularly of a death sentence.
- reprimand** Disciplinary action against an attorney that declares his/her actions improper, but does not prevent him/her from practicing law. May be public or private.
- respondent** See **appellee**.
- rest** When one side finishes presenting evidence in a trial.
- restitution** Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.
- restraining order** Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.
- retainer** Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.
- return** Report to judge of action taken in executing a writ issued by judge, usually written on the back of the writ. Also, the action of returning the writ to court.
- reverse** Higher court setting aside lower court's decision.
- reversible error** Error sufficiently harmful to justify reversing judgment of lower court. Also called prejudicial error. Compare **harmless error**.
- revocable trust** (REV uh kuh b'l) Trust that grantor may change or revoke.
- revoke** To cancel or nullify a legal document.
- right to counsel** Guarantee in the Sixth Amendment of the U.S. Constitution of a criminal defendant's right to court-appointed counsel if the defendant cannot afford to hire counsel.
- robbery** Felonious taking of another's property in that person's presence by force or fear. Differs from **larceny**.
- rule of court** Rules governing how a given court operates.
- rules of evidence** Standards governing whether evidence is admissible.

S

- sanction** Penalty for failure to comply with rule, order or law.
- scofflaw** One who habitually ignores the law or does not answer court summonses.
- satisfaction** See **accord and satisfaction**.
- search warrant** Written order issued by a judge that permits a law enforcement officer to search a specific area for specific items.
- secondary evidence** See **best evidence**.
- self-defense** Use of force to protect one's self, family or property from harm or threatened harm by another.
- self-incrimination, privilege against** Right of people to refuse to give testimony against themselves. Guaranteed by Fifth Amendment to U.S. Constitution. Asserting right is often referred to as "taking the Fifth."
- self-proving will** Will whose validity does not have to be testified to in court by witnesses since the witnesses executed an **affidavit** reflecting proper execution of will prior to maker's death.
- sentence** Punishment inflicted on a person convicted of crime. See **concurrent sentences**,

- consecutive sentences, death penalty, house arrest, indeterminate sentence, mandatory sentence and suspended sentence.**
- sentencing guidelines** Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. Federal government and several other states also use.
- sentencing report** See **pre-sentencing report**.
- separation of witnesses** See **sequestration of witnesses**.
- sequestration** Keeping all jurors together during a trial to prevent them from being influenced by information received outside courtroom.
- sequestration of witnesses** Keeping all witnesses (except plaintiff and defendant) out of courtroom except for their time on the stand to prevent them from hearing testimony of other witnesses. Also called separation of witnesses.
- service** Delivery of legal document, such as **complaint, summons or subpoena**.
- set aside** To annul or negate a court order or judgment.
- sidebar** Conference between judge and lawyers, usually in courtroom, out of earshot of jury and spectators. Also called bench conference.
- slander** False and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Compare **libel**.
- small claims court** Court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.
- sole custody** See **custody**.
- sovereign immunity** Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.
- special courts** See **limited jurisdiction**.
- specific performance** **Remedy** requiring person who has breached a contract to fulfill his/her part of the contract, as opposed to simply paying damages. Ordered when paying damages would be inadequate or inappropriate.
- spendthrift trust** Trust set up for benefit of someone whom grantor believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.
- standard of proof** See **burden of proof**.
- standing** Legal right to bring a lawsuit.
- stare decisis** (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Compare **precedent**.
- state's evidence** Testimony given by accomplice or participant in a crime, given under promise of immunity or reduced sentence, to convict others.
- status offenders** Youths who habitually engage in conduct not considered criminal if committed by an adult, but which cause charges to be brought in juvenile court and show minor is beyond parental control, e.g., being truant from school.
- status offense** Act declared to be an offense when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.
- statute** Law enacted by legislative branch of government. Also called statutory law. Compare **common law**.
- statute of limitations** Timeframe within which a lawsuit must be brought or an individual charged with a crime. Differs for different types of cases/crimes or in different states.
- statutory construction** Process by which a court seeks to interpret legislation.
- statutory law** See **statute**.
- stay** Court order halting a judicial proceeding or the action of halting such proceeding.
- stenographer** See **court reporter**.
- stipulation** Agreement by attorneys on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date.
- sua sponte** (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.
- sub judice** (sub JOO dih SEE) Before a court or judge; under judicial consideration.
- subpoena** (suh PEE nuh) Court order compelling a witness to appear and testify. Also, the act of ordering a witness to appear and testify.
- subpoena duces tecum** (suh PEE nuh DOO sess TEE kum) Court order commanding a witness to bring certain documents or records to court.

subrogation Substituting one person in place of another in asserting a lawful claim, demand or right.

substantive evidence Evidence presented to prove a fact in issue.

substantive law Law which creates, defines and regulates rights. Compare **procedural law**.

sui generis (SOO ee JEN er iss) Of its own kind or class; the only one of its kind.

sui juris (SOO ee JUR iss) Of his own right. Possessing full social and civil rights.

summary Quickly executed.

summary judgment Judgment made when there are no disputes of the facts of a case and one party is entitled to prevail as a matter of law.

summary offense In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

summary proceeding Nonjury proceeding that disposes of a case promptly and simply. Also called summary trial.

summation See **closing argument**.

summons Notice to a defendant that he/she has been sued and is required to appear in court. Also, notice requiring person receiving it to report for jury duty or as witness in a trial. As relates to potential jurors, also called **venire**.

sunset law Law that automatically expires at the end of a set period of time unless formally renewed.

sunshine laws Laws forbidding or restricting closed meetings of government bodies and providing for public access to records.

supersedeas (SOO per SEE dee uhss) Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

support trust Trust that instructs trustee to spend only as much as is needed for beneficiary's support.

suppress To forbid use of evidence at trial because it is improper or was improperly obtained. See **exclusionary rule**.

survivorship Another name for **joint tenancy**.

sustain Court order allowing an objection or motion to prevail.

suspended sentence Sentence postponed by order of the court. Also, decision of court to postpone pronouncement of sentence.

swindle To obtain money or property by fraud or deceit.

T

temporary restraining order Judge's order forbidding certain actions until a full hearing can be held to determine whether injunction should be issued. Often referred to as TRO. Compare **preliminary injunction**.

tenancy by the entirety See **joint tenancy**.

tenancy in common Form of legal co-ownership of property in which survivors, when one of the owners dies, do not have rights to decedent's shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a will.

testamentary trust Trust set up by a will. Compare **living trust**.

testimony Evidence given by witness under oath at trial or via affidavit or deposition.

theft See **larceny**.

third party Person, business or government agency, etc., not actively involved in a legal proceeding, agreement or transaction, but who is somehow involved.

third-party claim Action by a defendant that brings a third party into a lawsuit. Compare **intervention**.

tort Injury or wrong committed on a person or property of another for which remedy can be sought in civil court, except that which involves a contract.

tortfeasor One who commits a **tort**; a wrongdoer.

transcript Official record of all testimony and events that occur during a trial or hearing.

transfer hearing Hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court.

trial de novo A new trial.

TRO **Temporary restraining order**.

true bill **Indictment** by grand jury. Notation on indictment that charge should go to court. Compare **no bill**.

trust Legal device used to manage real or personal property, established by one person (grantor or settlor) for the benefit of another (**beneficiary**). A third person (**trustee**) or the **grantor** manages the trust.

trustee Person or institution that manages a trust.

turncoat witness Witness whose testimony was expected to be favorable, but who later becomes a hostile witness.

U

undue More than necessary; excessive.

undue prejudice Harmful bias that results when judge or jury are exposed to convincing but inadmissible evidence or evidence that so arouses emotions that clear, impartial consideration is lost.

unlawful detainer Detention of real property without consent of owner or other person entitled to its possession.

usury (YOO seh ree) Charging higher interest rate than law allows.

V

vacate To nullify, render void.

venire (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court to act as jurors. Also, a group of people summoned for jury duty.

venue (VEN YOO) Geographical area from which a jury is drawn, where a criminal trial is held and where an **action** is brought. Also, the geographical location in which the alleged actions that gave rise to the legal action occurred.

verdict Decision reached by a jury or judge on the facts presented at a trial.

victimless crime Crime considered to have no direct victims, usually because it involves consenting adults, e.g., drug possession.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which witness relinquishes right against self-incrimination, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

warrant Writ directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. See also **bench warrant** and **search warrant**.

weight of evidence Persuasiveness of some evidence as compared to other.

white-collar crime Nonviolent crimes involving dishonest business practices, e.g., **fraud**, **embezzlement**, insider trading on the stock market.

will Legal document that sets forth how an individual wants his/her property disposed of when he/she dies.

willfully Intentionally, as distinguished from accidentally, carelessly or inadvertently, but not necessarily maliciously.

with prejudice Judge's decision in a case whereby any future action on the claim is barred in any court.

without prejudice Without loss of rights.

witness One who testifies to what he/she has seen, heard or otherwise experienced. See also **expert witness**, **hostile witness**, and **turncoat witness**.

work release Sentence under which defendant is imprisoned, but is released during day to work at a job approved by Department of Corrections or the court.

writ Judicial order directing a person to do something.

writ of certiorari See **certiorari**.

writ of execution Writ directing sheriff or other court officer to enforce a court judgment or decree.

AOPC