

**Report of the
Administrative Office of
Pennsylvania Courts
2007**

Supreme Court of Pennsylvania

*Chief Ronald D. Castille
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice Max Baer
Justice Debra Todd
Justice Seamus P. McCaffery
Justice Jane Cutler Greenspan*

*'07 in Brief
(listed chronologically)*

Statewide criminal court computer systems installed throughout Pennsylvania, unifying case-processing, improving access to court data, aiding law enforcement and underscoring Pennsylvania's position as a national leader in judicial automation.

Administrative Office of Pennsylvania Courts releases Public Health Law Benchbook, providing guidance to state judges in dealing with unprecedented challenges to be faced in a major public health threat or pandemic.

Supreme Court adopts new orphans' court rule, forms to provide more uniform, clearer process for those appointed to administer trust funds, estates.

Chief Justice Ralph J. Cappy announces medical malpractice data continues to show decline in case filings and verdicts throughout Commonwealth.

Supreme Court adopts policy on public access to financial records, formalizing long-standing practice of making information open, available to media, public.

Supreme Court slates its first statewide "Children's Roundtable" to address ways courts can help move abused, neglected children more rapidly from foster care to permanent homes.

Chief Justice Ralph J. Cappy announces retirement after nearly 30 years as member of Pennsylvania judiciary.

Supreme Court upgrades security at county courthouses with x-ray machines, magnetometers, duress alarms, card key entry systems. Also introduced: nation's first automated security incident reporting system, already in use in magisterial district courts.

Commonwealth Court Judge James Gardner Colins announces resignation after more than 20 years on the court.

Supreme Court announces plans to upgrade statewide computer system serving magisterial district judges to improve performance, flexibility, accessibility. E-filing, Internet fine payments planned.

Supreme Court adopts non-discrimination, equal employment policy, strengthening commitment to ensure dignity and respect to all who use, work in Pennsylvania's courts.

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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 2007, outlining many of the programs and services that define the Commonwealth's state court system. This report highlights noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

The year was marked by transition, fostering an atmosphere of retooling and rebuilding on the many successful initiatives launched over the last decade.

Chief Justice of Pennsylvania Ralph J. Cappy decided in 2007 to step down after five years as chief justice, 17 years as a justice on the high court and nearly three decades as a member of the Pennsylvania Judiciary. Chief Justice Cappy left the bench two years before the end of his second 10-year term on the court and was succeeded by the Hon. Ronald D. Castille, who was elected in 1993 and was the next highest-ranking member of the court in seniority.

Chief Justice Cappy was the 2007 recipient of the Outstanding Chief Justice Award presented by the National Center for State Courts. The honor—also known as the Harry L. Carrico Award for Judicial Innovation—was established to honor a sitting state court chief justice who has inspired, sponsored, promoted or led an innovation of national significance in the field of judicial administration. Chief Justice Cappy also was awarded the Bar Medal, the highest honor conferred by the Pennsylvania Bar Association. He also was named the recipient of the Philadelphia Bar Association's top award for distinguished service.

Automation Advances

The honors bestowed on Chief Justice Cappy underscored the notion that Pennsylvania's Unified Judicial System (UJS) has been at the forefront of state courts in implementing administrative and procedural improvements, operational innovations and advanced automation programs.

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Pennsylvania, for example, became the largest state in the country to install a statewide computer case management system in all of its criminal trial courts during 2007, solidifying the Commonwealth's standing as a national leader in judicial automation.

The Common Pleas Criminal Case Management System (CPCMS), the latest and largest phase in the automation of Pennsylvania's courts, improved the overall efficiency of the state's criminal justice system and the management of the courts while aiding law enforcement through the timely sharing of critical criminal information.

The new system created a central data warehouse, enabling staff in 60 judicial districts to electronically share case information and associated data. The data-sharing—for the first time ever—was not only between county courts, but also with the state's appellate and 548 magisterial district courts. The initiative also created a link with Pennsylvania's Criminal Justice Network (JNET)—an integrated public safety network developed by the executive branch—to expeditiously exchange critical court information with local, state and federal authorities as well as executive branch agencies such as the Pennsylvania State Police and the departments of Transportation and Corrections.

CPCMS trainers from the AOPC demonstrated the UJS public Web portal to the media in 2007 at regional workshops in Pittsburgh, Harrisburg and Philadelphia. Those workshops showcased Internet access for reporters to online case information from the appellate, Common Pleas and magisterial district courts. Newly-created court summary sheets and court calendars were highlighted during the gatherings.

An ambitious training schedule for court staff during 2007 was part of the successful implementation of the CPCMS. "New user" training and 13 different advanced workshops were offered between January and June, covering a wide variety of Common Pleas Court functions such as cash management, audit, bail, calendar-scheduling and appeal-tracking.

The year also saw the AOPC's Common Pleas Criminal Case Management System honored at Computerworld's 19th Annual Laureates Medal Ceremony & Gala Awards Evening in Washington, D.C.

Planning began in 2007 to rewrite the two oldest of Pennsylvania's statewide judicial computer systems—the Magisterial District Judge System (MDJS) and the Pennsylvania Appellate Court Case Management System (PACMS). A goal of the system rewrite is to standardize technology among the judiciary's several systems serving various court levels.

The MDJS—used by more than 3,000 employees in 548 magisterial district judge courts throughout the state and nearly 20 years old—is being rewritten to enhance performance, flexibility and accessibility. Included in the many upgrades will be a feature allowing users to search all of Pennsylvania’s magisterial district judge, Common Pleas and appellate courts for criminal information on a defendant.

The Supreme Court and the U.S. Third Circuit Court held another first, a joint technology conference during 2007. Its purpose was to discuss the development of practices that will improve court management, including the practical application of technology within the courts and the exchange of court information between the federal and state court systems. The joint cooperation resulted in the development of a data exchange that will electronically transmit information regarding capital cases from the state court system to the Third Circuit Court of Appeals, thereby reducing the need for redundant data entry.

Security Supplemented

In 2007 the AOPC reimbursed counties for the purchase of one or more of four physical security enhancements for courthouses: magnetometers, x-ray screening machines, wireless duress alarm systems and card-key access systems. Fifty-seven counties participated in this project.

In August 2007 the AOPC established the Pennsylvania Judicial Security Incident Reporting System (PAJIRS) in the Common Pleas courts. PAJIRS is the first court-initiated electronic incident reporting system in the nation. The system was introduced in Pennsylvania’s magisterial district courts in July 2005.

The UJS Court Safety and Security Manual defines a security incident as “an event that has the potential to cause, or has, in fact, caused, personal injury or property loss.” Court security incidents that occur in courtrooms, courthouses and the community are captured via PAJIRS. District court administrators and staff members in the AOPC Office of Judicial Security receive e-mail alerts as soon as an incident is reported. Staff in Judicial Security contact the individual who filed the report in order ascertain that necessary safety and security cautions are undertaken and to render any assistance that might be warranted.

One hundred ninety-five security incidents were reported in magisterial district courts and 44 in Common Pleas courts in 2007.

The Unified Judicial System of Pennsylvania Judicial Safety Handbook was developed and distributed to all Common Pleas and

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magisterial district judges in the state as well as all court administrators. The handbook provides safety and security tips for judges to use in their courtrooms, courthouses and homes and in the community.

In addition to the handbook, the Security Manual and Guidebook developed in 2004 was updated to provide guidance on handling biohazard threats and events. The update was based upon the collaborative work of the AOPC and the University of Pittsburgh's Center for Public Health Preparedness.

In the fall a third round of regional workshops was conducted for all local court security committees throughout the Commonwealth. These committees, comprised primarily of president judges, sheriffs, court administrators, county commissioner chairs/county executives and magisterial district judges, are encouraged to meet regularly in order to formulate and implement plans to respond to emergency situations in their courts. During the third round, committee members participated in a table-top exercise designed to capture strengths and weaknesses in response to an emergency scenario.

Also in the fall, a committee was formed to assist with the development of a proposal and selection of a vendor to provide for video arraignment capabilities in magisterial district courts. With funding from the state legislature, judicial security began the process to enable magisterial district judges to conduct preliminary arraignments via live video conferencing.

Children and Families Conclave

Extending the successful launch in 2006 of the AOPC's Office of Children and Families in the Courts, a State Roundtable for Children was held in 2007. The roundtable drew supervisory and dependency judges, children and youth authority personnel, county solicitors, child and parent advocates and academic experts to discuss issues and challenges facing the courts and meaningful solutions. Justice Max Baer, a former administrative judge of family court in Allegheny County, is guiding these efforts on behalf of the Supreme Court.

Interbranch Collaboration

The Supreme Court in March 2007 sponsored a seminar in Harrisburg to acquaint newly-elected legislators with Pennsylvania's judiciary. Chief Justice Cappy, Justice Thomas Saylor, Court Administrator Zig Pines and Widener Law School Professor John Gedid presented an overview of the state court system and the constitutional underpinnings of the judicial branch in a program held in the Supreme Court courtroom at the State Capitol. The first of its kind event also

saw the publication of a related “Pennsylvania’s Unified Judiciary: A Legislator’s Guide.”

Diversifying Juries

A three-year effort to promote greater jury diversification in Pennsylvania through legislation came to fruition in 2007 with the General Assembly’s passage—and the governor’s signing—of a bill creating a statewide jury information system. Under the new law, the departments of Public Welfare, Revenue, State and Transportation must submit lists to the AOPC annually of individuals who receive benefits, file personal income tax returns, register to vote or receive driver’s licenses. The result provided a broader and more diverse group of names to counties. AOPC staff played a prominent role in the adoption of the measure through interaction with the governor’s office and the law’s chief legislative sponsors and backers.

Emphasizing the Judiciary’s Commitment to Open Records

The Pennsylvania Judiciary’s long-standing practice of providing open, public access to its financial and related administrative records was formalized in 2007 under an order issued by the Supreme Court of Pennsylvania. The order created Rule of Judicial Administration 509 that established a systematic process for requesting and accessing state court system records that deal with the use of public funds, including the purchase of services, supplies or equipment. The rule took effect July 1, 2007.

Also of note in 2007 was the implementation of a significant new public records access policy that systematically governs the electronic case records of the Unified Judicial System. What prompted the development of the new policy was the burgeoning amount of information available with automation, particularly the recently completed CPCMS.

Because the policy deals only with electronic case records, its adoption did not alter the long-standing practice of making case records open for public inspection and photocopying at court offices—unless otherwise sealed by a court or restricted pursuant to law. The new policy was designed to cover what and how electronic case records are available to the public and how requests for access to those records are to be handled. In addition, fees for accessing the records and other related issues also are addressed.

All electronic case record information maintained in the Pennsylvania Appellate Court Management System, Common Pleas

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Criminal Court Case Management System or Magisterial District Judge System is covered by the policy.

The judiciary's combined commitment to technology and openness has widened public access to court records in a way never before seen in Pennsylvania. Just as important though, the judiciary is committed to maintaining appropriate boundaries for the protection of individuals who come into the court system. Pennsylvania is just one of many states and the federal courts that has grappled with the complex issues associated with public access to electronic case records.

In tandem with the Supreme Court's Commission on Judicial Independence, the AOPC produced a 15-minute DVD "Pennsylvania's Unified Judicial System" that describes the role of the courts and how the court system is structured. The video is aimed at a broad audience and was distributed to the president judges of all Common Pleas Courts with the specific suggestion that it be played daily in jury assembly rooms. Beyond that, all judges within the Unified Judicial System may use the video when making presentations at schools or community meetings or giving speeches to fraternal organizations or other groups.

A major undertaking was the creation of a Pennsylvania Public Health Law Bench Book, which was distributed to every Common Pleas Court judge in February 2007. It was created to guide courts in a major public health crisis. The plan addresses essential court functions, how to choose an alternate facility, communications, computer operations and necessary forms. Copies also were distributed to hundreds of teachers in Pennsylvania, and it is serving as the basis for greater civic education.

The bench book seeks to identify and explain the many disparate laws that would be applicable in a public health crisis. It has been praised as a model of comprehensiveness and practicality.

Notable Accomplishments in 2007

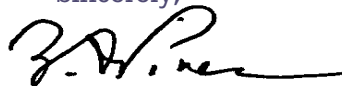
- The Supreme Court created a uniform process for eligible out-of-state lawyers to apply for permission to participate in particular cases in the Commonwealth. Separate orders to amend rules governing civil case procedures and attorney professional conduct were issued by the Supreme Court with the aim of establishing a standardized method for determining eligibility to practice in Pennsylvania as counsel *pro hac vice*—a legal term meaning "for this occasion."
- The Supreme Court tapped the knowledge of an eight-member working group of experienced judges from across the Commonwealth to enhance procedures for adoptions, guardianships, wills

and other orphans' court matters. The Ad Hoc Advisory Committee to the Orphans' Court Procedural Rules Committee provided valuable input to the orphans' court committee's consideration of the feasibility and practical need for comprehensive statewide orphans' court rules.

- To mark the tenth year of the Jen & Dave Program, the Administrative Office of Pennsylvania Courts (AOPC) launched a new Web site, www.jendaveprogram.us, aimed at protecting Pennsylvania's children by making it easier for parents to obtain criminal information for other persons involved in their child custody cases. When the Jen & Dave Program was established in the fall of 1997, it was the nation's first.
- The Supreme Court issued an order to promote equal employment opportunities and non-discriminatory practices throughout the Unified Judicial System. The court order memorializes existing practice by prohibiting all forms of discrimination and harassment in any office that serves as a workplace for court employees or in which court business is conducted. The order applies to both elected and non-elected judicial officers and staff in all court-related facilities. Though Pennsylvania's judiciary already was an equal opportunity employer and strongly adheres to non-discriminatory workplace practices, the Supreme Court order strengthened and promoted the fair and equal treatment of those who work or have business in the courts and extended the concept across the Unified Judicial System.

Finally, it is important to note that many of the enhancements in the administration of justice in 2007 would not have taken place without significant cooperation from the executive and legislative branches of government and support from judges, lawyers and members of the public whom the courts proudly serve. While it is clear the courts will face challenges in this ever-changing world in which we live, the accomplishments noted in this report underscore the workings of a positive template for future successes.

Sincerely,

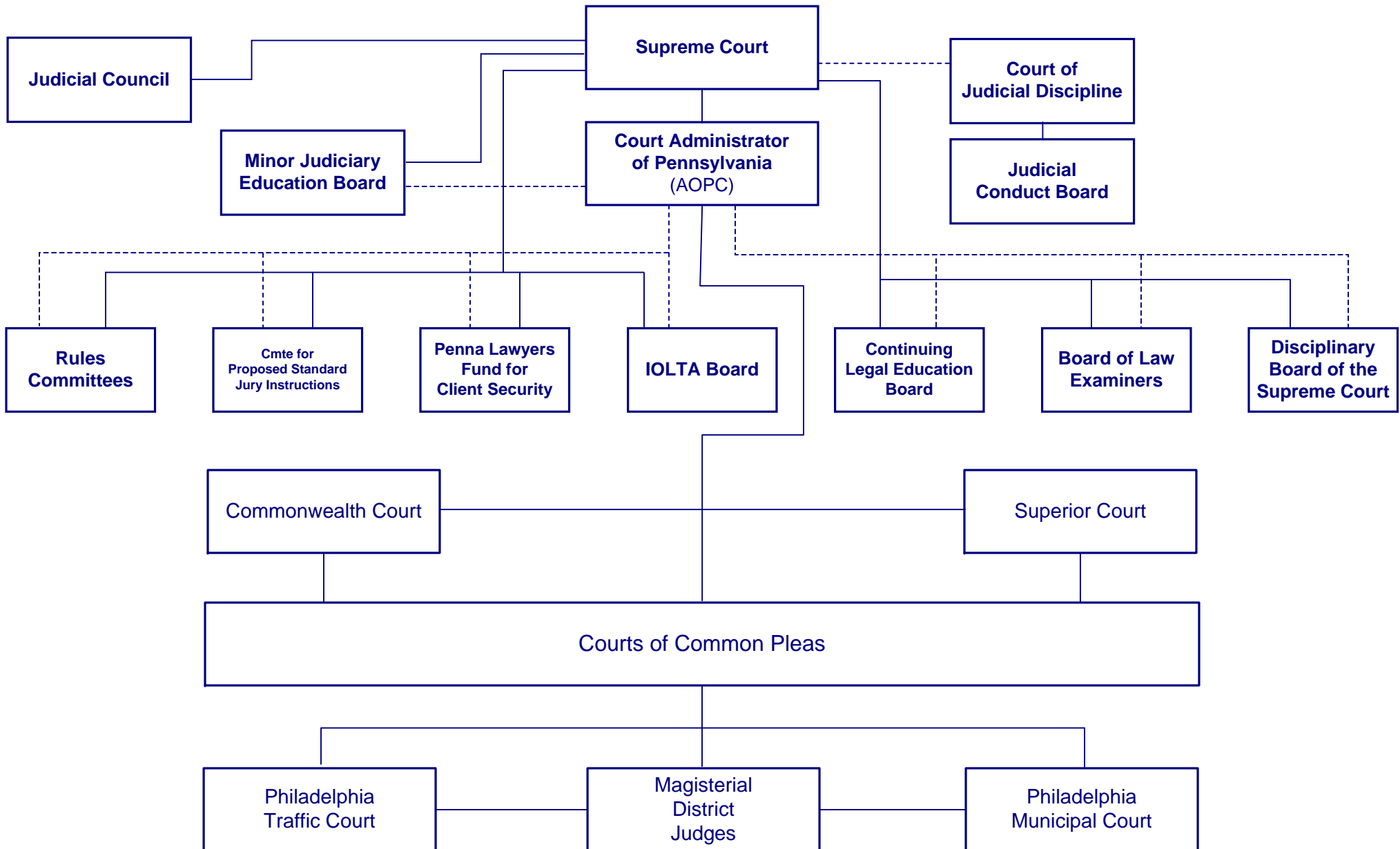


ZYGMONT A. PINES

Court Administrator of Pennsylvania

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Pennsylvania's Unified Judicial System



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

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Evolution of Pennsylvania's Judicial System

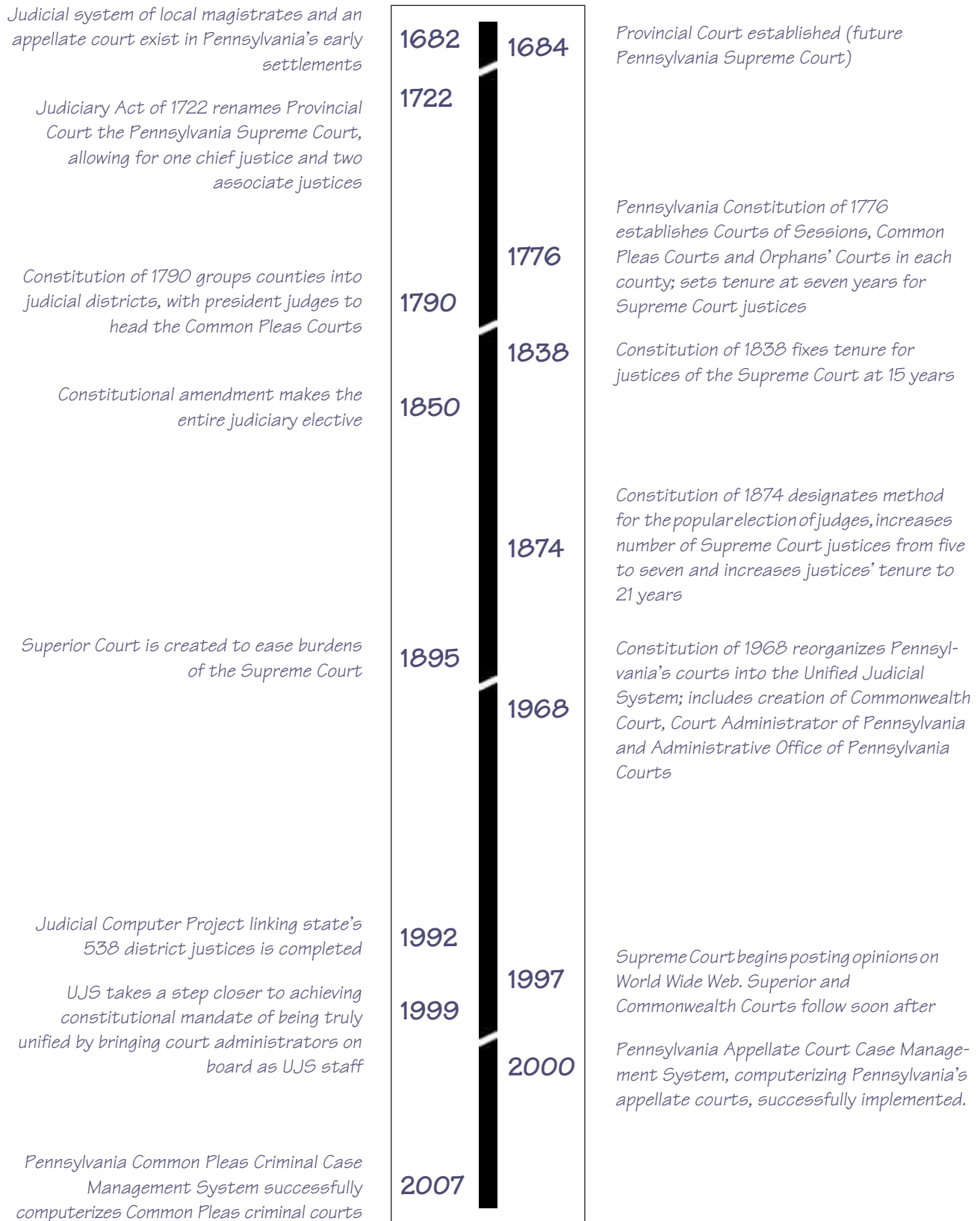


Chart 2.1.1

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:

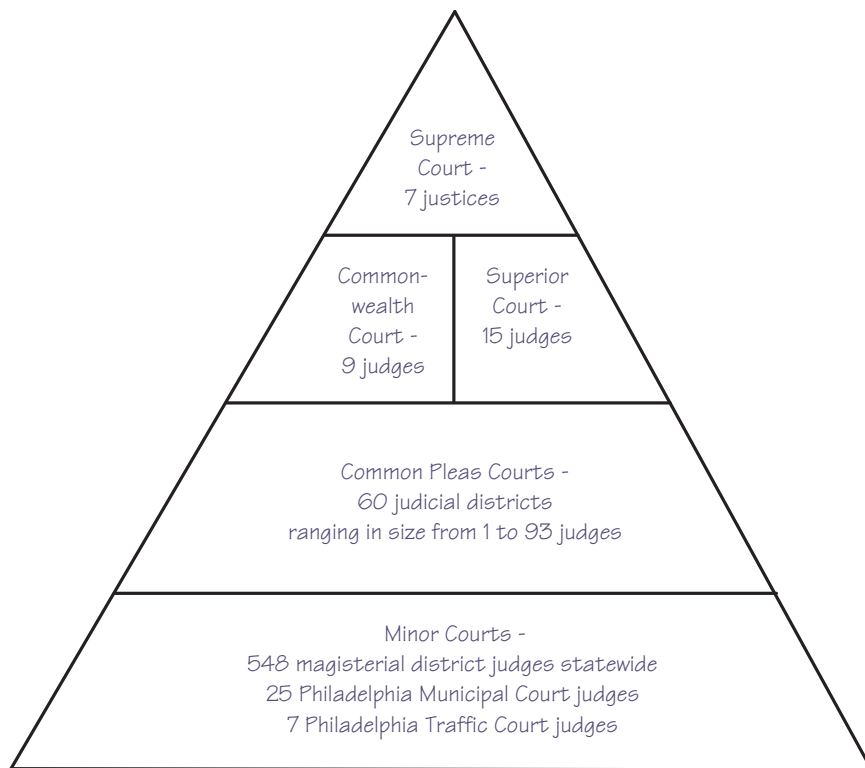


Figure 2.2.1

Minor 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.

Minor Courts

Minor courts, also called special 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 the magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court.

Magisterial District Judge Courts

Magisterial district judges preside over magisterial district judge 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, excluding interests and costs, in the following classes of actions:
 - landlord-tenant actions
 - *assumpsit* actions (contracts) 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
- 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

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

Magisterial district judges 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 87.)

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 magisterial district judges 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.

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.

Philadelphia Traffic Court

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

As with magisterial district judges, 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 appellate, Common Pleas and Philadelphia Municipal Courts, the president judge of Traffic Court is appointed by the governor.

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 minor 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 Control 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
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question
- supersession of a district attorney by the attorney general or by a court
- 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 commonly 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 2007, beginning on page 111. **AOPC**

Before justices and judges can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but magisterial district judges 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 from office, suspended or otherwise disciplined for misconduct in office. These 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 jurists; the “Rules of Conduct, Office Standards and Civil Procedures for Magisterial District Judges”; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. Common Pleas Court judges and appellate jurists are elected to ten-year terms. Magisterial district judges and judges of Philadelphia’s Municipal and Traffic Courts are elected to terms of six years. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Justices and judges may serve an unlimited number of terms and are retained or reelected at the pleasure of the electorate. The “merit retention” provision of Pennsylvania’s constitution allows all but magisterial district 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. Magisterial district judges run in normal elections.

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 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. Effective November 20, 2007, senior jurists appointed on or after January 1, 1999, may serve until December 31 of the year in which they reach the age of 78. Effective December 27, 2007, senior jurists appointed after this date may serve a maximum of ten years, absent extraordinary circumstances as determined by the chief justice.

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 state 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 and Research, Legal and Judicial Services. The deputy court administrator's office is located in Mechanicsburg, just south of Harrisburg, and includes Communications/Legislative Affairs, Administrative Services, Payroll and Judicial Security. Also found in Mechanicsburg are the Finance, Human Resources, Judicial Automation and Judicial Education Departments. The Judicial Programs Department has offices at both locations.

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
- overseeing the security of court facilities
- 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.pacourts.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:

- statistical compilation of medical malpractice filings and jury verdicts across the state
- study of Pennsylvania child custody practices and procedures
- design of interactive caseload statistical reporting on the UJS Web site. Customized statistical reports are now available online
- a statewide assessment of court reporting and transcript operations in the Courts of Common Pleas
- revision of orphans' court data collection practices and publications
- a county-by-county inventory of asbestos litigation
- development of a juvenile delinquency caseload statistical report in coordination with the new Juvenile Court Judges Commission automated Case Management System (JCMS)
- support services and training 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
- selection of participating counties and jurors in regional and statewide investigating grand juries in keeping with Pennsylvania Rule of Criminal Procedure 241
- ongoing revision of caseload data collection methods, including a cover sheet that would accompany civil case filings to more precisely identify case types, and publications to keep Pennsylvania current with national trends and standards.
- statewide analysis of juror costs to assist with legislative analyses.

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 state court administrator 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 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 or negotiating leases and contracts for most of the state court system
- providing legal and administrative assistance and advice to the state court administrator
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Judicial Services Department

The Judicial Services Department provides logistical planning, coordination, administration and staffing for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.

In 2007 the department coordinated the following conferences:

- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 3-6, 2007
- *Appellate Court Program*
June 18-21, 2007
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 19-22, 2007
- *Satellite Program: Civil Litigation*
October 11-12, 18-19, 25-26, 2007
- *Pennsylvania Association of Court Management Conference*
November 4-7, 2007

- *National Association of Women Judges Annual Conference*
November 7-11, 2007
- *Satellite Program: Court Improvement Project*
November 12-13, 2007
- *Judges-Journalism Conference*
December 7, 2007
- overseeing senior judicial assignments, requests for change of venue/venire and AOPC communication with judicial districts concerning president judge elections
- overseeing training, testing and certification of court interpreters
- assisting judicial districts in planning, implementing and maintaining problem-solving courts.

Judicial Programs

The mission of the Judicial Programs Department is twofold: to assist court administrators, judges and staff throughout Pennsylvania to ensure the efficient operation of Pennsylvania's minor and trial courts and to promote equitable access to and administration of justice.

In addition to providing support to judicial districts on issues related to their administrative functions, the department works 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:

- reviewing and assessing local court requests for state-level court administration personnel and other related human resources needs
- collecting, analyzing and disseminating data and information regarding court 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

In 2007 the department was involved in several noteworthy endeavors.

Office of Children and Families in the Courts

In 2007 the Supreme Court's initiative to improve outcomes for abused and neglected children in the judicial system came to life in the operations of the Office of Children and Families in the Courts (OCFC). This effort, funded entirely through federal grants, operates under the stewardship of Supreme Court Justice Max Baer with the support of the Supreme Court and the AOPC.

The first task of the OCFC was the creation of an infrastructure in which all relevant judicial, child welfare and educational officials in each county could meet to share information, discuss common problems and collaborate in crafting solutions to improve the child welfare system of each county. At the same time, a great need has been identified that will enable counties throughout Pennsylvania to share information so that common problems can be better identified and solutions achieved.

The infrastructure is known as the Pennsylvania's Roundtables for Children Initiative. At the base are local meetings in each judicial district known as Children's Roundtables that include child welfare professionals. Each Children's Roundtable sends two representatives to one of ten Leadership Roundtables where participants from counties of similar size discuss common problems and exchange ideas

for solutions. At the top of the structure is the Statewide Roundtable where representatives from each Leadership Roundtable, along with representatives from state agencies and organizations that have an impact on child welfare, meet to discuss issues and problems from a statewide perspective.

The complete infrastructure results in collaboration among agencies and branches and among the various judicial districts around the state, a true network of sharing among all groups involved in child welfare. The first complete round of meetings occurred at all three levels.

With regard to the need for complete and reliable data concerning the operations of juvenile dependency courts in the state, the OCFC is working with the AOPC's Judicial Automation Department to develop improved data in that area.

Problem-Solving Courts

Problem-solving courts, such as drug courts, DUI courts and mental health courts, were the subject of Judicial Programs' efforts in 2007.

With the desire and need among judicial districts to investigate or initiate problem-solving courts around the state, one of the key needs has been training for those courts. Through a grant from the Pennsylvania Commission on Crime and Delinquency (PCCD), a training program for existing drug courts was presented to an overflow crowd of 200 judges, administrators, attorneys and treatment court personnel in State College. Nationally known presenters spoke on a variety of treatment court topics.

A separate program was presented for court personnel from judicial districts, exploring the possibility of establishing treatment courts. This program also was sponsored by a grant from the PCCD. Teams from more than 15

districts heard from experts from Pennsylvania and throughout the nation about the basics of starting a problem-solving court.

Court Interpreters

In the wake of the passage of Act 172 of 2006, which requires that foreign language and sign language interpreters working in the courts of the Commonwealth be certified by the AOPC, the Judicial Programs Department created an interpreter certification program.

The first step toward the ultimate goal of testing and certification was the creation of a registry of court interpreters working in the state. The next step was a mandatory training session. Two-day sessions were presented in various locations across the state beginning in the spring and lasting through the summer.

Those who complete the training session are eligible to take a three-part test necessary to be certified. Applicants first must pass a written examination that measures the candidate's general English language proficiency and usage, knowledge of court-related terms and familiarity with ethical and professional conduct. Applicants then must pass a written exam that assesses their knowledge of the foreign language they speak. Candidates who pass both written exams must then take an oral performance exam that is a simulation of an actual courtroom interpretation. Those who complete this rigorous process become certified interpreters able to work in any court in the Commonwealth. Those who do not pass the final exam have the opportunity for further training and retesting. They still may work as court interpreters under limited circumstances.

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.

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.

The PACMS rewrite project began with Joint Application Development sessions with end-users to define requirements for the updated system. Based on these requirements, a document management component has been added to the project as well as e-filing as a later phase of the project. The system is slated to go live in mid-2009.

Common Pleas Case Management System (CPCMS)

CPCMS is a statewide case management system for Pennsylvania's trial courts that includes docketing, accounting and other important case management functions. The first phase of development covers criminal courts and is used primarily by clerks of courts, court administration and judges and their staffs.

The system produces more than 400 forms and reports, including master account reports. It provides a facility to export report data from the system to other applications such as Microsoft Excel and Access so that counties can customize the presentation of information, if desired.

CPCMS continues to be used by all clerks of courts offices, court administration offices and

criminal judges within the Commonwealth. Many regional training sessions and other ongoing training programs were held this year for both new and existing system-users. The training sessions focus on enhancements to the system as well as providing advanced training in complex areas such as accounting.

The use of the public and secure Web docket sheets continues in popularity with an average of one million hits per month.

This year, in conjunction with the newly established Center for Children and Families in the Courts, Judicial Automation began work on a dependency case module for CPCMS. Pilot counties were selected with a goal of implementing the module in most counties by the end of 2008. The focus of the system is to be able to generate local and statewide statistical information based on national performance measures that will allow the courts to assess their efficiency in handling dependency matters.

Magisterial District Judge System (MDJS)

The Magisterial District Judge System provides case management and accounting functions to all magisterial district judges (MDJs) and their staffs statewide, approximately 3,500 users. The system has been in place since 1992 and generates all forms needed for civil, criminal and traffic case-processing.

The MDJS rewrite project was kicked off early this year. A Joint Application Development team composed of magisterial district judges, their staffs and MDJ court administrators was appointed to work with Judicial Automation to develop system requirements. Meetings were held throughout the year to review new screens and functionality.

Development of the new system will be done in-house. The system will be a modern Windows-based system and will be much more flexible and easier to use.

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 (Philadelphia). The system includes payroll, human resources and finance modules.

Developers supporting this project continue to enhance the system and add new reports based on user requests. This year ASAP programmers have refined the judiciary's Web-based system for filing Statements of Financial Interest to allow judicial officers who retire or resign during the year to file their statements online.

The ASAP team also supports applications developed for the Board of Law Examiners.

Systems Support

The Systems Support team was focused on the following efforts during 2007:

- designing a new telecommunications infrastructure for the courts with competitively-selected vendors to support general office technology as well as use of the various case management systems supported by the AOPC
- developing plans for an in-house Network Operations Center to provide monitoring and dispatch services related to sites operating on the new telecommunications network as well as providing a monitoring infrastructure and the actual monitoring of critical applications servers, Web servers, Web sites and other IT infrastructure resources besides the network
- expanding the capacity of the judiciary's disaster recovery site in coordination with other judiciary efforts related to business continuity planning.

Deputy Court Administrator's Office

Judicial Security

The goal of Judicial Security is to make every state court facility in Pennsylvania a safe place not only for jurists and their staff, but for litigants and their families, jurors, witnesses, victims of crime and the general public to conduct their business.

In 2007 the AOPC completed the project to reimburse counties for the purchase of one or more of four physical security enhancements for courthouses: magnetometers, x-ray screening machines, wireless duress alarm systems and card-key access systems. Fifty-seven counties participated in this project.

The Unified Judicial System of Pennsylvania Judicial Safety Handbook was developed and distributed to all Common Pleas and magisterial district judges in the state as well as all court administrators. The handbook provides safety and security tips for judges to use in their courtrooms, courthouses and homes and in the community.

In addition to the handbook, the Security Manual and Guidebook developed in 2004 was updated to provide guidance on handling biohazard threats and events. The update was based upon the collaborative work of the AOPC and the University of Pittsburgh's Center for Public Health Preparedness.

In the fall a third round of regional workshops was conducted for all local court security committees throughout the Commonwealth. These committees, comprised primarily of president judges, sheriffs, court administrators, county commissioner chairs/county executives and magisterial district judges, are encouraged to meet regularly in order to formulate and implement plans to respond to emergency situations in their courts. During the third round, committee members participated in a table-top exercise designed to capture

strengths and weaknesses in response to an emergency scenario.

Also in the fall, a committee was formed to assist with the development of a proposal and selection of a vendor to provide for video arraignment capabilities in magisterial district courts. With funding from the Pennsylvania legislature, Judicial Security began the process to enable magisterial district judges to conduct preliminary arraignments via live video conferencing.

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 the magisterial district judge and Common Pleas courts, staff also monitor and report on legislation that may necessitate changes to the respective 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 Office of Human Resources, it also orients and answers any questions new employees may have as the employees become members of the judiciary staff.

Judicial Education

The Judicial Education Department was formed in 2005 to provide continuing education to Pennsylvania's jurists. The department works closely with various planning committees to design programs that address new and emerging areas of law and issues of import and interest to judges.

Supreme Court, Superior Court and Commonwealth Court

Since 2004 jurists on Pennsylvania's three appellate courts have attended an annual Appellate Courts Conference. The conference addresses the needs specific to judges serving appellate duties. In addition to educational programs, members of each court hold administrative sessions at these conferences.

The Appellate Courts Conference featured these programs in 2007:

- United States Supreme Court Update
- Executive Power in an Age of Terrorism
- Franklin Delano Roosevelt, Charles Evan Hughes and Judicial Independence.

Courts of Common Pleas

During 2007 more than 85 percent of all trial judges in the Commonwealth attended state-sponsored continuing education programs. Primarily, these programs were held at conferences of the Pennsylvania Conference of

State Trial Judges, which meets twice a year. Staff of the Judicial Education Department worked with the Education Committee of the conference to provide support for the conferences. The three-day conferences provided state-of-the-art educational programs and allowed judges to discuss issues of common interest and concern.

Among the programs at the conference's 2007 meetings were:

- Scientific Custody Evaluations
- Evidence and the Child Witness
- The Schiavo Case: The Right to Die
- Mentally Ill Defendants in the Criminal Court Setting
- Offender Assessment, Programming and Reentry Initiatives
- Bankruptcy Pointers for State Trial Judges
- Controlling Counsel in the Courtroom
- Civil Law Update
- Criminal Law Update
- The Cost of Justice
- Pandemic and Continuity of Operations Planning
- Contempt Powers in Support Enforcement
- Cultural Considerations in Family Court Proceedings
- The Psychological Dynamics of Mistaken Eye Witness Testimony
- The Sex Offender Registration and Notification Act for Juvenile Court Judges
- Proposed Changes to the Guardianship Statute

Symposia

The Judicial Education Department also presents symposia across the Commonwealth. These two-day programs allow jurists the opportunity for in-depth examination of discrete areas of law in smaller, more intensive groups. Often, these sessions are repeated in different regions of the state to maintain small group size and encourage open and critical discourse.

The department presented the following symposia in 2007:

- **Managing the Capital Case in Pennsylvania**
This program was developed with assistance from the Capital Litigation Improvement Initiative, a collaborative effort with staff at the National Judicial College funded through a grant by the Bureau of Justice Administration. In all, 166 Pennsylvania judges from 49 judicial districts (55 counties) completed the program.
- **Managing Complexities in Civil Litigation**
This program was offered in three locations across the state and was open to all trial court judges. The two-day program focused on identifying and managing complexities in civil litigation in a hands-on, workgroup format. Seventy-seven judges from across the Commonwealth attended the workshop.
- **New Judge School Faculty Development Workshop**
In addition to evaluating the New Judge School curriculum and identifying appropriate faculty, a "Train the Trainers" program was presented in November 2007 for New Judge School faculty. The training focused on incorporating the principles of adult learning into conference programs to enhance teaching effectiveness.

New Product Development

Several new products were developed during 2007 to enhance the educational

experience of judges and to increase efficiency in the delivery of educational programs. In addition, department staff contributed to the development of educational materials to enhance civic education about the judiciary and its role in our democracy. Included in these products:

- Legislators' Guide to the Pennsylvania Judiciary

The Judicial Education Department collaborated with staff from the Supreme Court's Judicial Council and the AOPC's Office of Communications and Legislative Affairs to produce a guide to the Pennsylvania judiciary for new legislators. Included in the guide are descriptions of the overall court system, the roles of the various courts, the committees that support the judiciary's activities and the history of the Pennsylvania judiciary.

- Public Health Law CD

The department collaborated with the Pittsburgh School of Public Health to produce an electronic version of the Pennsylvania Public Health Law Bench Book. The CD includes the full text of the bench book as well as the full text of all cases and statutes referenced therein, hyperlinked from the text for convenience. The electronic version was distributed to all trial judges in the Commonwealth.

- Conference Materials on CD

Select conference materials are now being provided on CD rather than in hard copy. The protocol for this was developed by the Judicial Education Department staff and effectively demonstrated at the 2007 annual meeting of the Pennsylvania Conference of State Trial Judges. The CD, with a table of contents, included all written materials from the conference as well as supplemental and non-essential materials. The purpose was to make supplemental material easily accessible, to reduce the size of the conference binder and to reduce costs. The new format has become the standard for judicial education conferences throughout the state.

- Faculty Handbook

A faculty handbook was developed for distribution to conference speakers in advance of their arrival at conferences. The handbook provides logistical information useful for an individual teaching at a judicial education conference. The handbook also provides speakers with suggested presentation techniques and tips on developing effective PowerPoint presentations.

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 and develops and administers AOPC hiring procedures
- formulates and administers position classification and pay plans for the UJS
- monitors and administers the UJS performance management system
- 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 for 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 \$358.1 million in annual appropriations, including \$39.8 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.

AOPC

2007 Membership

Honorable Jane Cutler Greenspan, *Chair*
Honorable Maureen Lally-Green, *Vice Chair*
Charles Becker, Esq.
William P. Bresnahan II, Esq.
Honorable Renee Cohn Jubelirer
Abraham J. Gafni, Esq.
Marcel Groen, Esq.
James C. Haggerty, Esq.
Honorable Richard Klein
James J. Kutz, Esq.
Susan Moyer, Esq.
James Sargent, Esq.
Alison Taylor, Esq.

Staff

Dean R. Phillips, Esq., *Counsel*
D. Alicia Hickok, Esq., *Deputy Counsel*
Scot R. Withers, 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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2007 Activities

The following recommendations were promulgated by the Supreme Court in 2007:

Recommendation 4 of 2006: Amendments of Rules 108, 301 and 903 to conform them to the amendments to Pa.R.Crim.P. 462, 720 and 721 and their Notes. The Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee made these recommendations because of the lack of clarity as to when the **time for appeal** begins in a criminal matter in which no post-sentence motions are filed. Adopted 1-18-07, effective 8-1-07.

Recommendation 1 of 2007: Amendment of Rule 1925. **Opinion in Support of Order.** Adopted 5-10-07, effective 6-9-07.

Recommendation 2 of 2007: Amendment of Rule 1931 to extend the time a trial court has for **transmitting the record** to the intermediate appellate court. Adopted 5-10-07, effective 6-9-07.

Recommendation 3 of 2007: Correction of references to Rule 1762. Adopted 5-15-07, effective immediately.

Recommendation 4 of 2007: Amendment of Rule 2111 to reflect the **language** used in the recommended amendments to Pa.R.A.P. 1925. Adopted 5-10-07, effective 7-9-08.

Recommendation 5 of 2007: Amendment of Rules 1301 and 2187 to reduce the **numbers of copies** to be filed in the Superior and Commonwealth courts. Adopted 6-26-07, effective immediately.

The following recommendation was submitted to the Supreme Court in 2007:

Rules of Appellate Procedure 102, 121, 122, 123, 905, 909, 911, 1101, 1102, 1112, 1116, 1123, 1311, 1314, 1321, 1514, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309: Proposed amendments

pertaining to **filing and service of documents**. This recommendation was subsequently withdrawn by the committee to ensure internal consistency among the proposed amendments. The committee expects to resubmit it in 2008.

In addition, the committee formed a joint subcommittee with the Criminal Procedural Rules Committee to examine an issue that had been raised by court personnel about whether any court—and if so, which—had the authority to grant bail in a Post-Conviction Relief Act (PCRA) matter where the petitioner was denied relief in the PCRA trial court. The committee published a recommendation on bail, and the joint subcommittee is currently considering the comments received in response.

The joint subcommittee also considered a PCRA issue related to *Commonwealth v. Bennett*, 593 Pa. 382, 400 n.12, 930 A.2d 1264, 1274 n.12 (2007).

At the Supreme Court's request, the committee considered whether the appellate rules should be amended in light of the new civil *pro hac vice* rules; *Miller Elec. Co. v. DeWeese*, 589 Pa. 167, 907 A.2d 1051 (2006) and *Vaccone v. Syken*, 587 Pa. 380, 899 A.2d 1103 (2006).

2008 Plans

The committee will continue to study *Vaccone v. Syken* as pertains to the proper procedure for seeking Supreme Court consideration of an intermediate appellate court's quashing of an appeal.

The committee has reviewed new Rules of Civil Procedure governing *pro hac vice* admission and will be participating in an effort to develop a unified rule governing this issue, applicable in all trial and appellate proceedings.

The committee plans to examine the time required to process certain cases involving the rights and needs of children through the

appellate courts. In consultation with the Office of Children and Family in the Courts, the committee will focus on the critical need to reach a final decision in such cases so that children can be placed in stable environments.

The goal is to move these cases as quickly as possible from the trial court to the appellate court without impairing appellate review and without imposing unrealistic deadlines upon counsel or the courts.

AOPC

2007 Membership

Michael W. King, Esq., *Chair*
Gregory P. Miller, Esq., *Vice Chair*
Patti S. Bednarik, Esq.
Karen Engro, Esq.
Jeanette H. Ho, Esq.
Barbara W. Mather, Esq.
William R. Sasso, Esq.

Staff

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Deputy Executive Director*
Brenda K. Kovanic, *Director of Testing*
Brian S. Mihalic, *Director of Information Technology*

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, deputy executive director, counsel to the board/supervising law examiner, director of testing, 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

5070 Ritter Road,
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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.

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 percent and the MBE portion weighted 45 percent. 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 three 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 it 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 nine points or less below passing, (i.e., 263-271).

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 20 hearings were held in 2007.

2007 Statistics

Statistics for 2007, including a comparison with 2006's figures, can be found in Table 3.2.1 on page 38. Chart 3.2.2 on page 39 details the percentage of those passing the bar since 1998 while Chart 3.2.3 on page 40 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 500 applications for admission on motion and for character and fitness determination.

2007 Activities

The board met eight times in 2007 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. 301, regarding procedures for *pro hac vice* admissions.

This amendment was proposed to eliminate the prohibition against the imposition of a fee for admission *pro hac vice*, and to provide that an applicant seeking admission *pro hac vice* must provide such information and pay such fee to the IOLTA Board as required by regulations. The amendment also provides that a failure to comply with applicable regulations promulgated by the IOLTA Board constitutes good cause for denial of a motion for admission *pro hac vice*.

Adopted 6-29-07, effective 9-4-07.

Filing Fees

The filing fees charged for processing applications in 2007 are as follows:

For new applicants:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee.

For Re-applicants:

- \$250 first-time filing fee
- \$400 late first filing fee

Admission applications	approx. 3,000	
Sitting for the February Exam	724	
Change from 2006	(117)	(13.91)%
Persons passing February exam	402	
Persons failing February exam	322	
Passing Percentage	55.52%	
2006 Passing Percentage	57.67%	
Sitting for July exam	2,004	
Change from 2006	(74)	(3.56)%
Persons passing July exam	1,559	
Persons failing July exam	445	
Passing Percentage	77.79%	
2006 Passing percentage	76.08%	

Table 3.2.1

- \$650 second late filing fee
- \$950 final filing fee.

Other:

- \$1,000 for admission on motion
- \$650 for application for limited in-house counsel license.

AOPC

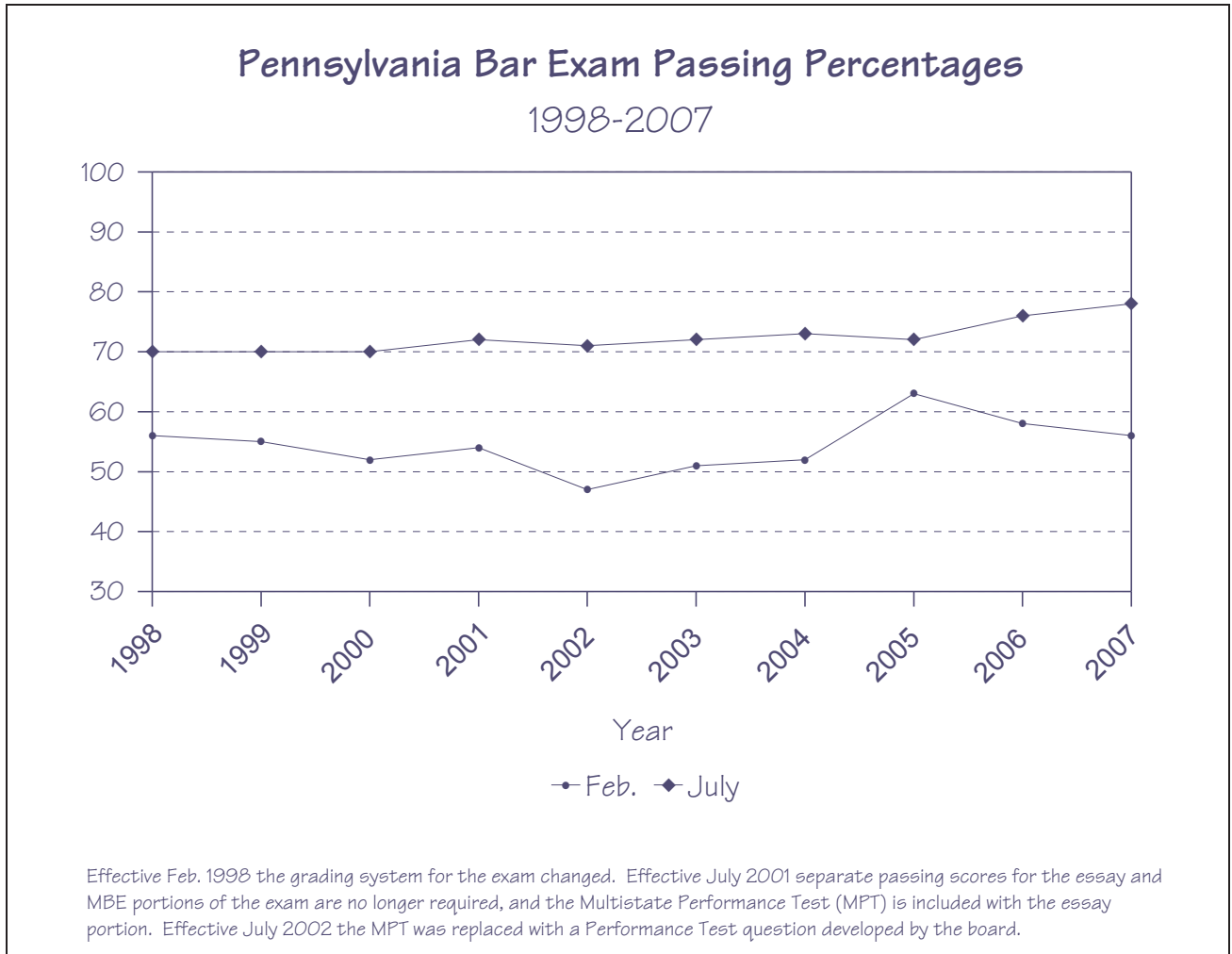
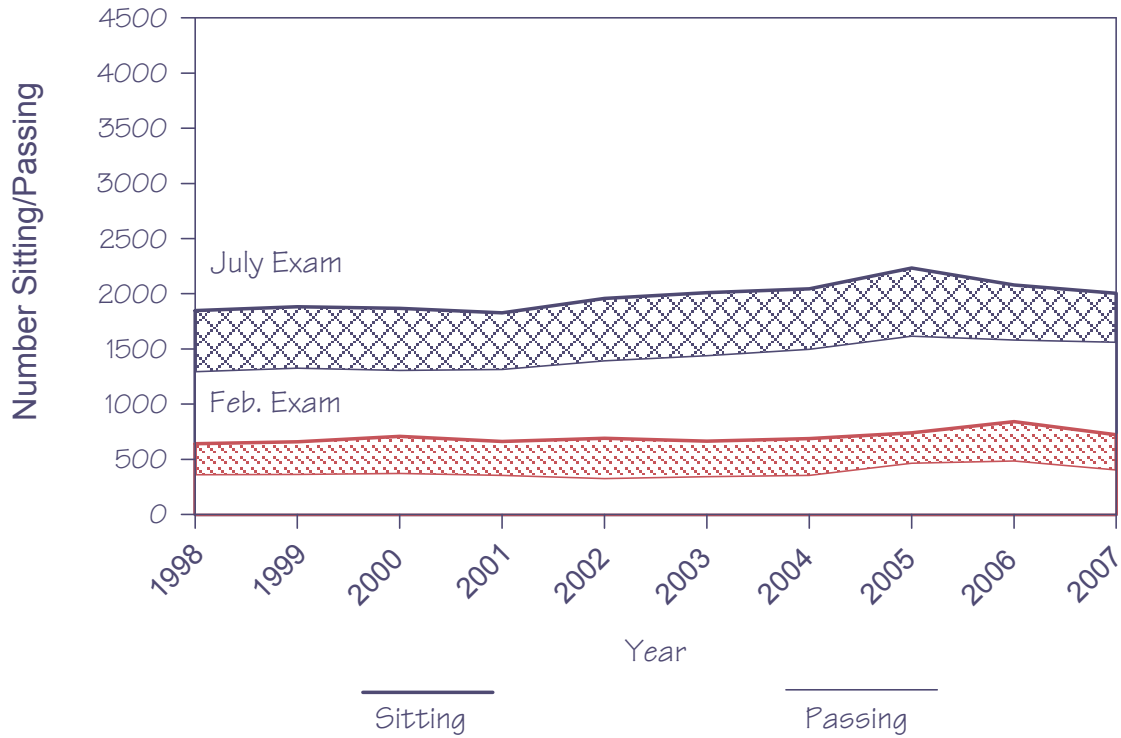


Table 3.2.2

Comparison of Applicants Sitting to Applicants Passing



Effective Feb. 1998 the grading system for the exam changed. Effective July 2001 separate passing scores for the essay and MBE portions of the exam are no longer required, and the Multistate Performance Test (MPT) is included with the essay portion. Effective July 2002 the MPT was replaced with a Performance Test question developed by the board.

Table 3.2.3

2007 Membership

Honorable R. Stanton Wettick, Jr., *Chair*
Honorable Stewart L. Kurtz, *Vice Chair*
Jerrold P. Anders, Esq.**
C. Lee Anderson, Esq.
Robert C. Daniels, Esq.
Nancy H. Fullam, Esq.
Heather S. Heidelbaugh, Esq.*
Honorable Kevin A. Hess
Michael R. Kehs, Esq., *ex officio*
Robert O. Lampl, Esq.**
Honorable William J. Manfredi
Howard F. Messer, Esq.
Leta V. Pittman, Esq.
Gary A. Rochestie, Esq.
James R. Ronca, Esq.
Andrew J. Stern, Esq.
William F. Stewart, Esq.
Arthur H. Stroyd, Jr., Esq.*

Staff

Harold K. Don, Jr., Esq., *Counsel+*
Karla M. Shultz, Esq., *Research Assistant*
Elizabeth J. Knott, *Administrative Assistant*

* Term expired 6-30-07

** Effective 6-30-07

+ Retired 12-31-07

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

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2110
e-mail civil.rules@pacourts.us

2007 Activities

The committee held four meetings in 2007 as follows:

March	Philadelphia
June	Pittsburgh
September	Pittsburgh
November	Philadelphia

2007 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 following recommendations were promulgated in 2006 with effective dates in 2007:

Recommendation 210: Execution Sale of Real Property Amendment of Rule 3129.3 to permit two postponements of a sale of real property upon execution within 130 days of the scheduled sale without giving new notice. Also, promulgation of new subdivision (c) to provide that when the plaintiff or a representative does not attend the sale of real property, the property will not be sold, and the sheriff will return the writ of execution to the prothonotary and file a return pursuant to Rule 3139. The plaintiff may again seek to have the property sold, but must recommence the proceedings. Promulgated 10-24-06, effective 1-1-07.

Recommendation 212: Format of Legal Papers New Rule 204.1 governing the format of pleadings and other legal papers filed with the court in civil actions and proceedings. The rule is almost identical to current Pennsylvania

Rule of Appellate Procedure 124(a) and to new Rule of Criminal Procedure 575(C). It was promulgated to foster uniformity of format. Promulgated 7-7-06, effective 2-1-07.

The Supreme Court promulgated the following recommendations in 2007:

Recommendation 211: Admission Pro Hac Vice New Rule 1012.1 governing admission of an attorney *pro hac vice* in civil cases. The rule achieves a uniform statewide practice, provides information and guidance to the court in the evaluation of a motion for such an admission and imposes obligations upon both the attorney seeking admission and the attorney sponsoring the admission. It supplements Pennsylvania Bar Admission Rule 301, which authorizes a court to grant admission *pro hac vice* provided that a Pennsylvania attorney has agreed to act as the attorney of record. Promulgated 6-29-07, effective 9-4-07.

Recommendation 214: Petition to Transfer Structured Settlement Payment Rights New Rule 229.2 governing transfer of structured settlement payment rights to provide additional information necessary for a trial court to determine whether a petition to transfer such rights satisfies the best interest standard. Promulgated 6-15-07, effective 9-1-07.

Recommendation 215: Exemption of Funds from Execution New Rule 3111.1 to explicitly state that a defendant's funds on deposit in particular accounts with a bank or other financial institution are exempt from execution. Numerous federal and state statutes provide that funds paid to individuals, such as Social Security payments, are exempt from execution, levy and attachment. This rule brings the Pennsylvania Rules of Civil Procedure into compliance with such statutes. Promulgated 2-7-07, effective 4-1-07.

Recommendation 216: Mortgage Foreclosure Amendments to the rules governing the action of mortgage foreclosure and proceedings in execution, both as to money judgments and

judgments of mortgage foreclosure, to implement provisions under Section 9604(a) of the Uniform Commercial Code. Promulgated 3-13-07, effective 6-1-07.

Recommendation 217: Video Depositions Amendments to Rule 4017.1 to allow a party to take video depositions as a matter of course and to changed the terminology from “video-tape deposition” to “video deposition.” Promulgated 4-25-07, effective 7-1-07.

Recommendation 218: Cross-claims and Joinder of Additional Defendants New Rule 1031.1 to assert that a claim by one party against another party is to be pleaded as a cross-claim. Also, amendment to Rule 2252(a) governing joinder of additional defendants to limit to the joinder a person not already a party to an action. Amendment to Rule 2253(a) to allow a joining party to join an additional defendant without leave of court if the joinder is accomplished within one of two time frames, whichever is longer. Promulgated 3-23-07, effective 6-1-07.

Recommendation 219: Electronic Filing and Service of Legal Papers Amendment to Rule 205.4 to accommodate both permissive and mandatory electronic filing systems and to make the practice more useful to both the attorney and the court. Also, new Rule 239.9 requiring that a county implementing an electronic filing system must promulgate a local rule setting forth in detail the county’s system. Promulgated 11-14-07, effective 12-14-07.

Recommendation 221: Pre-Complaint Discovery New Rule 4003.8 to establish a two-prong test for pre-complaint discovery, viz., that (1) the information sought must be material and necessary to the filing of the complaint, and (2) the discovery will not cause any unreasonable annoyance, burden, embarrassment or expense to anyone. Promulgated 9-20-07, effective 11-1-07.

Recommendation No. 223: Lien of Award in Compulsory Arbitration Rescission of Rule

1307(b) to eliminate the creation of a lien on real estate when an award of arbitrators is entered by the prothonotary on the docket. If a defendant does not appeal the award, the plaintiff may enter judgment and obtain a lien. If the defendant appeals the award, a lien may attach upon verdict of a jury or decision of the court. Promulgated 11-2-07, effective 1-1-08.

Recommendation No. 224: Post-Trial Practice Amendments to Rule 227.4 (a)(1) and Rule 237 to remedy an omission to include a nonsuit by the court together with the verdict of a jury and the decision of a judge. Promulgated 11-2-07, effective 1-1-08.

Recommendations Pending

The following recommendations remain pending before the Supreme Court:

Recommendation No. 222: Juror’s Use of Electronic Devices Proposed Rule 223.1(d) to inform and remind jurors that cellular phones and laptop computers are not to be used by jurors as they perform their duties during the trial or jury deliberations.

Recommendation No. 225: Voir Dire Proposed addition of a note to Rule 220.1(a)(16) governing voir dire to provide an example of the type of information that may be sought from potential jurors to achieve a competent, fair, impartial jury in a particular case.

Recommendation 226: Points for Charge Proposed amendment to Rule 226 adding a note to resolve the problem of making points for charge part of the record for appellate review.

The following recommendations were published during 2007 for comment and remain pending before the committee:

Recommendation No. 227: Certificate of Merit Proposed amendments to Rule 1042

pertaining to certificate of merit in professional liability actions as follows:

- Rule 1042.1(a) - clarification that the rule includes actions against a partnership, unincorporated association, corporation or similar entity responsible for a licensed professional who deviates from an acceptable professional standard. Also, new subdivision (c) to clarify that an action against a health care provider may include a claim for lack of informed consent.
- Rule 1042.2(b) - amendment to reflect case law relating to the requirement for preliminary objections as a prerequisite to filing a *praecipe* for a judgment of *non pros* for failure to file a certificate of merit.
- Rule 1042.6(a) - new rule to require a defendant to give a 30-day notice of intention to file a *praecipe* for a judgment of *non pros* for failure to file a certificate of merit.
- Rule 1042.6(c) - new rule to provide that once a notice of intention to seek a judgment

of *non pros* has been filed, the plaintiff may file a motion to seek court determination that the certificate of merit is not required.

Recommendation No. 228: Contention Interrogatories Proposed addition of Civil Discovery Standard No. 8 of the American Bar Association (2004), a guideline for the use of contention interrogatories, as a note to Rule 4003.1(c) governing discovery of contention and opinions and as the second paragraph to the present note to Rule 4005(a) governing written interrogatories to a party.

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
210	Amendment of Rule 3129.3 and promulgation of new Rule 3129.4 governing execution sales of real property	Promulgated 10-24-06, effective 1-1-07
211	Promulgation of new Rule 1012.1 governing admission <i>pro hac vice</i>	Promulgated 6-29-07, effective 9-4-07
212	Promulgation of new Rule 204.1 governing format of legal papers	Promulgated 7-7-06, effective 2-1-07
214	Promulgation of new Rule 229.2 governing petition to transfer structured settlement payment rights	Promulgated 6-15-07, effective 9-1-07
215	Promulgation of new Rule 3111.1 governing exemption from execution of certain recurring electronic deposits	Promulgated 2-7-07, effective 4-1-07
216	Proposed amendments to rules governing mortgage foreclosure to accommodate Section 9604(a) of the Uniform Commercial Code	Promulgated 3-13-07, effective 6-1-07
217	Proposed amendment to Rule 4017.1 governing videotape depositions	Promulgated 4-25-07, effective 7-1-07
218	Proposed new Rule 1031.1 governing cross-claims and amendment of Rule 2251 <i>et seq.</i> governing joinder of additional defendants	Promulgated 3-23-07, effective 6-1-07
219	Amendment of Rule 205.4 governing electronic filing of legal papers and promulgation of Rule 239.9 governing local rules	Promulgated 11-24-07, effective 12-14-07
221	Promulgation of new Rule 4003.8 governing pre-complaint discovery	Promulgated 9-20-07, effective 11-1-07
222	Amendment of Rule 223 governing jurors' use of electronic devices	Pending with Court
223	Rescission of Rule 1307(b) governing lien of award in compulsory arbitration	Promulgated 11-2-07, effective 1-1-08

continued...

Table 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
224	Amendment of Rule 227.4 governing post trial practice	Promulgated 11-2-07, effective 1-1-08
225	Amendment of Note to Rule 220.1(a)(16) governing voir dire	Pending with Court
226	Addition of note to Rule 226(a) governing points for charge	Pending with Court
227	Amendment of Rule 1042.1 <i>et seq.</i> governing certificate of merit	Pending with committee
228	Addition of notes to Rules 4003.1 and 4005 governing interrogatories	Pending with committee

Table 3.3.1, cont'd.

2007 Membership

Civil Jury Instructions Subcommittee

Lee C. Swartz, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Barbara R. Axelrod, Esq., *Reporter*
Honorable Mark I. Bernstein
Clifford A. Rieders, Esq.
Ira B. Silverstein, Esq.

Criminal Jury Instructions Subcommittee

Professor Bruce A. Antkowiak, *Chair*
Honorable Ernest J. Disantis, Jr.
Ronald Eisenberg, Esq.
Jules Epstein, Esq.
Frank G. Fina, Esq.
James Robert Gilmore, Esq.
Honorable Robert A. Graci
Honorable Renee Cardwell Hughes
Honorable Jeffrey Alan Manning
Arthur Murphy, Esq., *emeritus member*
Honorable William H. Platt
Sandra Preuhs, Esq.
Bernard L. Siegel, Esq.
Stuart B. Suss, Esq.
Honorable Carolyn Engel Temin
James J. West, Esq.

Staff

Roger B. Meilton, Esq., *Assistant Reporter and Secretary*
Lydia L. Hack, 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 2007 the Civil Jury Instructions Subcommittee continued its mission of updating the Suggested Standard Civil Jury Instructions included in the Third Edition (2005). In preparation for releasing a supplement to the Third Edition, the subcommittee incorporated revisions based upon case law developments, new Rules of Civil Procedure and new legislation as well as comments from lawyers and judges.

The subcommittee continues its plain-English objective to revise the instructions to make them more understandable to lay jurors. It is committed to updating the instructions every 18 to 24 months.

Criminal Instructions

In 2007 the subcommittee continued its mission of updating the Pennsylvania Suggested Standard Criminal Jury Instructions included in the Second Edition (2005). This reference contains hundreds of criminal instructions keyed numerically to the Crimes Code with many offering alternative language depending on the case facts.

Committee members continually monitor pertinent case law to update the subcommittee notes, which offer commentary explaining the appropriate instruction application, identifying relevant case law citations and offering practical guidance. The subcommittee's ongoing goal is to improve the language of the instructions to ensure that a proper statement of law is conveyed and that the instructions are accessible to the jurors applying them. The subcommittee is committed to updating the instructions every 18 to 24 months. **AOPC**

2007 Membership

Professor Sandra D. Jordan, *Chair*
Bridget E. Montgomery, Esq., *Vice Chair*
Syndi L. Guido, Esq.
Michael J. Manzo, Esq.
Deborah D. Olszewski, Esq.
Professor Leonard Packel, Esq., *Official Reporter*
Neil R. Rosen, Esq.
Kelly M. Sekula, Esq.
Honorable Clyde W. Waite
Kathleen D. Wilkinson, 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 700
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.pacourts.us, under Supreme Court Committees tab. (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.

2007 Activities

The committee met three times in 2007.

Members continued in 2007 to participate in various programs and seminars about the rules. These sessions provide the members with excellent opportunities to answer questions and to gather input about the rules.

The committee also continued its work with members of the legislature concerning the

interplay between the Rules of Evidence and existing evidentiary statutes.

2007 Committee Action

Amendment to Pa.R.E. 601 Comment to include two cases interpreting the language of Rule 601. In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court addressed the effect on a child's capacity to testify as a result of techniques that taint the child's memory and ability to testify truthfully. In *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998), the Supreme Court held that the issue of a child's competency must be decided outside the presence of the jury. Pending with Court. Approved 11-2-07, effective 12-14-07.

Amendment to Pa.R.E. 104 Comment to delete the word "error" from the *per se* rule language requiring a competency hearing to be held outside of the presence of the jury and replacing the word "tainted" with the word "impaired." Promulgated 5-15-07, effective 6-15-07.

Amendment to Pa.R.E. 606(b) Comment to make it clear that Pennsylvania was not adopting the change in Federal Rules of Evidence 606(b) permitting the Court to hear testimony from a juror regarding a mistake in entering the verdict on the verdict form. Promulgated 9-14-07, effective 10-17-07.

Looking Ahead to 2007

The committee plans to continue to monitor the Rules of Evidence and case law interpreting the rules and evidence law as members of the bench and bar become more familiar with using the rules. It will also continue to work with members of the legislature on the statutory/rule project begun in 1998.

AOPC

2007 Membership

Robert C. Heim, Esq., *Chair*
Kelly H. Shuster, Esq., *Vice Chair*
Richard Antonelli, Esq.
Honorable Phyllis Beck
Samuel Tyrone Cooper III, Esq.
Leonard Dubin, Esq.
Martin Greitzer, Esq.
Abraham C. Reich, Esq.
Stuart Savett, Esq.
Lawrence Tabas, 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.

Continuing

Legal

Education

Board

5035 Ritter Road,
Suite 500
Mechanicsburg, PA 17055
(717) 795-2139
(800) 497-2253
e-mail pacleb@pacle.org
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 randomly assigned. 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 three committees, each covering a major area of operations: Accreditation, Administration and Compliance. A description of each committee follows.

Accreditation Committee

The Accreditation Committee has three members: Samuel T. Cooper, III, Esq.; Leonard Dubin, Esq. and Stuart Savett, 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 Robert C. Heim, Esq.; Kelly H. Shuster, Esq. and Samuel T. Cooper III, 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. This committee also oversees the budget, annual independent audit and review of board operations.

Compliance Committee

Martin Greitzer, Esq.; Richard Antonelli, Esq. and Lawrence Tabas, Esq. comprise the Compliance Committee. This committee oversees attorney compliance; reviews requests for waivers, extensions and deferrals; reviews determination of lawyer noncompliance and makes recommendations to the board for action regarding these issues.

2007 Board Actions and Operations Highlights

The board held three meetings in 2007.

Distance Learning Teleconference Pilot Project

Two thousand seven marked the halfway point of the board's two-year pilot project to review and explore the accreditation of teleconferences as an additional form of distance learning. This type of class allows lawyers the option of earning CLE credit through participation in pre-approved telephone seminars offered by accredited providers. Credits earned in this method are considered distance learning credit and count towards the four-hour distance learning cap per compliance period.

A report and recommendation on Teleconference Accreditation will be filed with the Supreme Court in 2008.

Automated System for Accredited Providers (ASAP)

ASAP is an internally-developed Internet software that allows for the paperless reporting

of provider courses, course attendance and course evaluations. It is used by more than 250 accredited CLE providers. In 2007 82 percent of credit hours were reported electronically.

CLEReg: National Organization for Continuing Legal Education Regulators

Pennsylvania maintained a strong and active presence in the Organization for Continuing Legal Education Regulators (CLEReg) (formerly Organization of Regulatory Administrators, or ORACLE). Past president (2003) Dan Levering continued to serve on the Management and Technology committees. Office manager Katey Buggy served as vice president in 2007 and on the membership committee. Ms. Buggy will become president of CLEReg in 2008.

Two meetings were conducted in 2007.

Technology Update

The board held three successful disaster recovery exercises. In the event of disaster, it should be able to adequately reestablish technical operations within eight hours.

Other Accomplishments

The annual providers conference was held in June 2007 and included a presentation on Adult Learning Theory and Strategies, a discussion on professionalism and an update on Pennsylvania continuing legal education news.

Pursuant to Criminal Procedure Rule 801, "Qualifications for Defense Counsel in Capital Cases," the board accredited 88 capital counsel training programs as well as maintained an online mechanism to identify lawyers who have the requisite credits that allow them to serve as counsel in capital cases.

Attorney Compliance

Lawyer compliance rates with the CLE requirement remain extremely positive. Chart 3.6.1 on page 54 indicates the high percentage of lawyers who meet the rule requirements.

Looking Ahead to 2008

The board will work or continue to work on the following in 2008:

- major update to the Bridge the Gap Program and revision to the DVD. This update will encompass changes in the law as well as a modernized approach to the delivery of information and content.
- submission of a report and recommendation to the Supreme Court regarding the Teleconference (Distance Learning) Pilot Project, which will conclude in 2008
- transition to tapeless, Internet data backup process in an effort to reduce manual labor and increase efficiency
- telephone systems upgrade to Voice over IP (VOIP) technology. This project will prepare the office with compatible systems for the move to the Pennsylvania Judicial Center.
- expansion of online services for individual lawyers, including redesign of MyPACLE transcript pages, online payment options and e-mail subscriptions
- continued preparations ensure a smooth move of the board's data center and base of operations to the Pennsylvania Judicial Center.

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
03-04	18,224	18,720	104	99.4
04-05	19,223	19,141	82	99.6
05-06	19,672	19,602	70	99.6
06-07	20,214	20,117	97	99.5
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
03-04	18,753	15,664	89	99.5
04-05	19,098	19,019	79	99.6
05-06	19,556	19,443	113	99.4
06-07	19,934	19,842	92	99.5
				continued...

Table 3.6.1

Attorney Compliance, continued				
Compliance Group/ Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates (%)
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
03-04	18,887	18,792	95	99.5
04-05	19,443	19,347	96	99.5
05-06	19,882	19,797	85	99.6
06-07	20,231	20,107	124	99.4

Table 3.6.1, cont'd.

2007 Membership

Nicholas J. Nastasi, Esq., *Chair*
D. Peter Johnson, Esq., *Vice Chair*
John P. Delaney, Jr., Esq.
John L. Elash, Esq.
Risa Vetri Ferman, Esq.
Philip B. Friedman, Esq.
Daniel E. Fitzsimmons, Esq.
Charles J. Grant, Esq.
Stanley A. Greenfield, Esq.
Paul S. Kuntz, Esq., *ex officio*
Phillip D. Lauer, Esq.*
Honorable Lester G. Nauhaus
Marc Neff, Esq.
Honorable John T. Robinson
Richard A. Sheetz, Jr., Esq.
Graham C. Showalter, Esq.

Staff

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jeffery M. Wasileski, Esq., *Staff Counsel*
Suzanne M. Creavey, *Office Manager*

* Appointed 3-1-07

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

5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
(717) 795-2100
e-mail criminal.rules@pacourts.us

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.

2007 Activities

The committee held five full-committee meetings and several subcommittee meetings in 2007. The full-committee meetings were held in Blue Bell, Gettysburg, Hershey, Lancaster,

Mechanicsburg, Philadelphia, Pittsburgh and State College.

In 2007 the committee continued its work on the following:

- changes necessitated by the Magisterial District Judges System (MDJS) and the Common Pleas Criminal Courts Case Management System (CPCMS), the statewide automation of the magisterial district courts and the criminal division of the Common Pleas Courts, respectively.
- review of the rules affecting proceedings before the minor judiciary, both in summary cases, Chapter 4, and in court cases, Chapter 5. Of particular concern were issues relating to:
 - summary guilty pleas
 - procedures when a defendant fails to appear for a preliminary hearing
 - dissemination of arrest warrant and search warrant information
 - fingerprint orders.

Other areas of inquiry and study by the committee included:

- bail
- use of detainers
- continuances
- use of electronic returns for certified mail
- Rule 600
- uniform guilty plea and waiver of counsel colloquies.

In addition, the committee continued to monitor local rules, particularly issues raised by the MDJS and CPCMS staff and responded to specific inquiries from the Supreme Court and to issues that arose in case law.

The committee communicated regularly with the Court's other advisory committees and the Administrative Office of Pennsylvania Courts concerning various procedural matters in an ongoing effort to achieve uniformity and

consistency in interrelated procedural and administrative matters.

2007 Committee Action

The Supreme Court adopted seven committee recommendations for rule changes in 2007. A number of other recommendations remained pending with the Court. They are all described below and are summarized in the Status of Recommendations chart beginning on page 61.

Proposals Adopted by the Supreme Court

Note: The Final Reports for any of these proposals can also be found on the committee's Web page at www.pacourts.us, under the Supreme Court Committees tab.

Recommendation No. 5, Criminal Rules 2006: Changes further clarifying the procedures when a **defendant fails to appear for preliminary hearing**. Adopted 5-1-07, effective 9-4-07. See Final Report at 37 *Pa.B.* 2503 (June 2, 2007), 921 *A.2d* No. 3 and 922 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 357.

Recommendation No. 9, Criminal Rules 2006: Changes to Rules 462, 720 and 721 clarifying that the time for appeal **when no post-sentence motion is filed** runs from the date of the imposition of sentence. This proposal was developed in conjunction with the Appellate Court Procedural Rules Committee's development of its Recommendation No. 4 of 2006. Adopted 1-18-07, effective 8-1-07. See Final Report at 37 *Pa.B.* 526 (February 3, 2007), 913 *A.2d* and 914 *A.2d* Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 353.

Recommendation No. 10, Criminal Rules 2006: Changes to Rules 403, 409, 414, 424 and 454 concerning **summary case guilty pleas,**

intermediate punishment and sentences of imprisonment. Adopted 1-18-07, effective 8-1-07. See Final Report at 37 *Pa.B.* 760 (February 17, 2007), 915 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 354.

Recommendation No. 11, Criminal Rules 2006: Amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its **right to a jury trial in Municipal Court cases and transfer the case to Common Pleas Court.** Adopted 1-5-07, effective 3-6-07. See Final Report at 37 *Pa.B.* 313 (January 30, 2007), 912 *A.2d* No. 3 and 313 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 352.

Recommendation No. 1, Criminal Rules 2007: Amendments to Rule 801 to clarify that cases that end in a mistrial count towards "**eight significant cases,**" and ungraded felonies that have the same penalty as felonies of the first and second degree qualify as a "significant case." Adopted 4-13-07, effective immediately. See Final Report at 37 *Pa.B.* 1961 (April 28, 2007), 919 *A.2d* No. 3 and 920 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 356.

Recommendation No. 2, Criminal Rules 2007: Changes to the Rule 581 Comment emphasizing that the judge must enter findings of fact and conclusions of law at the conclusion of the **suppression hearing.** Adopted 11-2-07, effective 2-1-08. See Final Report at 37 *Pa.B.* 6204 (November 24, 2007), 934 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 359.

Recommendation No. 3, Criminal Rules 2007: Amendments to Rule 121 that moved the areas of **inquiry for a waiver** from the Comment to the text of the rule. Adopted 12-21-07, effective 2-1-08. See Final Report at 38 *Pa.B.* 62 (January 5, 2008), 939 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and Court's Web page at Order No. 360.

Proposals Pending with the Supreme Court

Recommendation No. 4, Criminal Rules 2004:

Proposed revisions of the comments to Rules 502, 503 and 504 clarifying that the **complaint may be electronically prepared, verified and transmitted**. (The Court put this proposal on hold 8-16-04 at the request of the MDJS and CPCMS staff until the technology is in place to accommodate this change.)

Recommendation No. 4, Criminal Rules 2007:

Proposed amendments to Rule 105 to **require pre-amendment approval by committee of all local rules**.

Recommendation No. 5, Criminal Rules 2007:

Proposed amendments to require that **fingerprint orders be sent with the summons** in cases begun by summons.

Looking Ahead to 2008

The committee's efforts in 2008 will include the following:

- working with the CPCMS, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- working with the AOPC during the initial phases of the redesign of the MDJS
- continuing to monitor the application of new Rule 644 that permits juror note taking in criminal cases during the three-year period the Court has allowed to study this practice
- examining detainer practices, written guilty plea colloquy forms, pretrial practices, public access issues, bail procedures and local rules procedures
- working on rules affecting the minor judiciary
- monitoring criminal practice and procedure and the criminal rules in general. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
4, 2004	Revisions of comments to Rules 502, 503 and 504, clarifying that complaint may be electronically prepared, verified and transmitted	Put on hold indefinitely by Court 8-16-04
5, 2006	New Rule 559, amendments to rules 509, 510, 511, 512, 536, 542, 543, 547 and 571 clarifying procedures when defendant fails to appear for preliminary hearing	Adopted 5-1-07, effective 9-4-07
8, 2006	Proposed amendments to Rule 107 establishing the procedures for issuing subpoenas by magisterial district judges and Courts of Common Pleas	Rejected by the Court 6-25-07
9, 2006	Amendments to Rules 462 and 721 and Comment to Rule 720 clarifying that the time for appeal when no post-sentence motion is filed runs from the date of imposition of sentence	Adopted 1-18-07, effective 8-1-07
10, 2006	Amendments to Rules 403, 409, 414, 424 and 454 concerning summary case guilty pleas, intermediate punishment and sentences of imprisonment	Adopted 1-18-07, effective 8-1-07
11, 2006	Amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its right to a jury trial in Municipal Court cases and transfer the cases to Common Pleas Court	Adopted 1-5-07, effective 3-6-07
1, 2007	Amendments to Rule 801 clarifying qualifications for "significant cases"	Adopted 4-13-07, effective immediately
2, 2007	Revision of the Comment to Rule 581 emphasizing that the judge must enter findings of fact and conclusions of law at the conclusion of the suppression hearing	Adopted 11-2-07, effective 2-1-08
3, 2007	Amendments to Rule 121 moving the areas of inquiry for a waiver from the Comment to the text of the rule	Adopted 12-21-07, effective 2-1-08

Table 3.7.1

2007 Membership

Gary G. Gentile, Esq., *Chair**
Jonathan H. Newman, Esq., *Chair***
Smith Barton Gephart, Esq., *Vice Chair+*
Marc S. Baer
Laurence H. Brown, Esq.
Carl D. Buchholz, III, Esq.
Sal Cagnetti, Jr., Esq.
Stewart L. Cohen, Esq.
Robert E. J. Curran, Esq.
Charlotte S. Jefferies, Esq.
Francis X. O'Connor, Esq.
William A. Pietragallo, Esq.
Marc S. Raspanti, Esq.
Robert C. Saidis, Esq.
Robert L. Storey
Min S. Suh, Esq.
Donald E. Wright, Jr., Esq.

Staff

Joseph W. Farrell, *Executive Director*

* Term as chair expired 4-1-07

** Appointed chair 4-1-07

+ Appointed vice chair 4-1-07

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
fax (717) 731-7080
www.padisciplinaryboard.org

Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney from 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).)

2007 Statistics	
Attorneys	59,453
Change from 2006	2.03%
Complaints filed with board	4,733
Change from 2006	(0.71)%
Pending at start of 2007	1,092
Complaints disposed of	4,612
Total complaints resulting in discipline	262
Total pending at end of 2007	917

Table 3.8.1

2007 Activities

Statistics for 2007 can be found in Table 3.8.1 above.

The board met five times in 2007. The results of the executive sessions can be found in

Table 3.8.2 on page 66. 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 68. Comparisons of cumulative actions taken and actions taken in 2007 can be found in Chart 3.8.4 on page 70.

Rules Committee

The following rules changes were approved by the Supreme Court in 2007:

Pa.R.D.E. 219(d): Amendment to require that attorneys provide their current residence and office **addresses** on their attorney annual fee forms. They may also provide a preferred mailing address different from those addresses. Attorneys are also required to select one of the three addresses for public access through the board's Web site or upon written or oral request. Adopted 4-10-07, effective 4-28-07.

Pa.R.D.E. 402: Repeal of Rule 402(c)(4) and addition of new Rule 402(k) to provide that a **formal proceeding** that becomes open to the public will subsequently be closed if it results in the imposition of private discipline or dismissal. Adopted 5-23-07, effective 6-9-07.

Pa.R.D.E. 102: Amendment to lower the criteria by which an experienced **hearing committee member** would be eligible for promotion to senior hearing committee member. Adopted 6-26-07, effective 7-14-07.

The following proposals were published for comment in 2007:

Rule of Professional Conduct 1.15 and Rule of Disciplinary Enforcement relating to **Safe-keeping Property and Funds** of Clients and Third Persons—Mandatory Overdraft Notification.

Rule of Disciplinary Enforcement 402 relating to **Confidentiality of Disciplinary Proceedings**.

Education Committee

The Education Committee designed the program for the board's retreat meeting in July 2007. The topics were "Rule 6.5—Pro Bono Limited Legal Services to Clients", "Aging & Infirm Lawyers" and "Review of Reinstatement Procedures for Inactive Attorneys."

Rule 6.5 guest speaker was J. Richard Narvin, chief counsel of the Allegheny County Office of Conflict Counsel. The group discussed the impact Rules 1.2, 6.1 and 6.5 have on *pro bono* organizations that provide limited legal services to clients.

On the subject of aging and infirm lawyers, the group reviewed the final report of the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers (NOBC-APRL) Joint Committee on Aging Lawyers.

The board discussed the current reinstatement procedures for inactive status, reviewed the history of how these rules have changed over the years and discussed whether inactive attorneys should be charged an annual fee and whether an attorney who fails to pay the annual fee should be administratively suspended for non-payment as opposed to transferred to inactive status.

The Education Committee also redesigned the program at the training session for new hearing committee members, held September 11, 2007, in Hershey. Program topics included a review of the Hearing Committee's role in the discipline process; the practicalities of serving as members; types of discipline and how to determine discipline; the latest trends in both mitigation and aggravation and a review of recent changes in the system, opinions handed down by the Supreme Court and changes in the rules. Board members and staff presented the program, along with guest speaker Ellen C. Brotman, who brought the perspective from respondents' counsel.

Communications Committee

In September 2007, the board approved the production of a DVD to educate attorneys and consumers on the disciplinary system in Pennsylvania by providing a general overview in a manner that is brief, interesting and easy to understand. Once produced, the DVD will be available for viewing on the board's Web site and can be provided to consumer associations and organizations.

The chair of the Communications Committee reviewed a number of requests from attorneys to discontinue public access to their address information. The majority of requests received and approved in 2007 were from attorneys who were either active and not practicing law or were on inactive status and had no office address. A few requests citing safety and/or security issues were also approved.

Hearings and Hearing Committees

Hearing committee members are ranked based on their experience. Historically, senior members are those who have completed one full three-year term and who have conducted at least three hearings that required the preparation of transcripts and full reports to the board. Effective in July 2007, however, the Supreme Court approved an amendment to Pa.R.D.E. 102 to lower the criteria by which an experienced committee member is eligible for promotion to senior member. The board requested this change due to the increasing number of cases where hearings into formal charges are stayed pending resolution of joint petitions for discipline on consent and the number of joint petitions that have been approved. Senior members must now have completed one term and have conducted at least two hearings into formal charges of misconduct.

Experienced members are those who have completed at least one full year of service and who have conducted at least one hearing

into formal charges of misconduct. New members are those who are either still in their first year of service or have not yet had a full hearing.

As a result of the rule change, of the 35 experienced members who were eligible for reappointment to a second term on July 1, 2007, 33 were also eligible for promotion to senior status as opposed to only 15 members who would have been eligible under the prior rule.

A committee must be composed of at least one senior member and one senior or experienced member. A senior member chairs the committee. Only a senior or experienced member may conduct the mandatory prehearing conference.

New procedures were put in place to try to eliminate overdue Hearing Committee Reports. After the briefing schedule has passed, committee members are sent reminder letters by the board secretary. A week or two before the report is due, counsel to the board calls the committee chair to remind him/her of the upcoming due date and to offer assistance, if needed. Since the establishment of this new procedure, no reports have been overdue.

As of December 31, 2007, 90 senior members, 68 experienced members and 39 new members were serving on a *pro bono* basis to conduct hearings.

Disciplinary Board Web Site

One of the board’s goals is to better inform the public when attorneys receive

2007 Executive Session Results	
Action	Total
Adjudications involving formal charges	48
Board referrals to Supreme Court, including report and recommendation for public discipline	37
Oral arguments before three-member panels of board members	10
Considerations by three-member panels of recommendations for summary private reprimands	8
Appeals by Office of Disciplinary Counsel from Review Hearing Committee members before three-member panels	1
Respondents appearing before board or three-member panels to receive private reprimands	16
Hearings on petitions to revoke and/or modify probation	4
Approval of filing petitions with the Supreme Court for emergency temporary suspensions	2
Petitions for reinstatement to active status of attorneys inactive more than three years with no discipline involved	56

Table 3.8.2

discipline. To this end, in late October 2007, the board added a new component to its Web site to assure the public is informed of recent Supreme Court actions taken against attorneys.

The new Discipline Table, available from the main page, lists discipline against attorneys for the previous 60 days. It includes the attorney’s name; the date of the order; action taken and, where available, a link to the board’s report or joint petition for discipline on consent. The information is added within 24 business hours of a Supreme Court order being entered.

Users can also access discipline going back to 2004, and these tables can easily be sorted by date, attorney last name, type of

action taken, county where the attorney is located or attorney ID number.

Lobbying Disclosure Law

With the passage of Act 134 of 2006, the Lobbying Disclosure Law, a bi-partisan Lobbying Disclosure Regulations Committee was formed to create a new system for lobbying regulation and disclosure in Pennsylvania. The Department of State, State Ethics Commission, attorney general and Disciplinary Board have responsibility for administration and enforcement of the law. Laura K. Mohney, counsel to

to the Disciplinary Board, was appointed to serve on the committee.

Disposition of Complaints

At the request of the board, the chief disciplinary counsel, the executive director and the secretary of the board have taken steps to speed up the disposition of complaints. The board is cognizant of the fact that complainants and respondents deserve to have cases handled in a timely manner. A number of changes in procedures and productivity have served to significantly cut down the time it takes to process a case.

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 1993-2007

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	54	58	106	109	77	85	3,109
Private Reprimand	30	41	48	31	46	43	26	29	35	32	36	34	26	22	16	807
Probation	5	5	7	3	8	5	7	3	10	8	8	20	24	11	6	136
Public Censure	0	1	6	3	3	7	4	0	2	2	1	1	2	4	3	101
Suspension	12	23	26	37	33	24	23	30	27	29	31	38	51	65	48*	688
Disbarment	20	32	35	41	40	33	29	32	31	42	38	37	37	39	25+	855
TOTAL	152	177	196	185	236	200	137	139	145	167	172	236	249	218	183	5,696

Reinstatement Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
Petitions Granted	29	24	44	31	35	33	45	35	55	64	58	75	72	93	64#	1,045
Petitions Denied	1	0	1	0	2	1	4	2	3	4	4	2	1	1	2▲	52
TOTAL	30	24	45	31	37	34	49	37	58	68	62	79	73	94	66	1,097

* This figure includes 19 suspensions on consent (Rule 215 Pa.R.D.E.) but does not include eight temporary suspensions (Rule 214 Pa.R.D.E.) or eight temporary suspensions (Rule 208(f) Pa.R.D.E.)

+ This figure includes 13 disbarments on consent (Rule 215 Pa.R.D.E.).

This figure includes reinstatement to active status of 47 attorneys who had been inactive three or more years, twelve reinstatements after suspensions and five reinstatements after disbarment.

▲ This figure includes one reinstatement request denied after the attorney had been suspended and one reinstatement denied after the attorney had been disbarred.

Disciplinary Board Actions Comparison

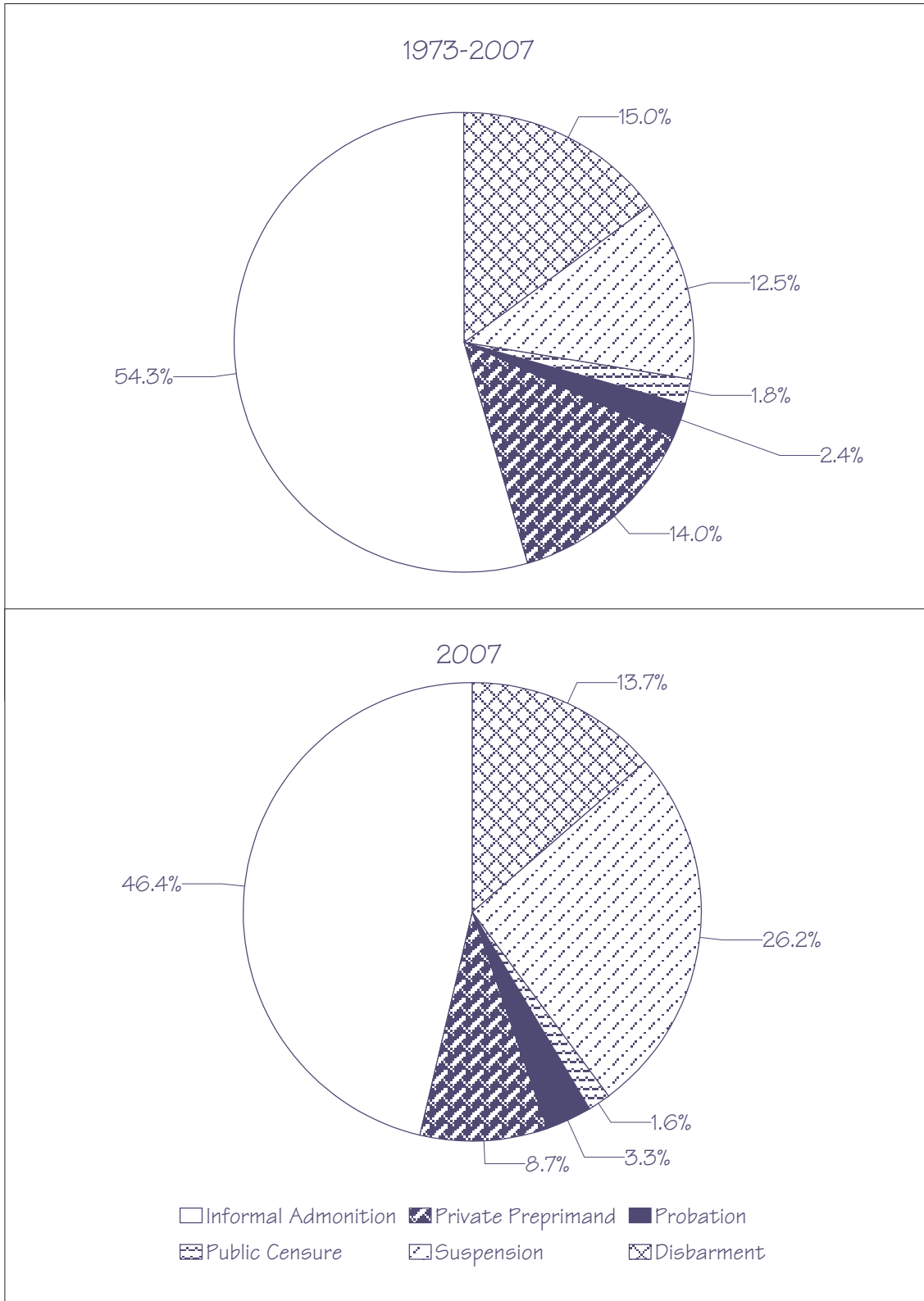


Table 3.8.4

2007 Membership

Nancy P. Wallitsch, Esq., *Chair*
Honorable Kevin M. Dougherty, *Vice Chair*
Carol A. Behers, Esq.
Honorable Kim Berkeley Clark
Mark M. Dalton, *ex officio*
Mark B. Dischell, Esq.
David N. Hofstein, Esq.
Honorable Anthony G. Marsili
Frederick R. Mogel, Esq.
James B. Yelovich, Esq.

Staff

Patricia A. Miles, Esq., *Counsel*
Terri Lynn 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

2007 Activities

The committee met four times in 2007 as follows:

February	Hershey
May	Harrisburg
September	Lancaster
October	Pittsburgh

Invited guests to these meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, judges, masters and family law practitioners.

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 2007 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, Pennsylvania Bar Institute programs, local bar association meetings, the Department of Public Welfare's Domestic Relations Directors' Conference and the Domestic Relations Association of Pennsylvania Conference.

2007 Recommendations

The following recommendations were promulgated by the Supreme Court or were pending with the Court or the committee in 2007. In general, internal numbers are assigned in the order in which each recommendation is submitted for publication. Beginning in 2007, recommendations are now renumbered when submitted to the Supreme Court.

Recommendation 4 of 2007 (Internal Recommendation 74). Amendments to Rules 1910.16-2(b) and 1910.16-4 relating to treatment, for purposes of calculating support, of **Social**

Security derivative benefits received by a child as a result of a parent's disability or retirement. Submitted 5-07.

Recommendation 81. Amendments to Rule 1910.1 to provide that the rules do not apply in actions seeking **support** for an indigent person under Chapter 46 of the Domestic Relations Code. The intent of the recommendation is to avoid any claim that support for an indigent relative should be calculated under the child support guidelines. Promulgated 1-22-07, effective immediately.

Recommendation 82. On May 2, 2006, the Supreme Court took the unusual step of promulgating Recommendation 79, proposed amendments to the rules governing **Protection from Abuse** actions, in the form in which they were published for comment, even though the comment period had not ended. It did so to assure that rules were in place to implement Act 66 of 2005 when it became effective on May 9, 2006. The committee continued to accept comments on Recommendation 79, and Recommendation 82 incorporated suggestions from those comments to improve the rules and assure consistency. Promulgated 2-6-07, effective 5-7-07.

Recommendation 2 of 2007 (Internal Recommendation 83). Amendments to the rule and form for the **appointment of an expert in custody matters** to clarify the responsibilities of the court, the parties and the expert. Promulgated 5-23-07, effective 8-1-07.

Recommendation 3 of 2007 (Internal Recommendation 85). Amendments to time periods for seeking *de novo* review or filing exceptions in **support contempt cases** to be consistent with the new time frames in Recommendation 73, adopted by the Supreme Court in 2006. It also addressed concerns about the effect of recent Superior Court opinions on support enforcement. Promulgated 6-11-07, effective immediately.

Recommendation 1 of 2007 (Internal Recommendation 86). Amendments to Rule 1920.14(a)

to clarify the procedure regarding petitions for **special relief in divorce cases**. Because the divorce rules incorporate the general civil rules by Rule 1920.1(b), averments in a petition may be deemed admitted pursuant to Pa.R.C.P. 206. Rule 1920.14(a), however, states that averments under the Divorce Code are deemed denied unless admitted by an answer. This amendment provides that averments in any petition for special relief will also be deemed denied unless admitted by an answer. Promulgated 4-11-07, effective immediately.

Recommendation 5 of 2007 (Internal Recommendation 88). Amendments to clarify the procedures following **record and non-record proceedings in custody cases**. Promulgated 10-30-07, effective immediately.

Recommendation 6 of 2007 (Internal Recommendation 89). Amendments to Rule 1910.11 and Rule 1920.31 to provide that in **support cases** that fall within the guidelines, even if the support claim is raised in a divorce complaint, no expense statement is necessary unless a party claims unusual needs or unusual fixed expenses that may warrant a deviation or seeks apportionment of expenses. Promulgated 10-30-07, effective immediately.

Recommendation 90. Proposed amendments to require **support orders to include orders for medical support**. Published for comment 9-07.

Recommendation 91. Support Guidelines Review. In August 2007 the committee began the mandatory quadrennial review of the **support guidelines** as required by state and federal law. The committee is reviewing updated economic data on child rearing costs and suggested amendments to the schedule of basic child support.

Recommendation 92. Amendments to the first page of the form petition, temporary order and final order in **protection from abuse cases** to conform to Project Passport, a multi-state program aimed at better enforcement of protection from abuse orders within the state and between other states. Published for comment 11-07.

Looking Ahead to 2008

The committee will continue its review of the support guidelines in 2008. It will also continue to monitor legislation, practice and procedure and make recommendations that may facilitate the practice of family law in the Commonwealth.

AOPC

2007 Membership

Maureen P. Kelly, Esq., *Chair*
Kenneth M. Jarin, Esq., *Vice Chair*
William P. Carlucci, Esq.
Hubert X. Gilroy, Esq.
Lewis F. Gould, Jr., Esq.
William T. Hangle, Esq.
Penina Kessler Lieber, Esq.
M. Mark Mendel, Esq.
Michael H. Reed, Esq.

Staff

Alfred J. Azen, *Executive Director*

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@pacourts.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. Usually, on a monthly basis (but no less than quarterly), 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 clinical and externship programs and administration of justice projects that provide civil legal services free of charge to low-income and disadvantaged Pennsylvania residents.

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

Access to Justice Act

The Access to Justice Act (AJA), part of Act 122 of 2002, provides for a \$10 surcharge

to be placed on all civil filings as well as the recordings of deeds and mortgages and their related 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 civil legal services provided by nonprofit legal aid organizations. (Under a sunset provision in the statute, the AJA is scheduled to expire November 1, 2012. At least one year prior to this date, the Legislative Budget and Finance Committee will submit a performance audit to the General Assembly for the purpose of determining whether there is a continuing justification for the activities and level of financial support funded by the act.)

MJ-IOTA

Effective February 1, 2005, the Supreme Court began requiring judicial officials of the minor courts (magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court) to establish accounts similar to IOLTA accounts. Called the Minor Judiciary Interest on Trust Accounts, or MJ-IOTA, the program targets the funds judicial officials maintain in custodial accounts to hold the collection of fees and fines, collateral and cash bonds, restitution for victims of crime and other similar amounts until the funds are ultimately transferred to the owners.

Out-of-State Attorneys

A new initiative sought by the IOLTA Board was the establishment of an admission fee applicable to out-of-state attorneys wishing to appear in a Pennsylvania court. Twenty-nine other states have such admission fees, five of which devote all or most of the proceeds to civil legal aid for the indigent. The Supreme Court approved a *pro hac vice* fee of \$100 per case effective September 4, 2007.

Miscellaneous

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.

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.

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.

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 from legal services organizations must be made to the board by late January. Applications from law schools and *pro bono* initiatives must be made 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.

Fiscal Year 2007-08 Statistics

Revenues for fiscal year 2007-08 were as follows:

IOLTA	\$9,998,166
Access to Justice Act	9,413,589
<i>Pro bono</i> contributions	62,811
Other	636,749

Grants totaling \$23,264,663 were awarded in fiscal year 2007-08 as follows:

Legal Service Organizations	\$22,010,202
Pennsylvania Law Schools	1,195,993
<i>Pro Bono</i> Grants	58,468

The largest grant, \$18,883,265, was awarded to the Pennsylvania Legal Aid Network, which is an administrative and support

organization that oversees a statewide system of legal aid programs.

1995-96 when the program became mandatory. **AOPC**

Table 10.1.1 below shows how IOLTA funds have been distributed since fiscal year

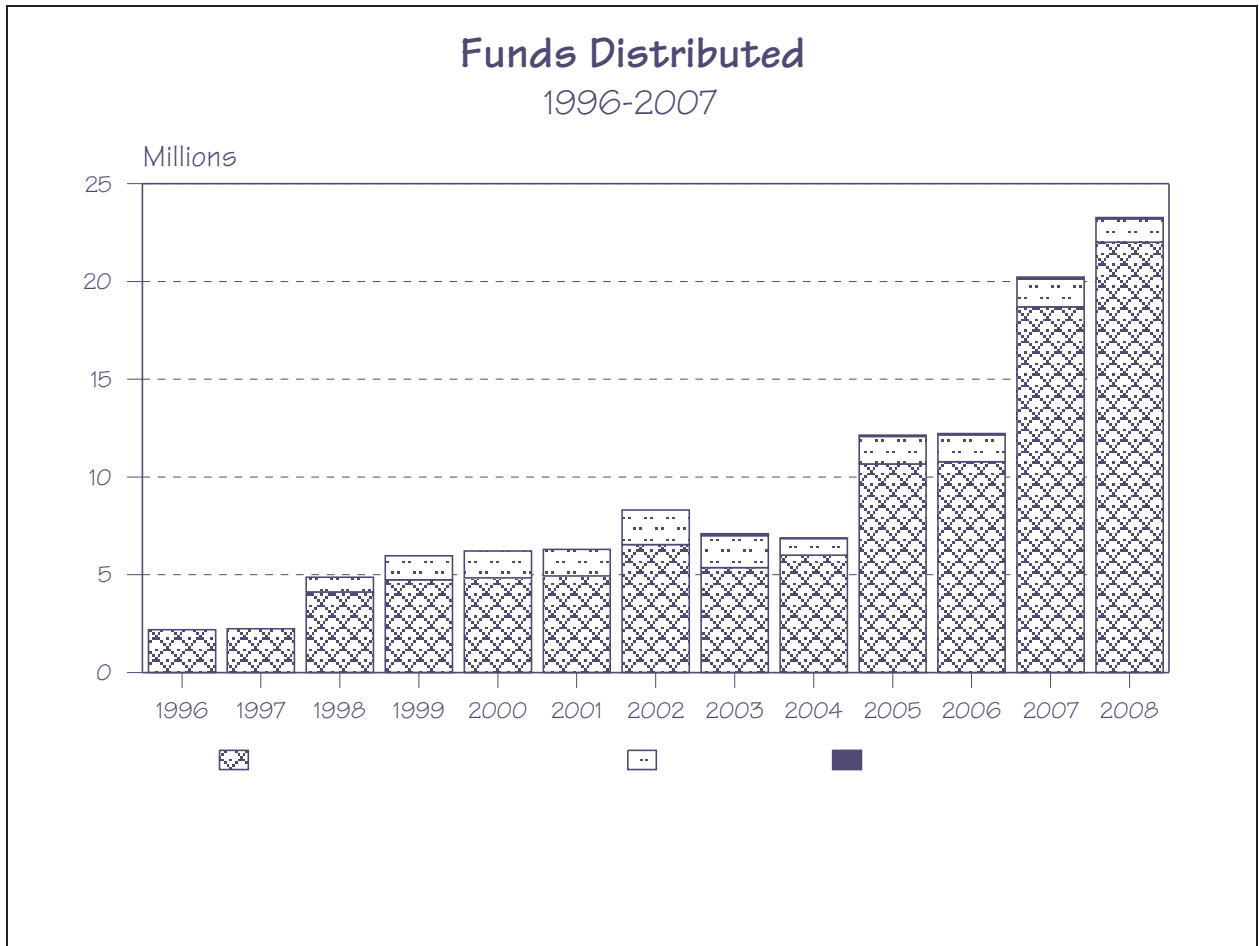


Table 3.10.1

2007 Membership

F. Barry McCarthy, *Chair*
Honorable Carol K. McGinley, *Vice Chair*
Honorable John F. Cherry
Honorable Robert J. Colville
Honorable Thomas J. Doerr
Patricia J. Kennedy, Esq.
George D. Mosee, Jr., Esq.
Lisa Siciliano, *ex officio*
Cynthia K. Stoltz, Esq.
Mark R. Zimmer, Esq.

Staff

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

Legal Authorization

Pa. Constitution Article V, § 20(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 and dependency practice and procedure.

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

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*, West's *Atlantic Reporter* advance sheets and various local bar association publications and on the Unified Judicial System's (UJS) Web site. The committee also distributes the reports to organizations and practitioners in the juvenile system.

2007 Activities

The committee's work included procedures for delinquency and dependency proceedings; for early termination of court supervision; public access to specific case information; post-dispositional motions; dispositional hearing time requirements for non-detained juveniles; processing of decertification cases; guardians *ad litem* for parents; *pro hac vice* admissions; subpoenas; bench warrants and parental notification of a bench warrant, subpoena or summons in delinquency cases.

The committee continued to monitor local rules and began working with the AOPC to develop statewide forms, including the written allegation and arrest warrant.

Recommendations Adopted by the Supreme Court

Recommendation No. 2, Juvenile Rules 2006: Amendments to Rules 120, 200, 210 and 800, affecting magisterial district judges and **arrest warrants**. Adopted 3-23-07, effective 8-1-07.

Recommendation No. 4, Juvenile Rules 2006: Amendment of Comment to Rule 1151 (**Assignment of Guardian Ad Litem & Counsel**)

Comment. Adopted 2-20-07, effective immediately.

Recommendation No. 1, Juvenile Rules 2007: New Rule 520 pertaining to an optional **post-dispositional motion** and amendments to Rule 512. Adopted 5-15-07, effective 8-20-07.

Recommendation No. 2, Juvenile Rules 2007: Amendments to Rules 160, 330 and 515 affecting public access to **juvenile records**. Adopted 8-12-07, effective 12-1-07.

Recommendation No. 3, Juvenile Rules 2007: Amendments to the Comments to Rules 210 and 232, citing the Unified Judicial System's **Web page** where forms may be accessed. Adopted 12-3-07, effective immediately.

Looking Ahead to 2008

The committee plans to submit recommendations on

- prompt dispositional hearings for non-detained juveniles
- processing of decertification cases, bench warrants and parental notification for dependency cases
- processing of local rules
- Commonwealth appeals and post-dispositional motions..

It will also continue working with the AOPC in developing new forms and will send out a survey to president judges, juvenile court judges, district court administrators, children and youth directors and several organizations concerning the operation of the new Rules of Juvenile Court Procedure—Dependency Matters. Based on the findings of the survey, the committee will determine if changes should be made to the rules.

AOPC

2007 Membership

Honorable M. Kay DuBree, *Chair*
Honorable Robert S. Blasi
Aileen Bowers, Esq., *ex officio*
Honorable Mark A. Bruno
Honorable Blaise P. Larotonda
Honorable Thomas G. Miller
Honorable Thomas A. Placey
Honorable Henry J. Schireson
Honorable Carla M. Swearingen

Staff

Paula Knudsen Burke, Esq., *Counsel*
Tricia D. Remmert, *Administrative Assistant*

Legal Authorization

Pa. Constitution, Article V, § 10(c)
Supreme Court of Pennsylvania 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 magisterial district judge courts. It reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect magisterial district judge procedure and necessitate amendments to the rules or other action by the Supreme Court.

Minor

Court

Rules

Committee

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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 on the Unified Judicial System's Web site at www.pacourts.us, under the Supreme Court Committees tab. 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, the Pennsylvania Association of Court Management 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

In addition to its rule proposals and reports, the committee publishes 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. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available.

2007 Activities

The committee held four meetings in 2007. At each it conferred with AOPC staff on issues relating to the Magisterial District Judge System (MDJS), the statewide computer system that links all of Pennsylvania's district courts.

2007 Committee Action

The committee submitted one recommendation for consideration to the Supreme Court in 2007. The Court approved one recommendation and denied one. Several other recommendations were published for comment. A chart indicating the status of the recommendations in 2007 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 3 of 2006: Amendment to Rule 112 to provide for temporary assignment and availability of magisterial district judges in **civil and possessory matters**. Adopted 4-18-07, effective 5-18-07.

Recommendations Pending with the Supreme Court

Recommendation No. 1 of 2007: Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend in civil actions**. Submitted to the Court 5-07.

Recommendations Denied by the Supreme Court

Recommendation No. 4 of 2006: Amendment to Rule 214 to further provide for the issuance and service of **subpoenas**, allowing, in certain circumstances, for the issuance of a subpoena by the attorney of record for a party. Denied 6-25-07.

Recommendations Pending with the Committee

Recommendation No. 2 of 2006: Amendments to Rules 410, 412 and 418 to provide for a **stay of execution** at the request of the plaintiff, for **limits on the amount of time property can be subject to levy** and for additional posting of the **notice of sale**. Submitted to the Court 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2007.

Recommendations Published for Comment

Rule 110: Amendment to require **bonding of assigned senior magisterial district judges**. Published at Volume 37, *Pennsylvania Bulletin*, page 6744 (December 22, 2007).

Rules 13, 14 and 15: Amendments to clarify that a **magisterial district judge who also is an attorney** cannot serve as a paid arbitrator. First published at Volume 33, *Pennsylvania Bulletin*, page 745 (February 8, 2003) and republished at Volume 37, *Pennsylvania Bulletin*, page 6902 (December 29, 2007).

Note to Rule 506: Amendments to create a reference to **wage garnishment**. Published at Volume 37, *Pennsylvania Bulletin*, page 6905 (December 29, 2007).

Notes to 341 & 342: Amendments to clarify that the person who is requesting entry of **satisfaction** is the individual responsible for payment of any costs associated with his or her request. Published at Volume 37, *Pennsylvania Bulletin*, page 6745 (December 22, 2007).

In addition, the committee communicated regularly with the AOPC and with the Supreme Court's other committees concerning various procedural matters in an ongoing effort to achieve uniformity and consistency among interrelated procedural and administrative matters. When appropriate, the committee formally commented on proposals put forth by other Supreme Court rules committees. The committee also maintained an ongoing dialog with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

Looking Ahead to 2008

In 2008 the committee plans to work on the following:

- amending the rules to more fully embrace modern technology in the magisterial district courts. Electronic signature of mail receipt and advanced communication technology are two issues in particular the committee will take up.
- consideration of including language in the rules granting continuances to military personnel who have cases before magisterial district judges
- working with the AOPC on issues related to the MDJS rewrite.

AOPC

Status of Recommendations		
Recommendation	Subject	Status
2, 2006	Amendments to Rules 410, 412 and 418 to provide for a stay of execution at the request of the plaintiff, for limits on the amount of time property can be subject to levy and for additional posting of the notice of sale	Submitted 5-26-06; returned to committee for further work
3, 2006	Amendment to Rule 112 to provide for temporary assignment and availability of magisterial district judges in civil and possessory matters	Submitted 5-26-06; adopted 4-18-07, effective 5-18-07
4, 2006	Amendment to Rule 214 to further provide for the issuance and service of subpoenas	Submitted 7-27-06; denied 6-25-07
1, 2007	Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of scheduling hearing dates and to further provide for notice of intention to defend in civil actions	Submitted 5-10-07; pending with Court

Table 3.12.1

2007 Membership

Honorable Daniel B. Garber, *Chair*
Honorable James J. Dwyer, III, *Vice Chair*
Honorable Robert E. Simpson, Jr., *Secretary*
Honorable Catherine M. Hummel-Fried, *Treasurer*
Gregory E. Dunlap, Esq.
Jerry J. Russo, Esq.
Jack Treadway, Ph.D.

Staff

Susan M. Davis, *Judicial Education Administrator*
Kate D. Grenke, *Clerical Assistant*

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 magisterial district judges 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 magisterial district judges, 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 magisterial district judges, 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 magisterial district judges.

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

Minor

Judiciary

Education

Board

770 East Park Drive
Harrisburg, PA 17111
(717) 558-3600
fax (717) 558-3603
www.mjeb.org

2007 Curriculum

Four-Week Magisterial District Judge 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 Magisterial District Judges

Class requirements are 32 hours per year and were offered over 13 scheduled weeks.

- review and update of civil and criminal procedure
- motor vehicle code
- legal research techniques
- Internet crime/sexual assault case law
- game law update
- dog law update
- Rules of Evidence
- oversize/overweight vehicles and special hauling permits
- ethics
- ethical implications of personal health
- procedural audits
- public access and right to know
- Board of Pardons overview
- drug recognition evaluation program

Philadelphia Bail Commissioners

- district attorney's office update
- Rules of Evidence
- oversize/overweight vehicles and special hauling permits

- ethics
- ethical implications of personal health
- procedural audits
- search and seizure
- public defender's office update
- criminal law update
- drug recognition evaluation program
- Board of Pardons overview
- public access and right to know

Orientation Course for New Magisterial District Judges

- office administration
- audits and reports
- magisterial district judge practices
- AOPC Real Life Safety
- self-represented litigants
- mental health issues
- Protection from Abuse Law update
- magisterial district judge and court administration panel session
- minor court rules update

Philadelphia Traffic Court Judges

- criminal law and procedures update
- Rules of Evidence
- oversize/overweight vehicles and special hauling permits
- ethics
- ethical implications of personal health
- understanding, valuing and managing diversity
- vehicle code update
- Philadelphia Traffic Court administration
- Board of Pardons overview
- public access and right to know

Statistics

MJEB statistics for 2007 can be found in the chart on page 89.

AOPC

2007 Educational Statistics	
Continuing education to magisterial district judges & sr. magisterial district judges	615
Continuing legal education to attorney magisterial district judges & sr. magisterial district judges	139
Magisterial district judge recertification	19
Certification classes to prospective magisterial district judges	109
Total certified	45
Certification of prospective Philadelphia Bail Commissioners	0
Certification of prospective Philadelphia Traffic Court judges	4
Certification of prospective Philadelphia Traffic Court hearing officer	0

Table 3.13.1

2007 Membership

Mary Jane Barrett, Esq., *Chair*
Kristen M. Del Sole, Esq.
Honorable Calvin S. Drayer, Jr.
Richard E. Flannery, Esq.
Michael L. Mixell, Esq.
Honorable Paula Francisco Ott
Carolyn C. Thompson, Esq.
Margaret Gallagher Thompson, Esq.

Staff

Dean R. Phillips, Esq., *Chief Counsel*
Lisa M. Rhode, Esq., *Deputy Counsel*
James Mannion, 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 and rule changes as necessary.

Orphans'

Court

Procedural

Rules

Committee

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

2007 Activities

Recommendation Promulgated by the Supreme Court

Amendment to O.C. Rule 6.1 (Form of Accounts) and approval of Model Accounts for Estates, Trusts and Charitable Remainder Unitrusts. Adopted 3-29-07, effective 4-28-07.

Miscellaneous

The committee also worked on the following projects in 2007 and will continue to work on them in 2008:

- exploration of necessary revisions to O.C. Rules 15.1-15.7 concerning domestic adoptions so that the rules are consistent with the current Adoption Code.
- address of concerns regarding the application and enforcement of O.C. Rule 5.6, which governs notice to estate beneficiaries and intestate heirs when letters testamentary or letters of administration are granted.
- amendment to O.C. Rule 7.1 governing exceptions so that it cross-references recently-adopted Pa. R.A.P. 311(a)(8), thereby permitting exceptions to be filed to an order determining the validity or invalidity of a will or trust.
- recommendation to the Appellate Procedural Rules Committee that Pa.R.A.P. 342 be amended to cross-reference Pa.R.A.P. 341(c) or provide an analogous procedure so that an aggrieved party can petition the orphans' court judge for a finding of finality and appeal the denial of that application, if necessary.
- continued exploration of possible rules of procedure governing practice before the registers of wills.
- continued exploration of orphans' court mediation.
- continued consideration of model physician interrogatories for uncontested incapacity hearings and forms regarding minors and incapacitated persons. The committee is not moving forward with any proposed forms until passage of new comprehensive guardianship legislation.
- monitoring the statewide e-filing rules and the Philadelphia pilot project. **AOPC**
- exploration of the relationship between the orphans' court rules, the Rules of Civil Procedure and the Pennsylvania Probate Estates and Fiduciaries Code, with the goal of assuring simple and clear procedures for orphans' court litigation that accounts for the unique nature of such litigation. The committee is researching citation practice and pleadings that should be permitted in orphans' court.
- continued monitoring of the use of the model forms. The committee plans to submit a recommendation in 2008 making nonsubstantive, technical and grammatical revisions to three forms. It also plans to develop a list of frequently asked questions to assist practitioners in answering specific questions on the Petitions for Adjudication.
- finalization and resubmission of a recommendation for proposed new O.C. Rule 15.9 to finalize foreign adoptions that are not "full and final," including proposed statewide forms for use with this rule.

2007 Membership

James M. Mead, *Board Chair*
Maureen Murphy McBride, Esq., *Board Vice Chair*
Eric N. Anderson, Esq.
Honorable Robert A. Graci
Robert K. Reitzel
Robert A. Rovner, Esq.
Joan O'Connor Shoemaker, Esq.

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 (\$35 for 2007-08) paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for a 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
e-mail admin@palawfund.com
www.palawfund.com

2007 Claims Statistics

Statistics for the 2007-08 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 95 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 96 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 97 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2007-08.

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 2007-08 cost the fund \$983,002, 83.55 percent of its total award dollars, settling 36 claims. Of this amount \$395,034 went to twelve 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 \$ 124,060 to eight claimants fitting this category were made in 2007-08, 10.55 percent of the total dollars awarded. Of this, \$70,833 were paid to three former clients of one attorney.

Nonperformance* - The acceptance of unearned fees or retainers represented the third highest payment category in 2007-08 with awards to 53 claimants totaling \$69,035, 5.87 percent of the total dollars awarded.

*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

2007-08 Claims Statistics

Claims	No.	Amount
Received	179 *	\$7,699,582
*22 in excess of \$75,000 limit		
Awarded	99	1,176,597
Rejected	92	1,405,553
Discontinued	19	1,128,171
Total	210	\$5,150,366
Pending	129+	\$57,935,582
+One pending claim alleges a loss of \$50,000,000.		

Table 3.15.1

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 nonperformance 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.

2007 Activities

During the year the board met in Hershey, Pittsburgh and Malvern.

Restitution and Subrogation Efforts

The fund received \$115,032 in restitution payments during FY 2007-08.

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 2007-08 the fund received 252 overdraft notices. Five notices were pending.

Of the 252 notices, 190 were reviewed and dismissed, and 47 were referred to the Office of Disciplinary Counsel. Fifteen 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 2007 and 2008 the fund met with Allegheny, Chester and Dauphin 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 2007-08 \$289,523 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

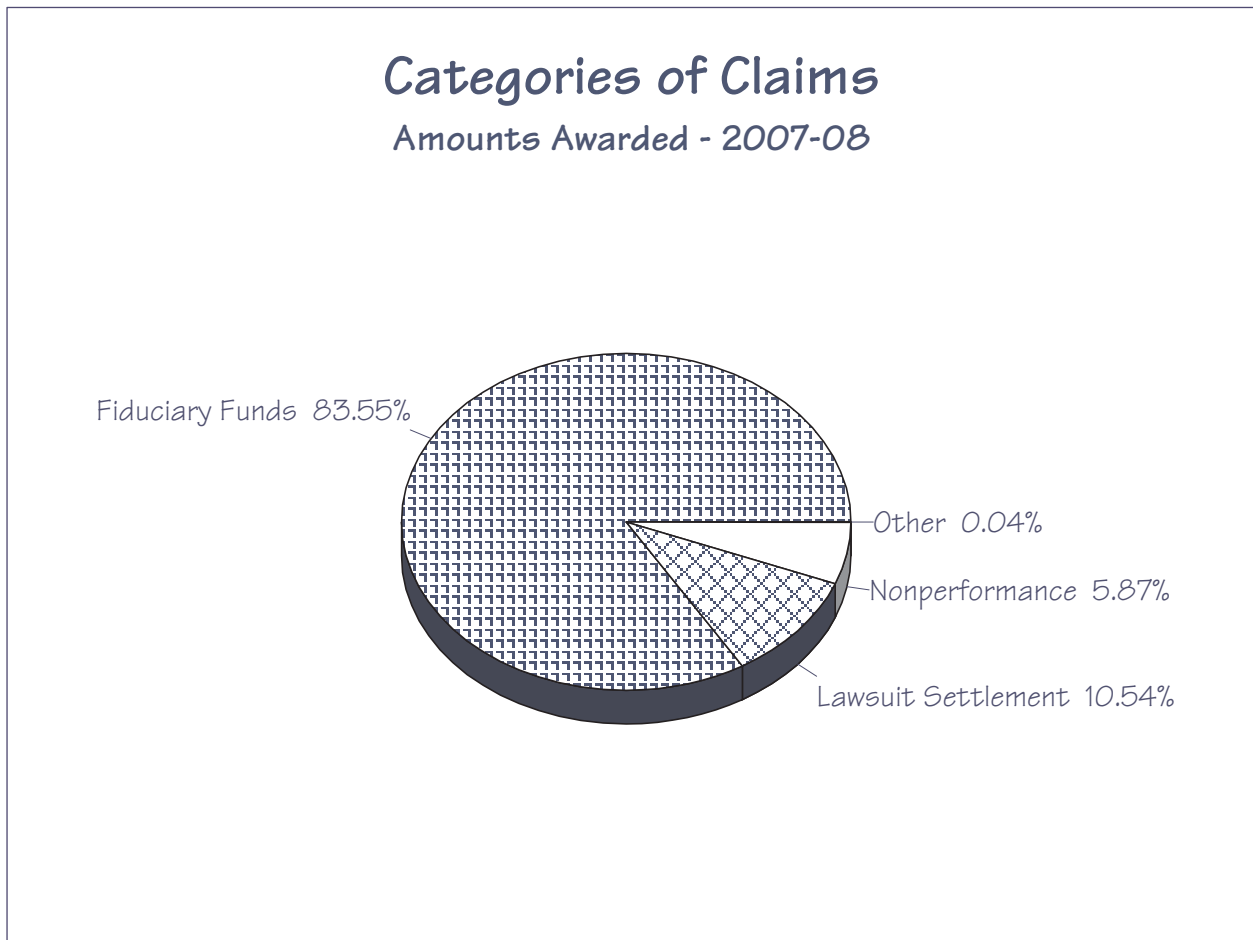
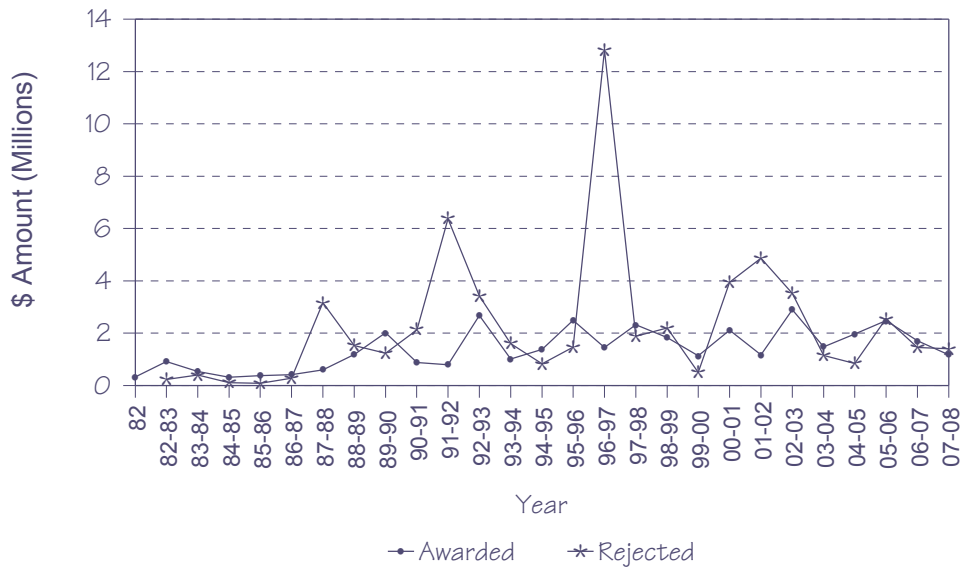


Table 3.15.2

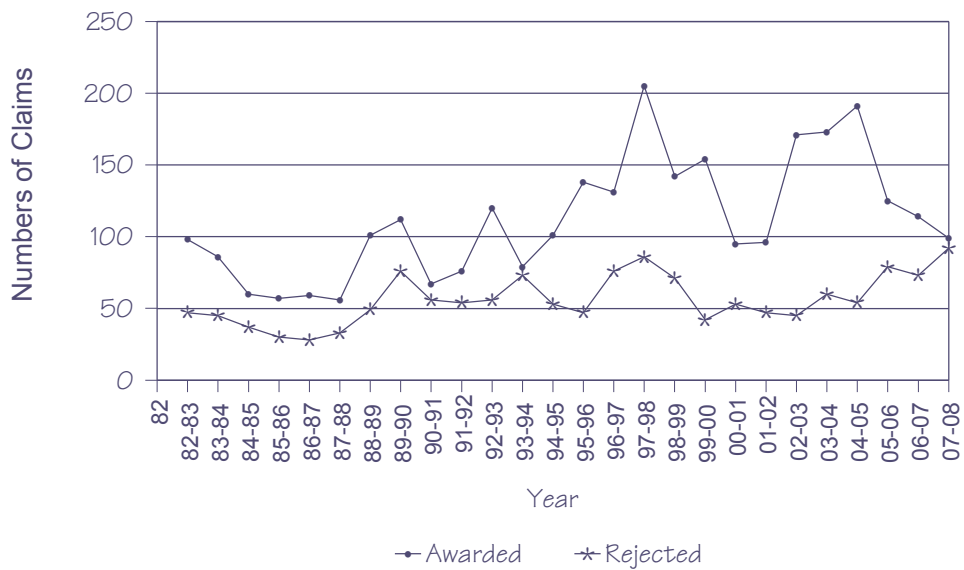
Claim Awards v. Rejections

1982-2008



Claims Awarded v. Rejections

1982-2007

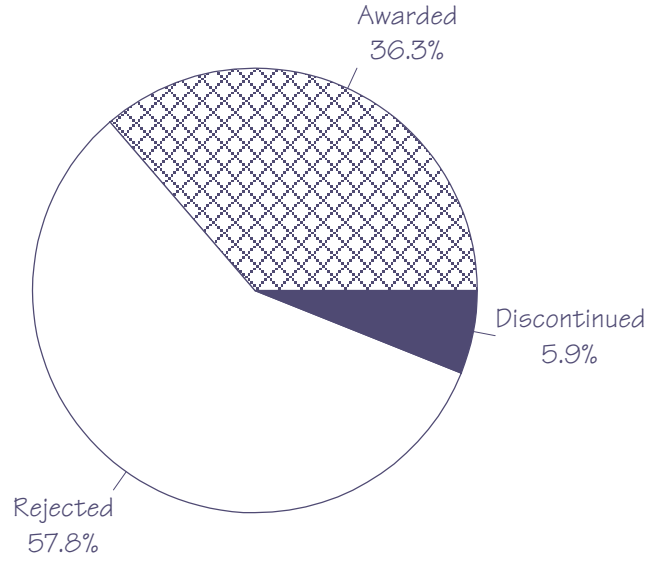


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2008

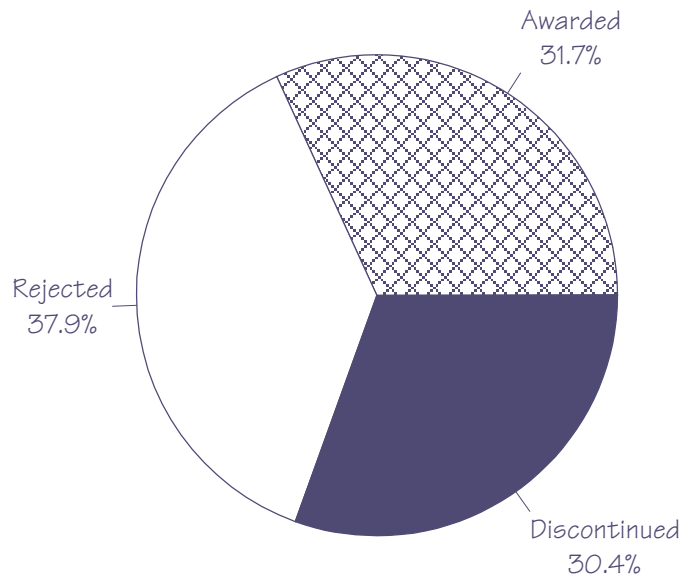


Table 3.15.4

Of the total state government expenditures for fiscal year 2007-08, administrative costs for the judiciary accounted for approximately one-half of one percent. Table 4.1 on page 101 shows the distribution of expenditures across the three branches of government. (With the county reimbursement grants discussed below, the judiciary accounts for approximately 0.6 percent of total state government expenditures.)

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 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 4.2 on page 102 provides a breakdown of the state appropriations for fiscal year 2007-08.

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, which, in the case of insufficient funding, may be reduced in order to adjust to the appropriated amount.

The General Assembly also requires that counties spend an amount at least equal to the flat reimbursement rate per judge, which was \$69,488 for FY 2007-08.

Counties also receive partial reimbursement for expenses they incur to provide support—facilities and staff services—to assigned

Court
Finances -
Fiscal
Year
2007-2008

Common Pleas senior judges in accordance with Pennsylvania Rule of Judicial Administration (R.J.A.) 701(F). Act 88 of 2001 served as the initial enabling legislation for the Senior Judge Support Reimbursement Grant and was succeeded by Act 37 of 2007. This grant has been provided each year since its inception in FY 2001-02.

Table 4.3 on page 105 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2007-08.

One exception to the current funding pattern has been the Pittsburgh Magistrates Court, which was merged into the magisterial district judge system within Allegheny County on January 1, 2005, as part of the decennial realignment of magisterial districts by the Supreme Court. Traditionally, costs for this court were borne by the city. In fiscal year 1995-96, however, the Commonwealth reimbursed Pittsburgh for costs related to the court by the payment of a \$1.2 million grant. Grant money continued to be provided to Pittsburgh each fiscal year until 2000-01, when the grant was not funded. Funding was restored in 2001-02, but was not granted subsequently. A grant has been provided annually to Allegheny County, beginning in FY 2005-06, to assist with consolidation costs arising from the merger in January 2005 of the Pittsburgh Magistrates Court into the magisterial district judge system within the county.

A grant was also provided to Philadelphia to assist with the costs of a new "gun court" instituted within its trial courts. Funding for the grant was first provided in FY 2004-05 and continued each year thereafter.

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 109, 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.

Pennsylvania Government FY 2007-08		
<i>General, Special Federal & Other Funds Expenditures</i>		
Branch	\$ Amount (Millions)	Percent of Total
Executive	58,432,299	98.81
Legislative	334,908	0.57
Judicial	330,285	0.56
Judicial - County Reimbursement for Courts	39,887	0.07
Total	59,137,379	

Totals shown exclude capital budget.

Note: The governor's budget showed FY 2007-08 funds available to the judiciary as \$358,091,000. Actual total available funds, including , including supplemental funding per Act 38-A of 2008 in the amount of \$8,917,000 for the Courts of Common Pleas appropriation and \$2,086,000 for the magisterial district judges appropriation, plus \$11,003,00 in net transfers from the JCS Augmentation Account were \$330,285,000. The state total operating expenditures shown here were adjusted to reflect this difference.

Source: FY 2008-09 Governor's Recommended Budget

Table 4.1

Appropriations	
Appropriation	2007-08 (thousands)
Supreme Court*	\$15,097
Justices' Expenses	184
Civil Procedural Rules Committee	431
Criminal Procedural Rules Committee	472
Domestic Relations Procedural Rules Committee	207
Judicial Council	145
Interbranch Commission	347
Juvenile Court Procedural Rules Committee	219
Appellate Court/Orphans' Court Procedural Rules Committees	208
Committee on Rules of Evidence	195
Minor Court Rules Committee	202
Superior Court*	27,927
Judges' Expenses	242
Commonwealth Court*	16,971
Judges' Expenses	146
Court Administrator*	10,200
Court Improvement Program** (F)	1,370
Drug Court Training+ (F)	200
District Court Administrators	18,023
Court Management Education	160
Unified Judicial System Security++	2,099
Statewide Judicial Computer System# (R)	56,883
Integrated Criminal Justice System	2,516
Courts of Common Pleas##	84,842
Common Pleas Senior Judges	4,301
Common Pleas Judicial Education	1,373
Ethics Committee of the Pennsylvania Conference of State Trial Judges	59
Magisterial District Judges▲	63,595
Magisterial District Judge Education	721
Philadelphia Traffic Court	942
Philadelphia Municipal Court	5,959
Philadelphia Law Clerks	40
Domestic Violence	235
	continued...

Table 4.2

Appropriations, continued

Appropriation	2007-08 (thousands)
County Court Reimbursement	33,697
Philadelphia Gun Court Reimbursement Grant▲▲	714
Senior Judge Support Reimbursement	2,040
Juror Cost Reimbursement	1,369
Court Accounts (Court Consolidation)	2,040
Judicial Conduct Board	1,226
Court of Judicial Discipline	486
State Funds	299,657
(F) Federal Funds	1,570
(R) Restricted Receipts	56,883
Total	\$358,110

- * Act 38-A of 2008 (the General Appropriation Act for FY 2008-09) retroactively converted the FY 2007-08 appropriations to the Supreme Court, Superior Court, Commonwealth Court and court administrator into continuing appropriations.
- ** These federal funds are available under Title IV-B and IV-E of the Social Security Act from the U.S. Department of Health and Human Services for a Court Improvement Project involving the dependency courts.
- + The federal drug court training funds are available over a period spanning two fiscal years. Because they were not spent during FY 2006-07, they will be available for spending during FY 2007-08.
- ++ The FY 2007-08 UJS Security appropriation was provided in the form of a continuing appropriation.
- # The statewide Judicial Computer System is funded through a restricted receipt 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 as part of the annual appropriations process. An additional \$98,700 was derived from fees charged to users for information generated by the Magisterial District Judge System, and \$94,100 was derived from augmentations as mandated by Act 119 of 1996 (Jen & Dave's Law). The total amount available to the Judicial Computer System in FY 2007-08 was \$57,075,800.

continued...

Table 4.2, cont'd.

Appropriations, continued

- ## The Common Pleas appropriation shown includes \$8.917 million provided as a supplemental, continuing appropriation after the close of the fiscal year as a result of a deficit in the appropriation.
- ▲ The magisterial district judges appropriation shown includes \$2.086 million provided as a supplemental, continuing appropriation after the close of the fiscal year as a result of a deficit in the appropriation.
- ▲▲ The FY 2007-08 Philadelphia Gun Court Reimbursement Grant is a two-year continuing appropriation, expiring June 30, 2009.

Table 4.2, cont'd.

**County Reimbursements for Courts
FY 2007-08**

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Adams	\$298.90	\$208,464.00	\$0.00	\$0.00	\$0.00	\$208,762.90
Allegheny	96,773.32	2,987,980.00	198,352.00	0.00	2,040,000.00	5,323,105.32
Armstrong	585.14	138,976.00	30.00	0.00	0.00	139,591.14
Beaver	5,183.74	486,415.00	32,102.00	0.00	0.00	523,700.74
Bedford	332.50	138,976.00	0.00	0.00	0.00	139,308.50
Berks	15,073.13	903,343.00	132,300.00	0.00	0.00	1,050,716.13
Blair	8,369.67	347,439.00	5,760.00	0.00	0.00	361,568.67
Bradford	0.00	138,976.00	0.00	0.00	0.00	138,976.00
Bucks	39,630.30	903,343.00	10,784.00	0.00	0.00	953,757.30
Butler	3,353.56	416,927.00	360.00	0.00	0.00	420,640.56
Cambria	0.00	347,439.00	17,568.00	0.00	0.00	365,007.00
Cameron	0.00	10,423.00	0.00	0.00	0.00	10,423.00
Carbon	976.54	138,976.00	4,268.00	0.00	0.00	144,220.54
Centre	5,372.84	277,952.00	0.00	0.00	0.00	283,324.84
Chester	26,944.02	903,343.00	5,616.00	0.00	0.00	935,903.02
Clarion	3,492.38	69,488.00	6,926.00	0.00	0.00	79,906.38
Clearfield	2,887.68	138,976.00	3,148.00	0.00	0.00	145,011.68
Clinton	2,045.37	138,976.00	818.00	0.00	0.00	141,839.37
Columbia	0.00	108,401.00	0.00	0.00	0.00	108,401.00
Crawford	1,777.98	208,464.00	1,136.00	0.00	0.00	211,377.98
Cumberland	7,224.04	347,439.00	0.00	0.00	0.00	354,663.04
Dauphin	36,028.02	555,903.00	0.00	0.00	0.00	591,931.02
Delaware	19,502.85	1,320,270.00	123,792.00	0.00	0.00	1,463,564.85
Elk	314.27	59,065.00	1,348.00	0.00	0.00	60,727.27

continued...

County Reimbursements for Courts, continued
FY 2007-08

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Erie	\$5,524.46	\$625,391.00	\$0.00	\$0.00	\$0.00	\$630,915.46
Fayette	5,210.21	347,439.00	0.00	0.00	0.00	352,649.21
Forest	0.00	13,898.00	2,560.00	0.00	0.00	16,458.00
Franklin	3,436.21	250,157.00	0.00	0.00	0.00	253,593.21
Fulton	0.00	27,795.00	0.00	0.00	0.00	27,795.00
Greene	10,175.50	138,976.00	0.00	0.00	0.00	149,151.50
Huntingdon	0.00	69,488.00	0.00	0.00	0.00	69,488.00
Indiana	0.00	208,464.00	354.00	0.00	0.00	208,818.00
Jefferson	892.19	69,488.00	6,110.00	0.00	0.00	76,490.19
Juniata	0.00	47,452.00	1,146.00	0.00	0.00	48,398.00
Lackawanna	12,886.95	555,903.00	51,560.00	0.00	0.00	620,349.95
Lancaster	10,860.58	903,343.00	36,476.00	0.00	0.00	950,679.58
Lawrence	7,910.60	277,952.00	3,660.00	0.00	0.00	289,522.60
Lebanon	6,796.44	277,952.00	0.00	0.00	0.00	284,748.44
Lehigh	55,287.66	694,879.00	13,680.00	0.00	0.00	763,846.66
Luzerne	20,852.78	625,391.00	86,480.00	0.00	0.00	732,723.78
Lycoming	5,729.79	347,440.00	956.00	0.00	0.00	354,125.79
McKean	1,322.08	138,976.00	4,400.00	0.00	0.00	144,698.08
Mercer	3,785.49	277,952.00	936.00	0.00	0.00	282,673.49
Mifflin	0.00	138,976.00	0.00	0.00	0.00	138,976.00
Monroe	8,472.74	416,927.00	936.00	0.00	0.00	426,335.74
Montgomery	45,171.11	1,459,246.00	1,440.00	0.00	0.00	1,505,857.11
Montour	897.94	30,575.00	0.00	0.00	0.00	31,472.94
Northampton	15,153.26	555,903.00	24,080.00	0.00	0.00	595,136.26

continued...

County Reimbursements for Courts, continued
FY 2007-08

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Northumberland	\$0.00	\$208,464.00	\$4,956.00	\$0.00	\$0.00	\$213,420.00
Perry	0.00	91,724.00	1,832.00	0.00	0.00	93,556.00
Philadelphia	533,120.90	10,001,621.00	319,624.00	714,000.00	0.00	11,568,365.90
Pike	0.00	69,488.00	5,368.00	0.00	0.00	74,856.00
Potter	583.93	69,488.00	0.00	0.00	0.00	70,071.93
Schuylkill	3,253.42	416,927.00	90.00	0.00	0.00	420,270.42
Snyder	3,894.25	65,319.00	0.00	0.00	0.00	69,213.25
Somerset	1,346.65	208,464.00	556.00	0.00	0.00	210,366.65
Sullivan	0.00	13,203.00	0.00	0.00	0.00	13,203.00
Susquehanna	295.22	69,488.00	0.00	0.00	0.00	69,783.22
Tioga	0.00	69,488.00	898.00	0.00	0.00	70,386.00
Union	2,066.60	73,657.00	0.00	0.00	0.00	75,723.60
Venango	5,111.20	138,976.00	3,304.00	0.00	0.00	147,391.20
Warren	0.00	125,078.00	2,892.00	0.00	0.00	127,970.00
Washington	7,847.23	416,927.00	8,732.00	0.00	0.00	433,506.23
Wayne	941.57	69,488.00	0.00	0.00	0.00	70,429.57
Westmoreland	12,007.35	764,367.00	5,376.00	0.00	0.00	781,750.35
Wyoming	1,444.17	56,285.00	0.00	0.00	0.00	57,729.17
York	27,555.27	972,831.00	6,864.00	0.00	0.00	1,007,250.27
Transfer	300,000.00	0.00	900,000.00	0.00	0.00	1,200,000.00
Lapse	0.00	0.00	426.00	0.00	0.00	426.00
Total	1,396,000.00	33,697,000.00	2,040,000.00	714,000.00	2,040,000.00	39,887,000.00

Funding Methodologies:

Juror Cost - The grant reimburses counties for 80 percent 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...

County Reimbursements for Courts, continued
FY 2007-08

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 2007-08, the reimbursement was paid at a rate of \$69,488 per authorized Common Pleas position whether filled or vacant. This represents the proportional reduction made to each county's grant as authorized by Act 37 of 2007 in order to adjust to insufficient funding to pay at the traditional \$70,000 reimbursement rate. In order for counties to receive the full reimbursement offered by the grant, they must provide a level of support at least equal to the reimbursement paid. Except when required by Act 37 in the case of insufficient funding, 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 Pa. 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 2007-08, the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2007.

Philadelphia Gun Court Reimbursement Grant - The grant provides reimbursement to the City of Philadelphia primarily for personnel costs associated with the operation of the Philadelphia gun court.

Court Accounts (Court Consolidation Grant) - The grant provides reimbursement to Allegheny County for costs related to the transition of the former Pittsburgh Magistrates Court staff to county employment as a result of the merger of the Pittsburgh Magistrates Court into the magisterial district judge system effective January 1, 2005.

Fees That Support State Operations	
Appropriation	2007-08 (thousands)
Supreme Court	\$412
Pa. Board of Law Examiners	1,946
Judicial Computer System*	193
Superior Court	220
Commonwealth Court	172
Magisterial District Judge Education	21
Court Management Education	1
Court Administrator	40
Total	\$3,005
<p>*Includes revenues collected under Act 119 of 1996 (Jen & Dave's Law). These collections provided \$94,100 to support the "Jen/Dave" functions during FY 2007-08. The remainder was derived from public access fees levied on nongovernmental users of information captured by the Magisterial District Judge System.</p>	

Table 4.4

Supreme Court Justices

Complement 7

Cappy, Ralph J.+
Chief Justice

Saylor, Thomas G.
Eakin, J. Michael
Baer, Max
Baldwin, Cynthia A.++

* Appointed 3-28-07; term
expired 1-6-08

** Elected 11-6-07

+ Resigned 1-6-08

Castille, Ronald D.#
Chief Justice

Fitzgerald, James J., III*
Todd, Debra**
McCaffery, Seamus P.**
Greenspan, Jane Cutler##

++ Term expired 1-6-08

Appointed chief justice 1-7-08

Appointed 6-30-08

Superior Court Judges

Complement 15

Ford Elliott, Kate
President Judge

Hudock, Joseph A.++
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

* Appointed 3-28-07; term
expired 1-6-08

** Elected to Supreme Court 11-6-07

+ Elected 11-6-07

Gantman, Susan Peikes
McCaffery, Seamus P.**
Panella, Jack A.
Daniels, Robert C.*
Donohue, Christine L.+

Shogan, Jacqueline O.+
Allen, Cheryl Lynn+
Freedbert, Robert A.##
Cleland, John M.##

++ Retired 12-31-07

Term expired 1-6-08

Appointed 6-30-08

Commonwealth Court Judges

Complement 9

Leadbetter, Bonnie Brigance
President Judge

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

* Resigned 1-6-08

Cohn Jubelirer, Renée
Simpson, Robert E., Jr.
Leavitt, M. Hannah
Butler, Johnny J.**

** Appointed 6-30-08

Appellate

Court

Jurists

(As of 6-30-08)

**Senior
Appellate
Court
Judges**

**Superior Court
Senior Judges**

Colville, Robert E.*
Fitzgerald, James J., III++
Hudock, Joseph A.+
Johnson, Justin M.**
Kelly, John T.J., Jr.

McEwen, Stephen J., Jr.
Popovich, Zoran
Tamilia, Patrick R.

- * Allegheny County senior
Common Pleas Court judge
assigned to Superior Court
- ** Retired 12-31-07
- + Effective 1-1-08
- ++ Effective 1-7-08

**Commonwealth
Court Senior Judges**

Colins, James Gardner++
Feudale, Barry F.**
Flaherty, James J.
Kelley, James R.
McCloskey, Joseph F.*
Quigley, Keith B.+

- * Schuylkill County senior
Common Pleas Court judge
assigned to Commonwealth
Court
- ** Northampton County senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court
- + Perry-Juniata Counties senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court
- ++ Appointed 1-7-08; resigned
6-20-08

(As of 6-30-08)

† Act 217 of 2004 added five new judgeships to the Courts of Common Pleas beginning with the 2007 election. Courts marked with the dagger symbol (†) after the complement are those courts which received new judgeships in 2007. 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 43
 Vacancy 1

James, Joseph M.

Administrative Judges

Clark, Kim Berkeley
 Lucchino, Frank J.
 McDaniel, Donna Jo
 Strassburger, Eugene B., III++
 Wettick, R. Stanton, Jr.##

Allen, Cheryl Lynn**
 Bigley, Kelly Eileen+
 Borkowski, Edward J.
 Bubash, Cathleen Cawood*
 Cashman, David R.

Colville, Robert J.
 De Angelis, Guido A.
 Della Vecchia, Michael A.
 Durkin, Kathleen A.
 Eaton, Kim D.

Flaherty, Thomas E.
 Folino, Ronald W.
 Friedman, Judith L.A.
 Gallo, Robert C.#
 Hens-Greco, Kathryn M.

Hertzberg, Alan David
 Horgos, Robert P.
 Kelly, Robert A.
 Lazzara, Beth A.
 Luty, Paul F., Jr.

Machen, Donald E.
 Manning, Jeffrey A.
 Mariani, Anthony M.
 Mazur, Lee J.
 McCarthy, Michael E.*

McVay, John T., Jr.+
 Mulligan, Kathleen R.
 Nauhaus, Lester G.
 O'Brien, W. Terrence
 O'Reilly, Timothy Patrick

O'Toole, Lawrence J.
 Rangos, Jill E.
 Sasinoski, Kevin G.
 Scanlon, Eugene F., Jr.
 Todd, Randal B.

Ward, Christine A.
 Wecht, David N.
 Woodruff, Dwayne D.
 Zottola, John A.

- * Appointed 6-29-07; elected 11-6-07
- ** Elected to the Superior Court 11-6-07
- + Elected 11-6-07
- ++ Appointed administrative judge 12-5-07
- # Retired 12-31-08
- ## Term expired 1-6-08

ARMSTRONG COUNTY (33)

Complement 2

*Nickleach, Joseph A.***
Valasek, Kenneth G.+
 Panchik, James J.*

- * Elected 11-6-07
- ** Term expired 1-6-08
- + Appointed president judge effective 1-7-08

Common

Pleas

Court

Judges

(As of 6-30-08)

(Judicial district listed in parentheses)

(Italics denotes president judge)

BEAVER COUNTY (36)

Complement 7

*Kunselman, Robert E.***
McBride, John D.+
 Dohanich, John P.
 James, George E.**
 Knafelc, Harry E.*

Kunselman, Deborah A.
 Kwidis, C. Gus
 Mancini, Richard
 Tesla, Kim*

* Elected 11-6-07
 ** Retired 12-31-07
 + Elected president judge effective 1-1-08

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
 Ling, Thomas S.

BERKS COUNTY (23)

Complement 13

*Grim, Arthur E.***
Schmehl, Jeffrey L.+
 Boccabella, John A.
 Bucci, James M.
 Campbell, Mary Ann

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

Rowley, Timothy J.*
 Schmehl, Peter W.
 Sprecher, Jeffrey K.
 Yatron, Paul M.

* Elected 11-6-07
 ** Term expired 1-6-08
 + Elected president judge effective 1-7-08

BLAIR COUNTY (24)

Complement 5

Kopriva, Jolene Grubb
 Carpenter, Hiram A., III
 Doyle, Elizabeth A.
 Milliron, Daniel J.
 Sullivan, Timothy M.

BRADFORD COUNTY (42)

Complement 2

Vacancy 1

Smith, Jeffrey A.
 Mott, John C.*

* Defeated for retention 11-6-07;
 term expired 1-6-08

BUCKS COUNTY (07)

Complement 13

Vacancy 1

Heckler, David W.
 Biehn, Kenneth G.*
 Boylan, Rea Behney
 Cepparulo, Albert J.
 Finley, Jeffrey L.

Fritsch, C. Theodore, Jr.
 Gibbons, Diane E.**
 Goldberg, Mitchell S.
 Lawler, Daniel J.+
 Mellon, Robert J.

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

* Resigned 7-5-07
 ** Elected 11-6-07
 + Retired 12-31-07

BUTLER COUNTY (50)

Complement 6

Doerr, Thomas J.
 Hancher, George H.**

Horan, Marilyn J.
 McCune, Timothy F.
 Shaffer, William R.

Streib, Kelley T. D.*
 Yeager, S. Michael

* Elected 11-6-07
 ** Term expired 1-6-08

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
 Creany, Timothy P.
 Krumenacker, Norman A., III
 Leahy, Francis J.
 Tulowitzki, David J.

CARBON COUNTY (56)

Complement 2

Nanovic, Roger N.
 Addy, David W.

CENTRE COUNTY (49)

Complement 4

*Brown, Charles C., Jr.***
Grine, David E.+
 Kistler, Thomas King
 Lunsford, Bradley P.
 Ruest, Pamela A.*

* Elected 11-6-07
 ** Retired 12-31-07
 + Appointed president judge effective 1-1-08

CHESTER COUNTY (15)

Complement 14†1

Ott, Paula Francisco
 Bortner, David F.*
 Cody, Jacqueline C.
 Gavin, Thomas G.
 Griffith, Edward

**CHESTER COUNTY,
continued**

Hall, John L.
MacElree, James P., II
Mahon, William P.
Nagle, Ronald C.
Platt, Katherine B.L.

Riley, Howard F., Jr.
Sarcione, Anthony A.
Shenkin, Robert J.
Streitel, Phyllis R.

* Elected 11-6-07

CLARION COUNTY (18)

Complement 1

Arner, James G.

CLEARFIELD COUNTY (46)

Complement 2

Ammerman, Frederic J.
Cherry, Paul E.

CLINTON COUNTY (25)

Complement 2

*Saxton, Richard N., Jr.***
Williamson, J. Michael+
Miller, Craig P.*

* Elected 11-6-07

** Retired 12-31-07

+ Appointed president judge
effective 1-1-08

**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

Bayley, Edgar B.
Ebert, Merle L., Jr.
Guido, Edward E.
Hess, Kevin A.
Oler, J. Wesley, Jr.

DAUPHIN COUNTY (12)

Complement 8

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

DELAWARE COUNTY (32)

Complement 19

*Zetusky, Edward J., Jr.***
Cronin, Joseph P., Jr.+
Bradley, Harry J.**
Bradley, James P.
Brennan, Mary Alice*

Burr, Charles B., II
Coll, Michael F.X.
Clouse, Kenneth A.
Dozor, Barry C.
Durham, Kathrynann W.

Fitzpatrick, Maureen F.
Hazel, Frank T.
Jenkins, Patricia H.
Kelly, Kevin F.
Kenney, Chad F., Sr.

Mallon, Gregory M.*
Nilon, James F., Jr.
Osborne, Ann A.
Pagano, George A.
Proud, James F.
Wright, Robert C.

* Elected 11-6-07

** Retired 12-31-07

+ Elected president judge
effective 1-1-08

**ELK-CAMERON
COUNTIES (59)**

Complement 1

Masson, Richard A.

ERIE COUNTY (06)

Complement 9

Kelly, Elizabeth K.
Bozza, John A.
Connelly, Shad F.
Cunningham, William R.
DiSantis, Ernest J., Jr.

Domitrovich, Stephanie A.
Dunlavy, Michael E.
Garhart, John
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.

**FRANKLIN-FULTON
COUNTIES, continued**

Van Horn, 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

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

JEFFERSON COUNTY (54)

Complement 1

Foradora, John H.

**LACKAWANNA
COUNTY (45)**

Complement 8

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

Minora, Carmen D.
Munley, Thomas J.
Nealon, Terrence R.

LANCASTER COUNTY (02)

Complement 15†2

Farina, Louis J.
Allison, Paul K.**
Ashworth, David L.
Cullen, James P.
Gorbey, Leslie

Hackman, Christopher A.*
Hoberg, Jay J.
Hummer, Wayne G., Jr.**
Kenderdine, Henry S., Jr.
Knisely, Howard F.*

Madenspacher, Joseph C.
Miller, Margaret C.*
Reich, Jeffrey J.*
Reinaker, Dennis E.
Totaro, Donald R.*

Workman, Daniel R.
Wright, Jeffrey D.*

* Elected 11-6-07
** Retired 12-31-07

LAWRENCE COUNTY (53)

Complement 4

Motto, Dominick
Cox, J. Craig
Hodge, John W.
Piccione, Thomas M.

LEBANON COUNTY (52)

Complement 4

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

LEHIGH COUNTY (31)

Complement 10

*Black, Alan M.***
*Platt, William H.**
Anthony, James T.++

Banach, Kelly L.
Brenner, Lawrence J.#

Dantos, Maria L.+
Ford, William E.
Johnson, J. Brian
McGinley, Carol K.
Reibman, Edward D.

Steinberg, Robert L.
Varricchio, Michele A.++

* President judge term expired
1-6-07; reelected president
judge effective 1-7-08
** Elected president judge
effective 1-7-07; term
expired 1-6-08
+ Appointed 6-29-07; elected
11-6-07
++ Elected 11-6-07
Retired 12-31-07

LUZERNE COUNTY (11)

Complement 10†1

Vacancy 1

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

Lupas, David W.+
Mundy, Hugh F.
Muroski, Chester B.
Olszewski, Peter Paul, Jr.
Toole, Michael T.

* President judge term expired
2-5-07; resigned 1-14-08
** Elected president judge
effective 2-6-07
+ Elected 11-6-07

LYCOMING COUNTY (29)

Complement 5

Brown, Kenneth D.
Anderson, Dudley N.
Butts, Nancy L.

**LYCOMING COUNTY,
continued**

Gray, Richard A.
Kieser, William S.

MCKEAN COUNTY (48)

Complement 2
Vacancy 1

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

* Appointed to the Superior
Court 6-30-08
** Appointed president judge
7-4-08

MERCER COUNTY (35)

Complement 4

Fornelli, Francis J.
Dobson, Thomas R.
Reed, John C.
St. John, Christopher J.

MIFFLIN COUNTY (58)

Complement 2

Searer, Timothy S.
Williams, Rick A

MONROE COUNTY (43)

Complement 6

Vican, Ronald E.
Cheslock, Jerome P.
Mark, Jonathan
Miller, Linda Wallach
Worthington,
Margherita Patti
Zulick, Arthur L.

**MONTGOMERY
COUNTY (38)**

Complement 21
Vacancy 1

Hodgson, Richard J.
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.
Branca, Thomas C.

Carpenter, William R.
Corso, S. Gerald
Daniele, Rhonda Lee
DelRicci, Thomas M.
Dickman, Toby L.*

Drayer, Calvin S., Jr.
Furber, William J., Jr.
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.

* Died 10-19-07

**NORTHAMPTON
COUNTY (03)**

Complement 8
Vacancy 1

*Freedberg, Robert A.**
*McFadden, F. P. Kimberly***
Baratta, Stephen G.
Beltrami, Anthony S.
Giordano, Emil A.

Moran, William F.
Roscioli, Paula A.
Smith, Edward G.

* Appointed to the Superior
Court 6-30-08
** Elected president judge
effective 7-11-08

**NORTHUMBERLAND
COUNTY (08)**

Complement 3

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

**PERRY-JUNIATA
COUNTIES (41)**

Complement 2

Rehkamp, C. Joseph
Morrow, Kathy A.

**PHILADELPHIA
COUNTY (01)**

Complement 93
Vacancy i

Jones, C. Darnell, II

Administrative Judges
Dougherty, Kevin M.
Fitzgerald, James J., III*
Keogh, D. Webster**
O'Keefe, Joseph D.

Abramson, Howland W.
Allen, Jacqueline F.
Anders, Daniel J.+
Bernstein, Mark I.
Berry, Willis W., Jr.

Bright, Gwendolyn N.
Brinkley, Genece E.
Bronson, Glenn B.
Brown, Joan A.
Butchart, Ann M.

Byrd, Sandy L.V.
Carpenter, Linda A.#
Carrafiello, Matthew D.
Ceisler, Ellen H.#
Chen, Ida K.

Clark, Tama Myers
Cohen, Denis P.
Cooperman, Amanda

**PHILADELPHIA COUNTY,
continued**

Cunningham,
Charles J., III
DeFino-Nastasi, Rose Marie

Dembe, Pamela Pryor
Dempsey, Thomas E.
Di Vito, Gary F.
DiNubile, Victor J., Jr.
Djerassi, Ramy I.

Dubow, Alice B.+
Dumas Brooks, Lori A.
Dych, Joseph A.
Erdos, Michael E.#
Fleisher, Leslie

Ford, Holly J.
Fox, Idee C.
Frazier-Clemons, Brenda
Geroff, Steven R.
Glazer, Gary S.

Gordon, Richard J., Jr.
Greenspan, Jane Cutler▲
Herron, John W.
Hill, Glynnis D.
Hughes, Renee Cardwell

Jackson, Elizabeth
Johnson, Joel S.
Joseph, Barbara A.
Kane, Harold M.
Lachman, Marlene F.

Lazarus, Anne E.
Lerner, Benjamin
Lewis, Kathryn Streeter
Lynn, James Murray
Maier, Eugene Edward J.##

Manfredi, William J.
Massiah-Jackson,
Frederica A.
Matthews, Robert J.##
Mazzola, William J.
McInerney, Patricia A.

Means, Rayford A.
Minehart, Jeffrey B.
Moss, Sandra Mazur

Murphy, Margaret Theresa
New, Arnold L.

Olszewski, Walter J.
Overton, George W.
Palumbo, Frank
Panepinto, Paul P.
Papalini, Joseph I.

Patrick-Johnakin, Paula A.
Pechkurow, Doris A.
Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris
Rau, Lisa M.

Rebstock, Robert J.
Rizzo, Annette M.
Robins New, Shelley
Robinson, Roslyn K.
Rogers, Peter F.

Sarmina, M. Teresa
Schulman, Susan I.
Sheppard, Albert W., Jr.##
Shirdan-Harris, Lisette
Shreeves-Johns, Karen

Smith, Gregory E.
Snite, Albert John, Jr.
Summers, Edward R.
Sylvester, Esther R.
Tereshko, Allan L.

Trent, Earl W., Jr.
Tucker, Leon W.
Wogan, Chris R.
Wolf, Flora Barth
Woods-Skipper, Sheila A.

Wright Padilla, Nina N.
Younge, John Milton

- * Appointed to the Supreme Court 3-28-07
- ** Appointed administrative judge effective 3-30-07
- + Appointed 6-29-07; elected 11-6-07
- ++ Appointed 6-30-07; elected 11-6-07
- # Elected 11-6-07
- ## Retired 12-31-07
- ▲ Appointed to the Supreme Court 6-30-08

PIKE COUNTY (60)

Complement 2†1

Kameen, Joseph F.
*Chelak, Gregory H.**

* Elected 11-6-07

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

Cascio, John M.
Geary, D. Gregory
Klementik, David C.

**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.+
*Boyer, Robert L.**

- * Elected 11-6-07
- ** Term expired 1-6-08
- + Appointed president judge effective 1-7-08

**WARREN-FOREST
COUNTIES (37)**

Complement 2

Morgan, William F.
Skerda, Maureen A.

**WASHINGTON
COUNTY (27)**

Complement 6

O'Dell Seneca, Debbie
Bell, Janet Moschetta
DiSalle, John F.
Emery, Katherine B.
Mascara, Mark E.
Pozonsky, Paul M.

WAYNE COUNTY (22)

Complement 1

*Hamill Raymond L.**

- * Appointed 10-23-07; elected 11-6-07

**WESTMORELAND
COUNTY (10)**

Complement 11

*Ackerman, Daniel J.**
*Blahovec, John E.***
Bell, Alfred B.
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.

- * President judge term expired 4-9-07
- ** Elected president judge effective 4-10-07

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 14

Renn, Richard K.
Adams, Joseph C.
Blackwell, Penny L.
Bortner, Michael E.
Brillhart, Michael J.

Chronister, John H.
Cook, Maria Musti
Dorney, Sheryl Ann
Kelley, Thomas H.
Kennedy, John S.

Linebaugh, Stephen P.
Snyder, Gregory M.
Thompson, John W., Jr.
Uhler, John C.

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.*

* Effective 1-3-08

ALLEGHENY COUNTY

Bigley, Gerard M.
Gallo, Robert C.**
Johnson, Livingstone M.*
Kaplan, Lawrence W.
Wettick, R. Stanton+

* Retired 12-31-07
** Effective 1-1-08
+ Effective 1-7-08

ARMSTRONG COUNTY

Nickleach, Joseph A.*

* Effective 1-7-08

BEAVER COUNTY

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

* Resigned 12-20-07
** Effective 1-1-08

BERKS COUNTY

Ehrlich, Elizabeth G.**
Eshelman, Thomas J.
Grim, Arthur E.+

Schaeffer, Forrest G., Jr.*
Smith, Calvin E.*

Stallone Albert A.

* Retired 12-31-07
** Effective 1-3-08
+ Effective 1-7-08

BLAIR COUNTY

Peoples, Thomas G., Jr.

BUCKS COUNTY

Clark, Ward F.*
Kane, Michael J.
McAndrews, R. Barry
Rufe, William H., III

* Retired 12-31-07

BUTLER COUNTY

Brydon, John H.

CAMBRIA COUNTY

Swope, Thomas A., Jr.

CARBON COUNTY

Webb, Richard W.

CENTER COUNTY

Brown, Charles C., Jr.*

* Effective 1-1-08

CHESTER COUNTY

Smith, Charles B.

(As of 6-30-08)

CLARION COUNTY

Alexander, Charles R.*

* Resigned 7-6-07

CLEARFIELD COUNTY

Reilly, John K., Jr.

CLINTON COUNTY

Brown, Carson V.
Saxon, Richard N., Jr.*

* Effective 1-1-08

DELAWARE COUNTY

Bradley, Harry J.*
Keeler, Charles C.
Koudelis, George
Toal, William R., Jr.
Zetusky, Edward J., Jr.**

* Effective 1-1-07

** Effective 1-1-08

ERIE COUNTY

Anthony, Fred P.

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.*

* Retired 12-31-07

JEFFERSON COUNTY

Henry, William L.

LACKAWANNA COUNTY

O'Malley, Carlon M., Jr.

LANCASTER COUNTY

Georgelis, Michael A.*
Hummer, Wayne G., Jr.**
Perezous, Michael J.

* Resigned 1-1-08

** Effective 1-1-08

LAWRENCE COUNTY

Pratt, Ralph D.

LEHIGH COUNTY

Black, Alan M.+
Brenner, Lawrence J.**
Diefenderfer, James N.*

* Died 11-14-07

** Effective 1-1-08

+ Effective 1-7-08

LUZERNE COUNTY

Conahan, Michael T.*
Toole, Patrick J., Jr.

* Effective 1-15-08

LYCOMING COUNTY

Smith, Clinton W.

MERCER COUNTY

Wherry, Michael J.

MONROE COUNTY

O'Brien, Peter J.

NORTHAMPTON COUNTY

Franciosa, Michael V.
Hogan, James C.*

* Resigned 5-31-07

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.*
Ranck, Samuel C.

* Sits on occasion in
Commonwealth Court

PERRY-JUNIATA COUNTIES

Quigley, Keith B.*

* Sits on occasion in
Commonwealth Court

PHILADELPHIA COUNTY

Ackerman, Norman
Chiovero, John J.++
DeFino, Anthony J., Jr.++
DiBona, Alfred J., Jr.
Field, Myrna P.*

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

Maier, Eugene Edward J.#
Matthews, Robert J.#
O'Grady, John J., Jr.
Poserina, John J., Jr.
Reynolds, Abram Frank

**PHILADELPHIA COUNTY,
continued**

Richette, Lisa A.+
Russell, Edward E.
Sheppard, Albert W., Jr.#
Temin, Carolyn Engel

* Died 4-24-07
** Resigned 8-15-07
+ Died 10-26-07
++ Retired 12-31-07
Effective 1-1-08

PIKE COUNTY

Thomson, Harold A., Jr.

SOMERSET COUNTY

Fike, Eugene E., II

VENANGO COUNTY

White, H. William, Jr.*

* Effective 1-7-08

**WARREN-FOREST
COUNTIES**

Millin, Paul H.

WASHINGTON COUNTY

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

* Retired 12-31-07

WAYNE COUNTY

Conway, Robert J.

WESTMORELAND COUNTY

Loughran, Charles H.
Marker, Charles E.

YORK COUNTY

Miller, John T.*

* Retired 12-31-07

Philadelphia Municipal Court

Judges

Complement 25
Vacancy 1

Prezenza, Louis J.

Blasi, Robert S.#

Brady, Frank T.

Conway, Gwendolyn A.

Daher, Georganne V.

DeLeon, James M.

Deni, Teresa Carr

Dugan, Patrick F.**

Frazier-Lyde, Jacquelyn M.++

Gehret, Thomas F.

Gilbert, Barbara S.

Griffin, Deborah Shelton##

Jimenez, Nazario, Sr.

Kirkland, Lydia Y.

Kosinski, Gerard A.

Meehan, William Austin, Jr.

Merriweather, Ronald B.

Moore, Jimmie

Moss, Bradley K.

Neifield, Marsha H.

O'Neill, Joseph J.+

Pew, Wendy L.

Robbins, Harvey W.

Shuter, David C.

Silberstein, Alan K.*

Simmons, Karen Y.

Washington, Craig M.

* Resigned 3-2-07

** Appointed 6-29-07; elected
11-6-07

+ Appointed 10-23-07; elected
11-6-07

++ Elected 11-6-07

Retired 12-31-07

Removed from office 5-6-08

Philadelphia Traffic Court Judges

Complement 7

Tynes, Thomasine

Administrative Judge

DeAngelis, Bernice A.

Adams, Willie J.**

Green, Earlene

Lowry, Michael*

Mulgrew, Robert*

Singletary, Willie F.*

Sullivan, Michael J.

* Elected 11-6-07

** Retired 12-31-07

Philadelphia

Special

Courts

Judges

(As of 6-30-08)

*(Italics denotes
president judge)*

**Philadelphia
Special
Courts
Senior
Judges**

**Philadelphia
Municipal Court
Senior Judges**

Blasi, Robert S.*
Cosgrove, Francis P.
Krase, Morton
Stack, Felice Rowley

* Effective 1-1-08

**Philadelphia
Traffic Court
Senior Judges**

Adams, Willie J.*
Perri, Fortunato N., Sr.

* Effective 1-1-08

(As of 6-30-08)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)Complement 49
Vacancy 3

Barner, Robert L.
Barton, David J.
Bengel, Carolyn S.
Blaschak, Suzanne R.
Bova, John N.

Bubash, Cathleen Cawood*
Capolupo, Pat A.#
Cercone, Mary Ann
Cioppa, Ross C.
Cooper, Kevin E.

Costa, Ronald N., Sr.
Dzvonick, Robert P.
Edkins, Sally Ann++
Evashavik, Susan F.
Firestone, Nathan N.

Ford, Robert L.
Hanley, James J., Jr.
Herbst, Jeffrey L.
Hoots, Kim M.
Hromyak, Leonard J.

Joyce, Dennis R.
King, Richard G.
Lang, Elissa M.
Larotonda, Blaise P.
Martin, Armand##

Martini, Randy C.
McGraw, Elaine M.
McLaughlin, Charles A., Jr.
Miller, Thomas G., Jr.
Mills, Beth S.**

Murray, Mary P.
Olasz, Richard D., Jr.
Opiela, Richard G.

Petite, Oscar J., Jr.
Ravenstahl, Robert P., Jr.

Riazzzi, Eugene F.+
Ricciardi, Eugene N.
Saveikis, Anthony W.
Schricker, Scott H.
Smith, Tara L.

Sosovicka, David J.
Swearingen, Carla M.
Torkowsky, Thomas R.
Wagner, William K.
Welsh, Regis C., Jr.

Wyda, Robert C.
Zielmanski, Eugene L.
Zucco, Linda I.
Zyra, Gary M.

- * Appointed to Common Pleas Court 6-29-07
- ** Appointed 6-29-07; elected 11-6-07
- + Appointed 6-30-07; elected 11-6-07
- ++ Resigned 7-31-07; court eliminated 1-7-08 per Supreme Court order dated 12-30-02
- # Elected 11-6-07
- ## Died 11-22-07

ARMSTRONG COUNTY (33)

Complement 4

DeComo, J. Gary
Gerheim, Michael L.
Goldstrohm, Samuel R.
Owen, James H.

BEAVER COUNTY (36)Complement 9
Vacancy 1

DiBenedetto, James F.
Finn, Tim
Howe, Edward C.
Knafelc, Harry E.*
Livingston, William R., II

Magisterial**District****Judges**

(As of 6-30-08)

**BEAVER COUNTY,
continued**

Loughner, C. Douglas
Nicholson, Dale F.Schafer,
Joseph L.
Swihart, Janet M.

* Elected to Common Pleas Court
11-6-07

BEDFORD COUNTY (57)

Complement 4

Baker, Brian K.
Bingham, H. Cyril, Jr.
Calhoun, Kathy S.
Osman, Tonya M.

BERKS COUNTY (23)

Complement 18

Bentz, Nicholas M., Jr.
Book, Andrea J.
Dougherty, Timothy M.
Frederick, Victor M., IV
Gauby, Thomas M., Sr.

Glass, David E.
Greth, Gail M.
Hall, William N., Jr.
Hartman, Michael G.
Kennedy Stuart D.

Kowalski, Phyllis J.
Lachina, Deborah P.
Leonardziak, Michael J.
Patton, Dean R.
Scott, Wallace S.

Stitzel, Gloria W.
Xavios, Thomas H.
Young, Ann L.

BLAIR COUNTY (24)

Complement 7

Aigner, Paula M.
Auker, Jeffrey P.
Jackson, Steven D.*
Jones, Patrick T.**
Kelly, Todd F.

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

* Elected 11-6-07
** Term expired 1-6-08

BRADFORD COUNTY (42)

Complement 4

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

BUCKS COUNTY (07)

Complement 20

Baranoski, Daniel E.*
Baum, Charles W.
Benz, William J.
Brown, Leonard J.
Burns, Michael J.

Daly, Philip J.
DuBree, M. Kay
Falcone, Joseph P.
Finello, Daniel J., Jr.
Gaffney, Robert E.

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

Roth, C. Robert
Schnell, Robert A., Jr.
Snow, Maggie*

Vislosky, Jan
Wagner, Robert L., Jr.

* Elected 11-6-07; new district
added per Supreme Court orders
dated 8-20-03 and 1-10-05

BUTLER COUNTY (50)

Complement 7
Vacancy 1

Haggerty, Sue E.
O'Donnell, Kevin P.
Seibel, Wayne D.
Shaffer, Peter H.
Stoughton, Lewis E.

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

* Elected to Common Pleas Court
11-6-07

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Creany, Frederick S.
Decort, Galen F.
Grecek, Leonard J.
Musulin, Michael J.

Nileski, Charity L.
Pavlovich, Max F.
Varner, Rick W.
Zanghi, Mary Ann
Zungali, Michael

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Homanko, Joseph D., Sr.
Kosciolek, Casimir T.
Lewis, Edward M.

CENTRE COUNTY (49)

Complement 6

Dutchcot, Leslie A.*
Grine, Jonathan D.
Hoffman, Daniel R., II
Jordan, Thomas N.
Prestia, Carmine W., Jr.

Sinclair, Allen W.

* Elected 11-6-07

CHESTER COUNTY (15)

Complement 19

Vacancy 1

Anthony, John F.++
Arnold, Rita A.
Blackburn, Jeremy M.
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, Nancy A.+
Knapp, Gwenn S.
Koon, Grover E.
Kraut, William D.**
Maisano, Daniel J.

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

* Resigned 4-30-07

** Apptd. 10-23-07; elected
11-6-07

+ Elected 11-6-07

++ Resigned 5-31-08

CLARION COUNTY (18)

Complement 4

George, Daniel P.**
Kadunce, Nancy M.
Long, Amy L.
Miller, Jeffrey C.*
Quinn, Duane L.

* Elected 11-6-07

** Term expired 1-6-08

CLEARFIELD COUNTY (46)

Complement 4

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

CLINTON COUNTY (25)

Complement 3

Maggs, John W.
Mills, Frank P.
Sanders, Joseph L., III

**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 5

Chisholm, William D.
Marwood, Rita J.
Nicols, Amy L.
Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

**CUMBERLAND
COUNTY (09)**

Complement 10

Bender, Harold E.
Brewbaker, Jessica E.
Clement, Charles A., Jr.
Cohick, Vivian J.
Correal, Paula P.

Day, Susan K.
Dougherty, Richard S., Jr.
Manlove, Robert V.
Martin, Mark W.
Placey, Thomas A.

DAUPHIN COUNTY (12)

Complement 16

Vacancy 1

Bridges, Roy C.*
Jennings, Robert, III
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.

Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, Barbara
Postelle, LaVon A.
Semic, Steven M.

Shugars, Raymond F.
Smith, Michael John
Solomon, Joseph S.
Stewart, Marsha C.
Wenner, William C.

Zozos, George A.

* Resigned 1-6-08

**DELAWARE
COUNTY (32)**

Complement 34

Vacancy 1

Berardocco, Ann
Blythe, Robert J.
Burke, Robert R.

**DELAWARE COUNTY,
continued**

Cappelli, Richard M.
Capuzzi, John P.

Christie, Edward W.
Cullen, Michael G.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.
Griffin, David R.

Hunter, Leon, III
Karapalides, Harry J.
Klein, Stephanie H.
Lacey, Thomas J.++
Lacianca, Elisa C.

Lang, David Hamilton
Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.**
Mattox, Christopher R.

McCray, C. Walter, III
McKeon, Laurence J.
Micozzie-Aguirre, Kelly A.
Murphy, David J.
Perfetti, John J.

Puppio, Andrea E.
Sandone, Steven A.
Scanlon, Anthony D.
Seaton, Spencer B., Jr.
Strohl, Walter A.*

Tenaglia, Leonard V.+
Tolliver, Elkin A.
Tozer, Peter P.
Tuten, John C.
Vann, Dawn L.*

* Apptd. 6-29-07; elected
11-6-07
** Elected to Common Pleas
Court 11-6-07
+ Elected 11-6-07
++ Term expired 1-6-08

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15

Alonge, Gerard L.
Carney, Thomas
DiPaolo, Dominick D.
Dwyer, James J., III
Krahe, Mark R.

Lefaiver, Joseph R.
Mack, Suzanne C.
MacKendrick,
Christopher K.
Manzi, Paul
Nichols, Brenda A.

Robie, Thomas C.
Southwick, Carol L.
Strohmeier, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul G.

FAYETTE COUNTY (14)

Complement 9

Vacancy 1

Abraham, Randy S.
Blair, Mark L.**
Breakiron, Robert W.+
Cramer, Jesse J.
Defino, Michael J., Jr.

Dennis, Wendy D.
George, Joseph M., Jr.
Haggerty, Ronald J., Sr.

Machesky, Ronald K.*
Shaner, Dwight K.

* Elected 11-6-07; died
12-23-07 before taking office
** Defeated for reelection
11-6-07; term expired 1-6-08
+ Court eliminated 1-7-08 per
Supreme Court order dated
4-13-04; term expired 1-6-08

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 10

Vacancy 1

Alloway, Richard L., II**
Carter, Gary L.
Cunningham, Duane K.
Hawbaker, David E.
Horne, Devin C.

Johnson, Carol J.
Mellott, Wendy Richards
Pentz, Larry G.
Rock, Kelly L.
Williams, Todd R.*

* Elected 11-6-07
** Resigned 1-18-08

GREENE COUNTY (13)

Complement 3

Bates, D. Glenn
Dayich, Louis M.
Watson, Leroy W.

**HUNTINGDON
COUNTY (20)**

Complement 4

Colyer, Michael M.
Davis, Daniel S.*
Gummo, Douglas L.**
Jamison, Mary G.
Wilt, Richard S.

* Resigned 8-31-07
** Elected 11-6-07

INDIANA COUNTY (40)

Complement 4

Haberl, Guy B.
Rega, Jennifer J.
Steffee, Susanne V.
Thachik, George M.

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Inzana, David B.

LACKAWANNA COUNTY (45)

Complement 11

Farrell, Alyce M.
Gallagher, Terrence V.
Gibbons, James A.
Giglio, Theodore J.
Golden, Thomas J.
Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.
Russell, Robert G.
Turlip Murphy, Laura M.

LANCASTER COUNTY (02)

Complement 20

Vacancy 1

Ballentine, Kelly S.
Brian, David E.
Commings, B. Denise
Duncan, Jayne F.
Eckert, Leo H., Jr.
Fee, Thomas J.*
Garrett, Daniel B.
Hamil, Nancy G.
Hamilton, Maynard A., Jr.
Hartman, Cheryl N.

Hartman, Rodney H.
Herman, Robert A., Jr.
Jiminez, Janice *
Miller, David P.
Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.
Sponaule, Mary Mongiovi
Stoltzfus, Isaac H.
Willwerth, Jene A.
Winters, John C.**

* Elected 11-6-07
** Term expired 1-6-08

LAWRENCE COUNTY (53)

Complement 5

Amodie, Melissa A.
Cartwright, Jerry G., Jr.
Lamb, J. V.*
McGrath, Scott+
Nicholson, Jennifer L.**
Reed, James A.++
Rishel, David B.
* Resigned 2-14-07
** Appointed 6-19-07
+ Elected 11-6-07
++ Term expired 1-6-08

LEBANON COUNTY (52)

Complement 6

Arnold, John F.**
Capello, Thomas M.
Dissinger, Maria M.*
Heck, Christine R.
Lehman, Lee R.
Smith, Michael D.
Wolfe, Kim R.
* Elected 11-6-07
** Retired 12-31-07

LEHIGH COUNTY (31)

Complement 14

Vacancy 1

Balliet, Carl L.
Beck, Rodney R.
Butler, Donna R.
Crawford, Charles H.
Devine, Karen C.
Engler, Patricia M.
Halal, Robert C.**
Hammond, Jacob E.++
Harding, David B.
Leh, David G.

Maura, Wayne
Merlo, Maryesther S.
Rapp, Anthony G., Jr.
Snyder, Joan L.*
Varricchio, Michele A.+

Warmkessel, Patricia E.#

* Resigned 5-31-07
** Appointed 10-23-07
+ Elected to Common Pleas Court 11-6-07
++ Elected 11-6-07
Term expired 1-6-08

LUZERNE COUNTY (11)

Complement 17

Amesbury, William Henry
Barilla, David A.
Carmody, Joseph J.
Dotzel, Michael G.
Feissner, Gerald L.
Halesey, Joseph A.
Hasay, John E.
Kane, Martin R.
Malast, Diana
O'Donnell, Daniel
Pierantoni, Fred A., III
Roberts, Paul J.
Sharkey, Thomas J.
Swank, Ronald W.
Tupper, James E.

**LUZERNE COUNTY,
continued**

Whittaker, Donald L.
Zola, Joseph D.

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

Cercone, Dominic A., Jr.
Kennedy, Michael J.
Luther, Richard W., Jr.
Todd, William K.

MERCER COUNTY (35)

Complement 5

Antos, Ronald E.
Fagley, William L.
Hinch, Lorinda L.
McMahon, James E.
Silvis, Lawrence T.

MIFFLIN COUNTY (58)

Complement 3

Clare, Barbara A.
Hunter, Tammy L.
Miller, Jack E.

MONROE COUNTY (43)

Complement 10

Anzini, Kristina*
Claypool, Richard S.

Fluegel, Anthony D.
Germano, Brian R.
Krawitz, JoLana

Muth, Michael R.
Olsen, Thomas E.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

* Appointed 6-29-07; elected
11-6-07

**MONTGOMERY
COUNTY (38)**

Complement 30

Augustine, Albert J.
Bernhardt, Francis J., III
Borek, Harold D.
Casillo, Ester J.
Cerski, Christopher J.
Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Friedenberg, Jay S.

Gadzicki, Walter F., Jr.
Gallagher, James P.
Householder,
William R., Jr.
Hummel Fried, Catherine M.
Hunsicker-Fleischer,
Margaret A.

Keightly, David A.
Lawrence, Francis J., Jr.
Leo, Paul N.
Lukens, Deborah A.
Maruszczak, William I.
McHugh, Elizabeth A.
Murray, John S., III
Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.

Saylor, Maurice H.*
Schireson, Henry J.

Skerchock, Dorothy**
Valentine, Katleen M.
Zaffarano, Patricia A.

Zucker, Karen Eisner

* Elected 11-6-07
** Retired 12-31-07

**NORTHAMPTON
COUNTY (03)**

Complement 15

Barner, Joseph K.
Capobianco, John**
Corpora, Daniel G.**
Elwell, Gay L.
Koury, Michael J., Jr.

Litzenberger, Ralph W.
Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Narlesky, James J.

Repyneck, Diane S.
Romig-Passaro, Patricia A.*
Stocklas, James F.
Strohe, Todd M.
Zaun, William F.

Zemgulis, Sandra J.+

* Appointed 6-29-07; elected
11-6-07
** Elected 11-6-07
+ Term expired 1-6-08

**NORTHUMBERLAND
COUNTY (08)**

Complement 5

Bolton, Robert J.
Gembic, John
Kear, William F.
Mychak, Michael F.
Rice, Carl B.

**PERRY-JUNIATA
COUNTIES (41)**

Complement 5

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
McGuire, Daniel R.L.

PIKE COUNTY (60)

Complement 4

Cooper, Alan B.
Fischer, Deborah
McBride, Stephen A.
Rose, Jay R.**
Sanquilly, William N.*

* Died 1-28-07

** Appointed 6-30-07

POTTER COUNTY (55)

Complement 3

Bristol, Delores G.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)

Complement 8

Vacancy 1

Bayer, Stephen J.
Ferrier, James R.
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.

Plachko, David A.
Reiley, James K.
Slezosky, William A.*

* Resigned 6-30-07

**SNYDER-UNION
COUNTIES (17)**

Complement 5

Armbruster, Leo S.
Mensch, Jeffrey L.
Mihalik, Edward G., Jr.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)

Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.
Mankamyer, Susan
Stevanus, Sandra L.

**SUSQUEHANNA
COUNTY (34)**

Complement 3

Brainard, Suzanne M.*
Franklin, Gene A.**
Hollister, Jeffrey L.
Janicelli, Peter M.

* Elected 11-6-07

** Term expired 1-6-08

TIOGA COUNTY (04)

Complement 3

Carlson, James E.
Edgcomb, Brian W.
Sweet, Phillip L.

VENANGO COUNTY (28)

Complement 4

Vacancy 1

Boyer, Robert L.*
Dinberg, Douglas I.

Fish, David L.
Gerwick, Douglas B.

* Elected to Common Pleas Court
11-6-07

**WARREN-FOREST
COUNTIES (37)**

Complement 4

Bauer, Laura S.
Carlson, Glenn S.**
Fedora, Michael L.**
Gregory, George F.*
Lindemuth, Cynthia K.

Zerbe, Arthur W.

* Appointed 7-6-07

** Court eliminated 1-7-08 per
Supreme Court order dated
12-13-02; term expired
1-6-08

**WASHINGTON
COUNTY (27)**

Complement 11

Vacancy 1

Costanzo, Valarie S.
Dutton, Jay H.
Ellis, James C.
Havelka, Gary H.
Hopkins, Larry W.

Kanalis, Joshua P.**
Mark, David W.
Pelkey, William P.*
Spence, J. Albert+
Thompson, Curtis L.

Weller, Jay H.
Wilson, Mark A.

* Defeated for reelection

11-6-07; term expired 1-6-08

** Elected 11-6-07

+ Resigned 6-30-08

WAYNE COUNTY (22)

Complement 4
Vacancy 1

Carney, Bonnie L.
Edwards, Ronald J.
Farrell, Jane E.
Lewis, Bonnie P.*

* Resigned 3-31-08

**WESTMORELAND
COUNTY (10)**

Complement 18
Vacancy 1

Albert, James E.
Bilik, Mark J.
Christner, Charles M., Jr.
Conway, Charles R.
Dalfonso, Joseph A.

DeMarchis, Joseph R.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.
King, J. Bruce

Kistler, Helen M.
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.*
Pallone, Frank J., Jr.

Peck-Yakopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

* Resigned 6-30-08

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Hovan, John J.*
Shurtleff, Russell D.
Smith, Carl W., Jr.

* Appointed 5-21-07; elected
11-6-07

YORK COUNTY (19)

Complement 19
Vacancy 2

Dubs, Dwayne
Edie, Nancy L.
Garber, Daniel B.
Groom, Walter R.
Gross, Scott J.

Haskell, Ronald J., Jr.
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.
Reamer, Walter P.

Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.
Williams, Linda Lou

* Resigned 4-6-08

** Resigned 6-7-08

ADAMS COUNTY

Deardorff, Harold R.*

* Resigned 8-14-07

ALLEGHENY COUNTY

Burnett, Edward
Devlin, Mark B.
Longo, Nancy L.
Peglow, Lee G.
Presutti, Donald H.

Reed, Douglas W.
Terrick, Richard J.*
Tibbs, Edward A.
Zoller, Richard H.

* Removed from list 7-5-07

BEAVER COUNTY

Armour, John W.
Eiler, Donald L.
Schulte, Martin V.

BEDFORD COUNTY

McVicker, Erica*

* Resigned 6-27-07

BERKS COUNTY

Dougherty, John F.*
Mest, Ronald C.

* Resigned 2-26-08

BLAIR COUNTY

Jones, Patrick T.*

* Effective 1-7-08

BUCKS COUNTY

Dietrich, Ruth C.
Hogeland, H. Warren

BUTLER COUNTY

O'Donnell, Joseph D., Jr.

CARBON COUNTY

Hadzick, Paul J.

CENTRE COUNTY

Horner, Ronald J.
Shoff, Robert A.

CHESTER COUNTY

Anthony, John F.**
Welsh, Susann E.
Winther, J. Peter*

* Effective 5-1-07

** Effective 6-1-08

CLARION COUNTY

George, Daniel P.*

* Effective 1-7-08

DAUPHIN COUNTY

Bridges, Roy C.+
Magaro, Samuel J.

Senior

Magisterial

District

Judges

(As of 6-30-08)

**DAUPHIN COUNTY,
continued**

Rathfon, William P.**
Williams, Edward R.*
Yanich, Bernard B.

* Resigned 5-31-07
** Retired 12-31-07
+ Effective 1-7-08

DELAWARE COUNTY

Davis, Horace Z.
Harkin, Edward C.
Liberace, Gerald C.
McDevitt, Leonard M.
Miller, Kenneth N.

Quinn, Joseph T. F.
Sellers, Nicholas*
Shaffer, Robert M.
Videon, David T.

* Resigned 6-21-07

ERIE COUNTY

Abate, Frank, Jr.
Nichols, Patsy A.*
Smith, Charles F.
Stuck, Ronald E.
Vendetti, John A.

* Removed from list 1-31-08

FAYETTE COUNTY

Breakiron, Robert W.*
Cavalcante, Brenda K.
Rubish, Michael

* Effective 1-7-08

**FRANKLIN-FULTON
COUNTIES**

Knepper, Brenda M.

GREENE COUNTY

Canan, Neil M.

INDIANA COUNTY

Steffee, Michael K.

LANCASTER COUNTY

James, Doris R.
Miller, John W.**
Reeser, Richard L.
Simms, Richard H.
Winters, John C.*

* Effective 1-7-08
** Died 3-6-08

LAWRENCE COUNTY

Battaglia, Samuel A.*

* Resigned 6-21-07

LEBANON COUNTY

Arnold, John F.*
Shultz, Jo Ann
Swisher, Hazel V.

* Effective 1-7-08

LEHIGH COUNTY

Dugan, John E.
Gatti, Richard A.
Hartman, Edward E.*

Hausman, Joan K.++
Murphy, Thomas P.

Snyder, Joan L.**
Warmkessel, Patricia E.+

* Resigned 2-28-07
** Effective 6-1-07
+ Effective 1-31-08
++ Resigned 2-8-08

LUZERNE COUNTY

Barilla, Andrew, Jr.

LYCOMING COUNTY

McGee, Gerald A.
Stack, Robert W.*

* Resigned 8-20-07

MERCER COUNTY

French, Ruth M.
Russo, Henry J.

MONROE COUNTY

Eyer, Charles P.
Mangan, Anthony J.*

* Resigned 5-5-08

MONTGOMERY COUNTY

Berkoff, F. Elaine
Inlander, Gloria M.
Price, Richard M.
Saraceni, Robert A.

NORTHAMPTON COUNTY

Frey, Elmo L., Jr.
Grigg, Sherwood R.

**NORTHAMPTON COUNTY,
continued**

Leo, Joseph N.*
Romig, Elizabeth A.
Zemgulis, Sandra J.**

* Resigned 7-31-07

** Effective 6-25-08

PIKE COUNTY

Lieberman, Charles F.

SOMERSET COUNTY

Roush, William H.*

* Resigned 6-19-07

SUSQUEHANNA COUNTY

Dayton, Watson J.
Franklin, Gene A.*

* Effective 1-7-08

VENANGO COUNTY

Fish, David L.*
Martin, William G.

* Effective 6-27-08

**WARREN-FOREST
COUNTIES**

Carlson, Glenn S.*
Fedora, Michael L.*

* Effective 1-7-08

WASHINGTON COUNTY

Teagarden, Marjorie Lee

WAYNE COUNTY

Laabs, Dorothy C.*

* Removed from list 1-31-08

WESTMORELAND COUNTY

DelBene, Frank, Jr.
DiClaudio, Mary S.
Medich, Martha
Scott, Robert E.

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dubs, Mervin L.
Estep, Roger A.
Hodge, James D.
Meisenhelter, Douglas F.*

* Effective 6-9-08

District Court Administrators

Grim, Mark D., Jr.
Billotte, Raymond L.
Davidson, Martha J.
DeFilippi, Albert R.
Staub, Laurie J.

Weber, Stephen A.
Reighard, Michael D.
Vanderpool, Mary Lou
Praul, Douglas R., Esq.
Graff, Candace Y.

Scotilla, Donald J.
Brewster, Roberta L.
Ishler, Maxine O.
Yokemick, Margaret M.
Slike, Tammy J.

Nelson, Daniel J.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Calvanelli, Melissa H.

Thompson, Carolyn
Crandall, Esq.
Montella, Gerald C., Esq.
Masson, Martha Keller
Aaron, Thomas C.
Kuhn, Karen M.

Burkholder, Neil E.
Szoyka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

Mackay, Ronald C.
Dalton, Mark M.
Occhibone, Michael A.
Wingert, David P., Esq.
Schellenberg, Susan T.

Sharkey, William T.
Way, Kevin H., Esq.
Bly, Joanne L.
Morin, Peter A.
Fultz, Melissa K.

Bailey, Lyn
Kehs, Michael R., Esq.
Melito, Judy I.
Onembo, James N.
Yasenchak, Brandy
L., Esq.

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
Green
Huntington
Indiana
Jefferson

Lackawana
Lancaster
Lawrence
Lebanon
Lehigh

Luzerne
Lycoming
McKean
Mercer
Mifflin

Monroe
Montgomery
Montour
Northampton
Northumberland

Minor Court Administrators

Grim, Mark D., Jr.
Galvach, Nancy L.
Davis, Susan A.
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Staub, Laurie J.

Phillips, Faith
Gildea, Patricia M.
Vanderpool, Mary Lou
Carey, Charles A., Jr.
Graff, Candace Y.

Scotilla, Donald J.
Brewster, Roberta L.
Gallo, Barbara G.
Norwood-Foden, Patricia L.
Slike, Tammy J.

Nelson, Daniel J.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Johnson, Ronald E., Esq.

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Yeager, Kathleen M.
Lambie, Tammy Jo

Burkholder, Neil E.
Szoyka, Audrey
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Bly, Joanne L.
Morin, Peter A.
Fultz, Melissa K.

Krom Powell, Deborah A.
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Blass, Joseph A.
French, Debra C.
Yasenchak, Brandy
L., Esq.

Court

Administrators

(As of 6-30-08)

**Court
Administrators,
continued**

**District Court
Administrators**

Lehman, Robin L.
Lawrence, David C.
Venditti, Samantha G.
Bucheit-Saulter,
Jennifer S.
Wallauer, Lois A.

Kratzer, Charlotte N.
Cober, Brad
Hawley, Cathy E.
Clemens, Nancy L.
Cummings-Wilson, Lynn

Critzer, Linda E.
Weller, Christine L.
Myers, Linus
Kuntz, Paul S., Esq.
Custer, Alma F.

Chuk, J. Robert

Perry-Juniata
Philadelphia
Pike
Pitter

Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**Minor Court
Administrators**

Lehman, Robin L.

Venditti, Samantha G.
Bucheit-Saulter,
Jennifer S.
Heffner, Bruce D.

Kratzer, Charlotte N.
Cober, Brad
Hawley, Cathy E.
Clemens, Nancy L.
Cummings-Wilson, Lynn

Critzer, Linda E.
Michalski, Sally
Myers, Linus
Heagy, Donald L., Jr.
Custer, Alma F.

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(As of 6-30-08)

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Mechanicsburg**

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Administrator*

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Ami B. Levin
Data Hub Project Manager

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Mark E. Rothermel
MDJS Project Manager

Judy K. Souleret
ASAP Project Manager

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg,
continued**

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
Green	13	30	Crawford
Huntington	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawana	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Warren-Forest
Lebanon	52	38	Montgomery

**Judicial
Districts**

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana
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 of Legal Terms

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 the 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 the claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.
- acknowledgment** Short declaration at the end of a legal paper showing the paper was duly executed and acknowledged.
- acquittal** Verdict after a criminal trial that the **defendant** is not guilty of the 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 a judge in the amount of damages awarded by a jury.

adjudication Pronouncing **judgment** or decree; the judgment given.

administrator One who administers the estate of a 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 the U.S. and some other countries, based on the 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 an **appellate court** to uphold the decision of a lower court.

affirmative defense Without denying the charge, a 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. It may increase the sentence of the 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**.

Alford plea A **guilty plea** entered by a **defendant** in a **plea bargain** wherein the defendant maintains innocence, but acknowledges the prosecution likely has enough evidence to convince a jury to convict him/her.

alibi Proof offered by a defendant that he/she was at some other place at the time of a crime and thus could not have committed the crime charged.

alienable Transferable to the ownership of another.

allegation Statement by a party in an **action** which the party intends to prove.

alleged Claimed as true.

Allen charge Jury instructions given to the jury when the jury is unable to reach a verdict.

allocatur (AL lo CAH tur) "It is allowed." Petition to appeal.

allocution In criminal cases, a 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 a 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 a 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 the 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 the outcome of a

lawsuit. Also, the arrest of a 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 the 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 the individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the magisterial district judge, 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 the 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, the partition separating the general public from the 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 the 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 the 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 a 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 the charge/s made against a 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” the accused, normally by setting bail for the accused’s appearance at trial.

binding instruction Instruction in which the 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 the basic principles of law generally accepted by courts or present in the 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 percent 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 the identifying data of a suspect following **arrest**.

breach of contract Legally inexcusable failure to perform a 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 the degree to which a point must be proven.

burglary Breaking into and entering a building with the 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 the 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 the 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 an appellate court directing a lower court to deliver a record of a case for review. Often referred to as "granting cert."

challenge Objection, such as when an attorney objects at a **voir dire** hearing to the 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 the composition of the panel, e.g., racial discrimination.

challenge for cause Objection to the seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. The judge has discretion to deny the 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 the 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** Non-criminal 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 a president or governor to ease the consequences of a criminal act, accusation or conviction. May take the 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 a **defendant** of the **plaintiff's** claim. Usually upon condition. Authorizes the 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 a 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 an offender performs volunteer work for government, nonprofit or community-based organizations.
- commutation** Form of **clemency** reducing one's sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which the negligence of a **plaintiff** determines the amount the plaintiff may recover from the **defendant**. Compare **contributory negligence**.
- complainant** See **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies the action the 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 the 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 the government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, the 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 a 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 a judge's command or official court order.

contingency fee Fee for an attorney's services paid only if the attorney is successful or the suit is favorably settled out of court. Fee is usually a percentage of the amount the client recovers.

continuance Postponement of a legal proceeding to a later date.

contributory negligence Legal doctrine that says if a **plaintiff** in a civil action for **negligence** was also negligent, he/she cannot recover **damages** from the **defendant** for the 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 the 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 tye) 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 a **defendant** against a **plaintiff** in a civil lawsuit, especially in opposition to the plaintiff's claim.

court administrator Officer who oversees the 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 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 a conscious intent to do wrong.

criminal summons Order commanding an 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 co-plaintiffs against each other.

cross-examination Questioning of a **witness** by an 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 the care of a person, often a minor child whose parents are divorced. Legal custody is the right to make decisions regarding the child's care and upbringing. Physical custody is the right to have the 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 a court to a person for injury or loss suffered by the unlawful act or negligence of another. Compensatory or actual damages are awarded for the amount actually lost, 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 minimus (deh MIN ih muss) "Of the least." Something so trivial that a court may overlook it in deciding an issue or case.

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 the 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 the 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**.

dictum Remark made by a judge in delivering an **opinion** that is not a basis for the opinion and thus may not be used as precedent, but which may be used to persuade. Judge's editorializing. Short for obiter dictum. Pl. dicta.

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 a judge to a 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 the 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 of the majority.

disturbing the peace Engaging in **disorderly conduct**.

diversion Process of removing certain minor criminal, traffic or juvenile cases from the full judicial process on condition that the accused undergo some sort of rehabilitation or training, e.g., job training. If the defendant completes probation successfully, the charges may be dropped.

docket List of cases to be heard by a 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 the guarantees and safeguards of the 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.

E

electronic monitoring Type of sentencing or arrest wherein an individual is required to 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 the 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 will 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**.
- 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 the individual 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 the act was made illegal. The U.S. Constitution prohibits these.
- examination** Questioning of a 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.

exigent Requiring immediate action or aid; urgent.

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 a **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 the 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 one year or by death

and/or by 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 courts/court administrator to be entered into the official files or records of a case. Also, to begin a lawsuit.

finding Formal conclusion by a 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 a **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 a 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. A grand jury may issue an **indictment**, charging the suspect, or may have power to issue a **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

grantor See **trust**.

gravamen (gruh VAY men) The significant point of a grievance or **complaint**.

guardian ad litem (add LYE dem) Person appointed by a court to look after the 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 an accused in confessing the crime with which charged. Also, verdict reached when a jury convicts a defendant of the 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 a trial which was not serious enough to affect the outcome of the trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to the 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 a 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 a court exclude certain **evidence** that might prejudice the 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 the minimum term has been served.

indictment Formal written accusation by a grand jury charging a person with a crime. Compare **charge**, **information** and **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 the 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. The individual generally comes before a 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 a 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 the 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 the 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 kuh b'l) Trust that, once set up, the 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 the 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 a 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**.

judiciary Relating to judgment.

judicial bypass Obtaining permission from the court to do something that ordinarily requires the permission of someone else, e.g., a minor obtaining a court order to have an abortion without notifying her parents.

judicial dictum See **dictum**.

judicial officer An officer of a court; someone charged with upholding the law, administering the judicial system.

judicial review Authority of a 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 the 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 the legal system. See also **caselaw**.

jurist One skilled or versed in the law. Also refers to **judges**, **justices**, magisterial district judges, **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 the 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

laches Legal doctrine whereby a court denies relief to a legal right or claim when the claimant has unreasonably delayed or been negligent in asserting the claim and the claim prejudices the opposing party. Compare **statute of limitations**.

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 the will-maker.

larceny Unlawfully taking personal property with the intent to deprive the 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 the answer desired of a 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 a prosecutor to a judge for a sentence less than the maximum allowed.

levy Seizing the property of a debtor for satisfaction of a judgment against him/her. Also, imposition of a 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 the types of cases they may hear. In Pennsylvania these courts include magisterial district judge courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts or special courts. See **inferior court**.

lis alibi pendens (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 the 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 the intention of injuring the **defendant** and without **probable cause**.
- mandamus** (man DAY mus) **Writ** issued by a court ordering a public official, another court, a corporation, a public body or an individual to perform an act.
- mandate** Judicial command or order directing an officer of the court to enforce a 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 a 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 a written report to the court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- material witness** A **witness** whose **testimony** is required for a trial and who can significantly affect the outcome of the trial.
- 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** which 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 his/her constitutional rights before questioning him/her. Named after the 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 a fine or limited local jail term, but not by imprisonment in a penitentiary. Compare **felony**.
- misfeasance** Lawful act performed in a wrongful manner. Compare **malfeasance** and **non-feasance**.
- misjoinder** Erroneously joining parties in a lawsuit. Compare **joinder** and **nonjoinder**.
- mistrial** Trial terminated before a verdict is reached, either because of some procedural error, serious misconduct during proceedings or a hung jury.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may reduce the degree of blame and help reduce the sentence of the 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 a court's refusal to consider a case because the 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 it has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally, it 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 a sudden, instantaneous intent to kill or to cause injury without caring whether the injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in the 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 the benefit of a minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on the written indictment, indicating that 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 a 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 a 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 (COM pehs MENT iss) Not of sound mind.

non obstante veredicto (ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." **Verdict** entered by a judge contrary to the jury's verdict.

non prosequitur (preh SEK wit tur) Judgment entered when a **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 a decision on merits or the court's dismissal of a case because the 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.

not guilty Plea of a defendant who claims not to have committed the crime with which he/she has been charged. Also, verdict reached by a jury or a judge in a non-jury trial when the prosecution fails to prove its case against a defendant. See **acquittal**.

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 the 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 they actually were, with the earlier date listed as the completion date.

nuncupative will (nun KYOO puh tive) An oral will.

O

oath Solemn pledge to keep a promise or speak the truth.

obiter dictum See *dictum*.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requests an immediate ruling by the 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 the court’s decision. A concurring opinion generally agrees with the majority, but usually states different or additional reasons for reaching the same conclusion. A dissenting opinion states the opinion of judges who disagree with the majority. A *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 the opinion is based on matters common to lay persons.

oral argument Summary by attorneys before a court (particularly an appellate court) of their positions regarding the 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 and appointments of guardians. Also called probate court.

overrule Judge’s decision not to allow an **objection**. Also, a decision by a higher court finding that a lower court decision was in error.

overt act Act done to carry out or in furtherance of an 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 the expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor the 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 a 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 the 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**.

PFA **Protection from Abuse.**

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). See also **Alford plea**.

plea bargaining Mutually satisfactory disposition of a case negotiated between the accused and the prosecutor. Usually the defendant pleads guilty to lesser charge/s in exchange for a 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 the verdict has been announced whether or not they agree with the 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 an 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 the decisions of future cases. Compare **stare decisis**.

precept Writ issued by a 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 a 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. The 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 the sentencing judge containing background information about the crime and defendant to assist the judge in making his/her sentencing decision. Sometimes called sentencing report.

presentment Declaration or document issued by a **grand jury** on its own initiative, making an accusation. Compare **indictment**.

presumption of innocence Fundamental principle of the 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 the judge and lawyers in a lawsuit to narrow the issues, agree on what will be presented at trial and make a final effort to settle the case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has the 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 the constitution unless defamatory or obscene or it 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 the law governing estates.
- probate court** See **orphans' court**.
- probation** Alternative to imprisonment, allowing a person found guilty of an offense to stay in the community, usually under conditions and under the supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for the 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.
- Protection from Abuse** An order obtain from a judge protecting an individual from someone who has threatened or caused bodily injury or sexual assault. Usually filed by one spouse/partner against the other. Commonly abbreviated PFA.
- 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 and 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 See **damages**.

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 estate See **real property**.

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 the crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises the qualities of attention, knowledge, intelligence and judgment. Used as a 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 the 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 himself/herself from hearing a case.

recusation Plea by which a defendant requests that the judge hearing his/her trial excuse himself/herself from case.

re-direct examination Opportunity to question a 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 a 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 a case by the same court in which a 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 it was originally heard for further action. Also, to send an individual back into **custody** after a preliminary examination.

remedy Means by which a right or privilege is enforced or a violation of a 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 a jury.

removal Transfer of a state case to federal court for trial.

replication Plaintiff's reply to the defendant's plea, answer or counterclaim.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to the defendant's argument, counterclaim or answer. Plaintiff's second pleading; followed by the 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 the fee a client pays when retaining an attorney.

return Report to the judge of the action taken in executing a writ issued by the judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside a lower court's decision.

reversible error Error sufficiently harmful to justify reversing the judgment of a lower court. Also called prejudicial error. Compare **harmless error**.

revocable trust (REV uh cuh b'l) Trust that the 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 a 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 the Fifth Amendment to the U.S. Constitution. Asserting the 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 the proper execution of the will prior to the 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. The federal government and several other states also use them.

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 the courtroom.

sequestration of witnesses Keeping all **witnesses** (except the **plaintiff** and **defendant**) out of the courtroom, except for their time on the stand to prevent them from hearing the testimony of other witnesses. Also called separation of witnesses.

service Delivery of a legal document, such as a **complaint**, **summons** or **subpoena**.

set aside To annul or negate a court order or judgment.

settlor See **trust**.

sidebar Conference between the judge and lawyers, usually in the courtroom, out of earshot of the 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 a 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 the benefit of someone whom the grantor believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

spoliation The deliberate damage, destruction, alteration or concealment of a document so as to render it useless as **evidence**.

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 an 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 the 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 the 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 must be charged with a crime. Differs for different types of cases/crimes or in different states. Compare **laches**.

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 the time to **answer**, to adjourn a trial date.

sua sponte (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.

sub judge (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 the person receiving it to report for jury duty or as a **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 an **appellate court** to preserve the status quo pending review of a **judgment** or pending other exercise of the court's jurisdiction.

support trust **Trust** that instructs a trustee to spend only as much as is needed for the beneficiary's support.

suppress To forbid the 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 a court to postpone pronouncement of sentence.

swindle To obtain money or property by fraud or deceit.

T

temporary restraining order Judge's order for-bidding certain actions until a full hearing can be held to determine whether an **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 the **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**.

testator A person who has made a **will**.

testimony **Evidence** given by a **witness** under oath at trial or via **affidavit** or **deposition**.

theft See **larceny**.

third party Person, business or government agency, etc., not a party to 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 the 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 a **grand jury**. Notation on an **indictment** that a **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 a 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 the consent of the 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 a right.

waiver of immunity Means by which a **witness** relinquishes the 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 a **defendant** is imprisoned, but is released during the day to work at a job approved by the 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 a sheriff or other court officer to enforce a court **judgment** or **decree**.

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