

COMMONWEALTH COURT OF PENNSYLVANIA

2008

STATISTICAL REPORT



President Judge

HON. BONNIE BRIGANCE LEADBETTER

Judges

HON. BERNARD L. MCGINLEY
HON. DORIS A. SMITH-RIBNER
HON. DANTE R. PELLEGRINI
HON. ROCHELLE S. FRIEDMAN
HON. RENÉ L. COHN JUBELIRER
HON. ROBERT E. SIMPSON, JR.
HON. MARY HANNAH LEAVITT
HON. JOHNNY J. BUTLER

HON. JAMES R. KELLEY, Senior Judge
HON. JIM FLAHERTY, Senior Judge
HON. JOSEPH F. McCLOSKEY, Senior Judge

By: Michael F. Krimmel, Chief Clerk
Michelle S. Proper, Deputy Chief Clerk

Nicholas L. DiLorenzo, Executive Administrator
Kristen W. Brown, Prothonotary
John Moyer, Deputy Prothonotary

TABLE OF CONTENTS

	PAGE
Summary	1
Cases Filed	3
Appeals filed from Courts of Common Pleas	6
Administrative Agency Appeals	8
Appeals from Board of Finance & Revenue	10
Original Jurisdiction & Miscellaneous	11
Dispositions	12
Summary of Opinions	16
Inventory	17
Supreme Court Filings and Dispositions	19
Common Pleas Appeals filed by Region	
Pittsburgh	20
Philadelphia	20
Harrisburg	21
Argument Court Statistics	22
Appellate Case Time to Disposition Report	23
Mediation Program Statistics	25

Commonwealth Court of Pennsylvania

2008

STATISTICAL REPORT

SUMMARY

The Commonwealth Court of Pennsylvania, one of two statewide intermediate appellate courts in Pennsylvania, was created in 1970 as a result of the Constitutional Convention of 1967-68. The Court primarily deals with “public” or administrative law matters, and hears appeals from county courts of common pleas and state administrative agencies. From county courts, the Commonwealth Court hears appeals in matters involving zoning, taxation, civil service, negligence cases involving state and local government, and eminent domain, among others. From state administrative agencies, the Court hears appeals in matters involving workers’ and unemployment compensation, environmental issues, welfare claims, public utility rate disputes, and taxation, among others. In addition, the Court acts as a trial court in certain types of cases where the Commonwealth is a party, including actions in equity, mandamus, and declaratory judgment. The Court also hears cases arising under the Election Code in both its original and appellate jurisdiction.

In 2008, a total of 4,027 new cases were filed in Commonwealth Court, a 3% increase over new cases filed in 2007.

In the Court’s appellate jurisdiction, unemployment compensation and workers’ compensation cases continued to lead agency appeals. Of the 1,566 agency appeals filed in 2008, there were 533 unemployment compensation and 465 workers’

compensation appeals, representing 64% of all agency appeals. Appeals from the courts of common pleas increased slightly in 2008.

There were 582 new original jurisdiction cases filed in 2008, 386 of which were filed by prison inmates. The Court handled – in an expedited manner – 73 new original jurisdiction cases arising under the Election Code.

The Court continued its high level of productivity in 2008, disposing of 3,856 cases, 1,186 of which were decided by majority opinion. The Court averaged 64 days from assignment of a case to final disposition. This is significantly better than the American Bar Association's 90 day standard for time from assignment to disposition. In addition, the Court handled 6,617 ancillary motions, applications, and petitions in 2008.

The Court's mediation program continued to be successful in 2008. A total of 194 cases were referred to mediation, and 74 cases were settled, eliminating the need for further litigation.

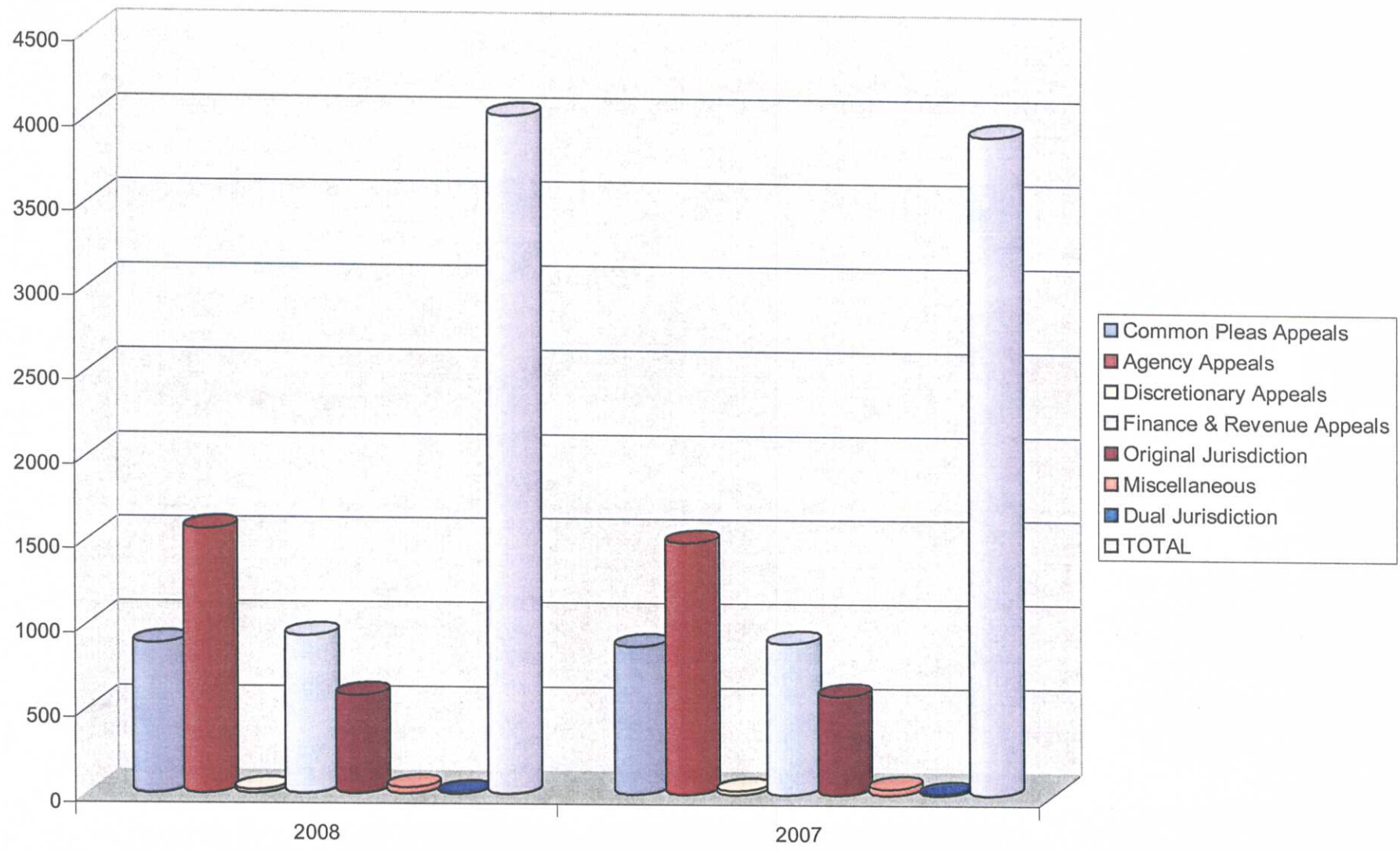
Finally, this high level of productivity has again resulted in a low inventory of open cases pending at year's end, with 1,172 appeals pending at the end of 2008. By way of historical comparison, there were 2,790 pending appeals in 1997, and 4,140 in 1987.

Michael F. Krimmel
Chief Clerk
Commonwealth Court of Pennsylvania

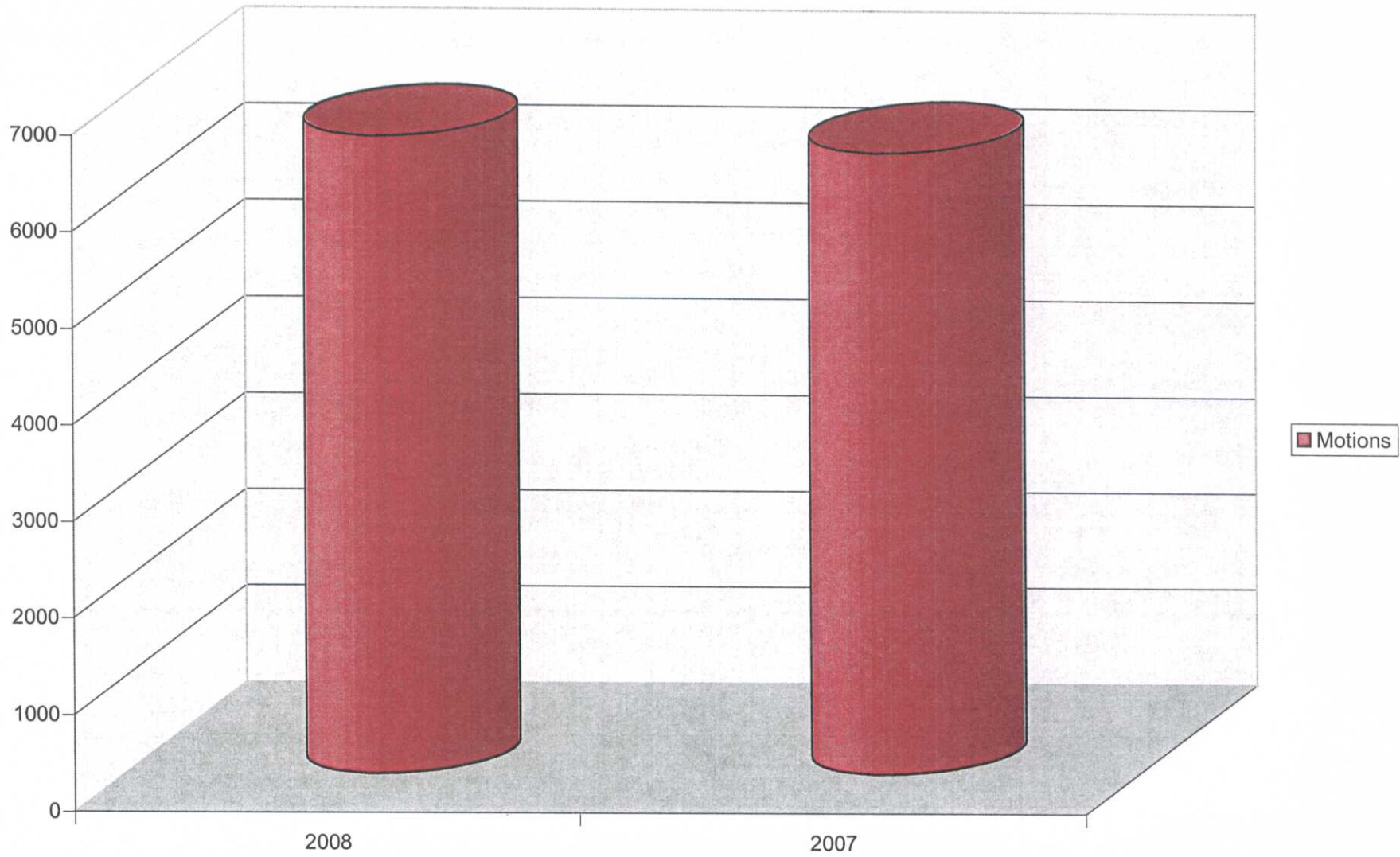
Cases Filed

	2006	2007	2008
Appeals from Courts of Common Pleas	954	876	885
Appeals from Administrative Agencies	1472	1494	1566
Discretionary Appeals	29	24	22
Original Jurisdiction	618	587	582
Appeals from Board of Finance & Revenue	751	896	932
Original & Appellate (Combined)	7	7	4
Miscellaneous	65	38	36
Total Actions Filed	3896	3922	4027
Motions Filed	6271	6470	6617

COMMONWEALTH COURT NEW ACTIONS FILED



COMMONWEALTH COURT MOTIONS FILED

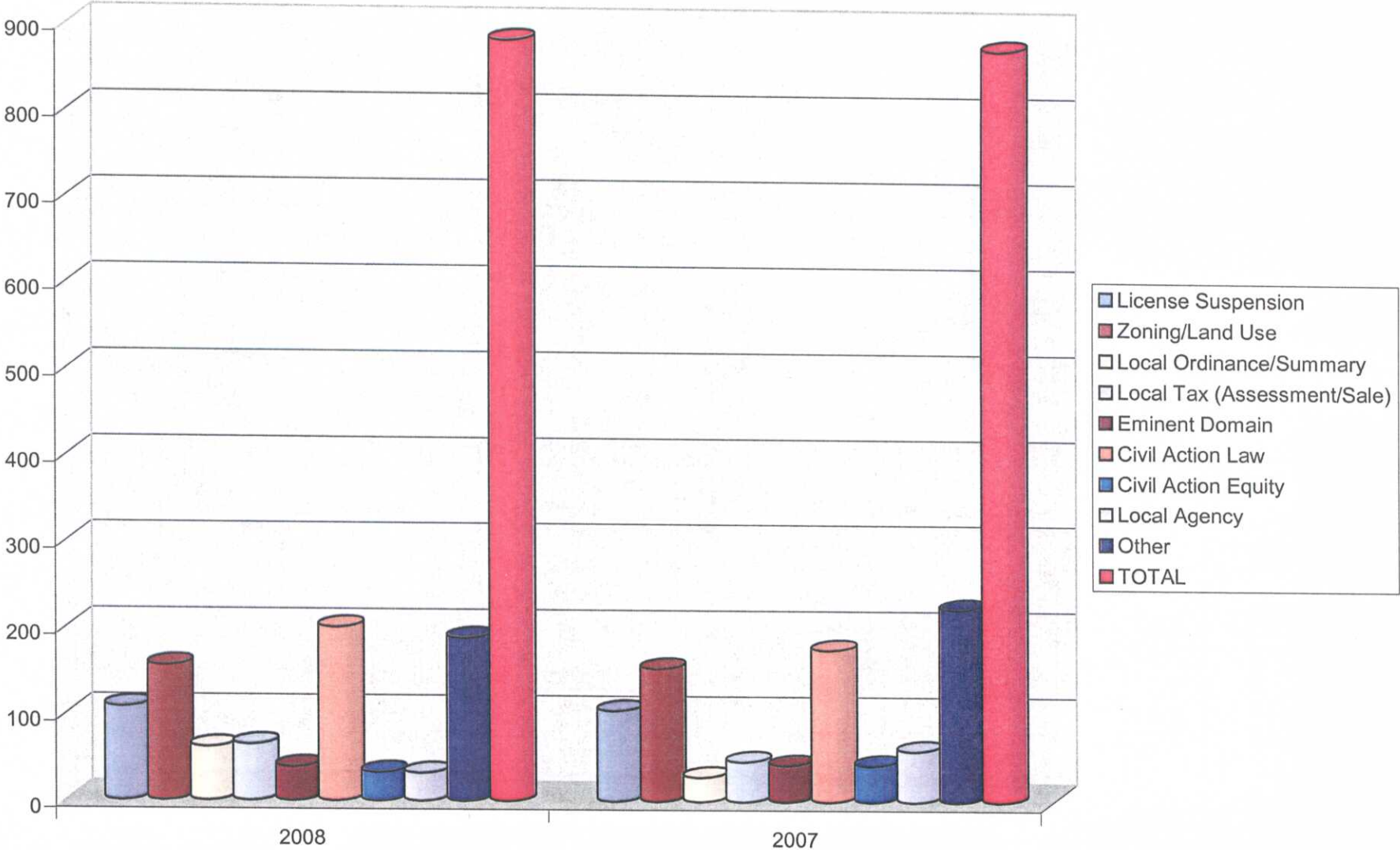


Types of Appeals from Courts of Common Pleas

	2006	2007	2008
Motor Vehicle License Suspension	148	105	108
Zoning/Subdivision	177	154	156
Local Tax Appeals	59	46	65
Liquor Control Board	29	8	25
Eminent Domain	30	42	39
Civil Action Law	163	176	201
Civil Action Equity	56	42	33
Local Agency Law	82	59	32
Declaratory Judgment	21	18	4
Forfeiture Actions	11	15	12
Mandamus	22	6	3
Summary Conviction (Local Ordinance)	29	28	62
Right To Know	12	8	11
Election	10	67	4
Other	105	102	130
Total	954	876	885

COMMONWEALTH COURT COMMON PLEAS APPEALS 2008 vs. 2007

-7-

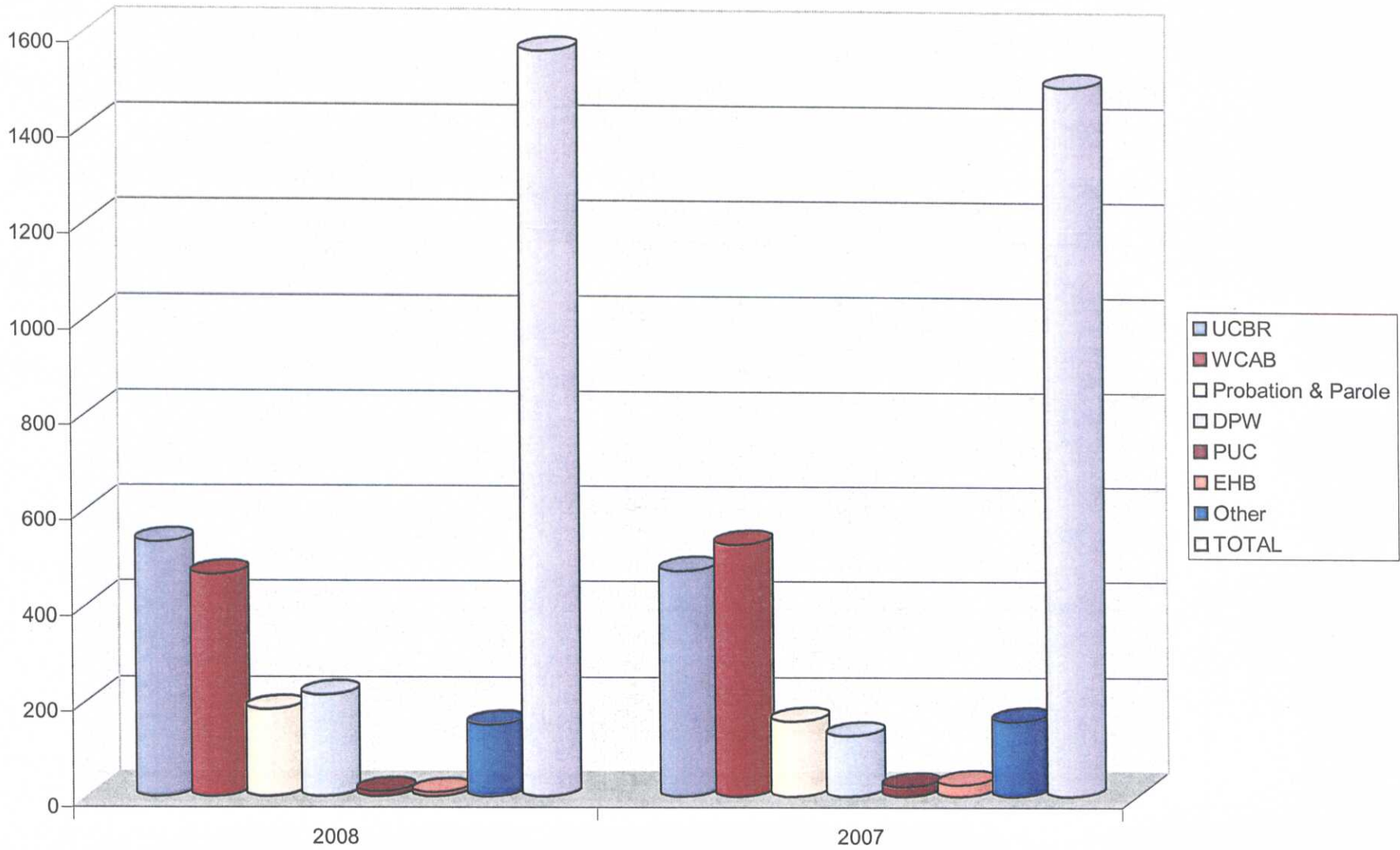


Administrative Agency Appeals

	2006	2007	2008
Unemployment Compensation Board of Review	420	474	533
Workers' Compensation Appeal Board	524	529	465
Board of Probation & Parole	183	159	183
Department of Public Welfare	148	128	214
Public Utility Commission	36	20	11
Civil Service Commission	21	31	16
Environmental Hearing Board	9	25	9
Bureau of Professional and Occupational Affairs	26	21	21
Education Department	5	6	6
Insurance Department	5	8	7
Arbitration	8	5	5
Special Education Due Process Board	7	6	5
Department of State	7	7	8
Department of Corrections	15	24	15
Department of Transportation	6	3	8
"Other"*	52	48	60
Total	1472	1494	1566

*"Other" - When fewer than five petitions for review are filed challenging decisions of a single Commonwealth Agency in the current year, the agency is included in this category.

COMMONWEALTH COURT AGENCY COURT APPEALS 2008 vs. 2007



Appeals from the Board of Finance & Revenue

	2006	2007	2008
Corporate Net Income Tax	85	150	130
Franchise Tax	183	217	203
Sales & Use Tax	280	324	329
Sales Tax	23	33	11
Use Tax	7	12	6
Capital Stock Tax	46	49	52
Personal Income Tax	40	17	45
Realty Transfer Tax	11	13	48
Motor Carrier Road Tax	9	10	17
Public Utility Realty Tax (PURTA)	27	15	17
Bank Shares	12	0	6
Gross Premium Tax	3	29	14
Gross Receipt Tax	4	5	42
Other*	21	22	12
Total	751	896	932

*Includes types of matters in which fewer than five Petitions for Review were filed within the last year.

Original Jurisdiction

	2006	2007	2008
Complaints			
Civil Action - Law	9	9	15
Civil Action - Equity	23	15	13
Petitions for Review			
Civil Action - Law	7	14	15
Declaratory Judgment	50	20	12
Mandamus	18	10	12
Equity	7	12	13
Inmate Petitions for Review	336	429	386
"Other"	1	5	2
Enforcement Proceedings	50	62	41
Election Petitions	117	11	73
Total	618	587	582

Miscellaneous

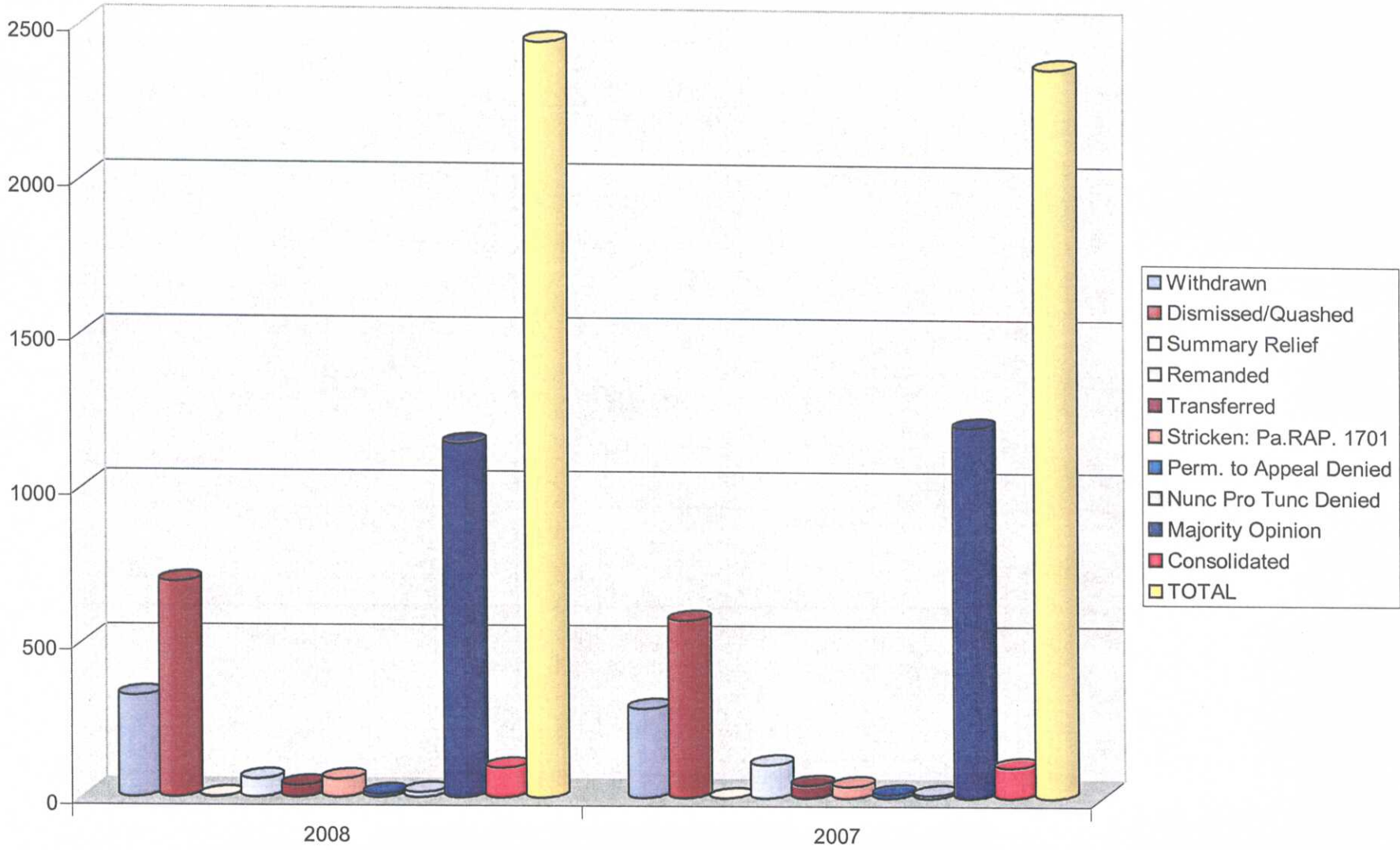
Assurance of Voluntary Compliance	16	14	13
Liquidation Petition (Ins. Dept.)	0	0	0
Other	49	24	23
Total	65	38	36

Dispositions

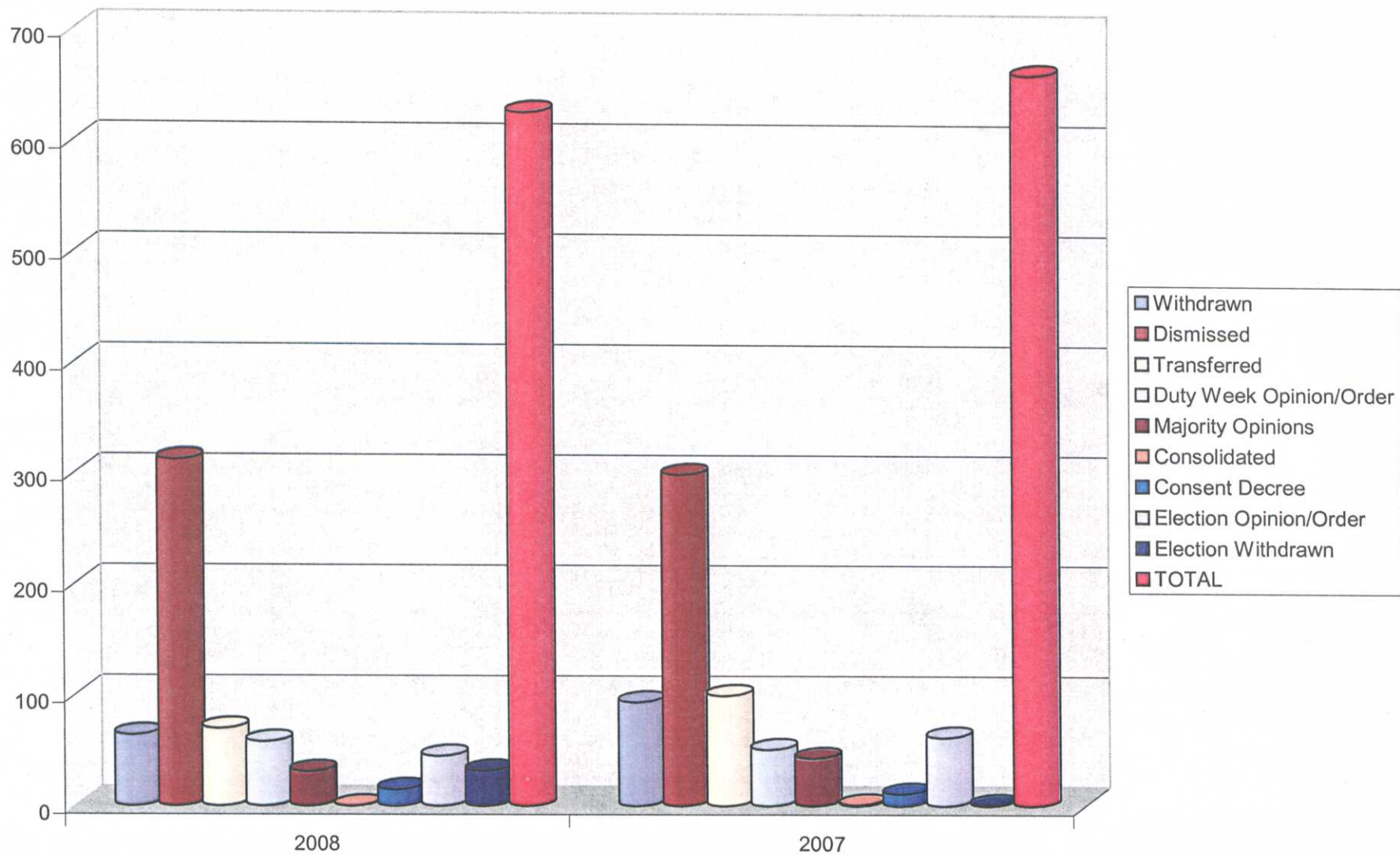
	2006	2007	2008
<u>Appellate</u>			
Majority Opinion	1223	1206	1150
Consolidated	87	99	96
Withdrawn	333	288	327
Dismissed	623	575	699
Remanded	92	107	58
Transferred	47	41	37
Stricken: Pa. R.A.P. 1701	34	37	58
Permission to Appeal Denied	17	12	11
Nunc Pro Tunc Denied	10	9	16
Summary Relief	6	0	1
Sub-Total	2472	2374	2453
<u>Original</u>			
Majority Opinion	32	43	31
Consolidated	0	1	0
Duty Week Opinions/Orders	71	51	58
Election Opinion/Order	81	62	45
Withdrawn (election)	23	1	32
Withdrawn	93	94	64
Dismissed	350	300	313
Transferred	61	100	70
Consent Decrees	13	11	15
Sub-Total	724	663	628
<u>Board of Finance & Revenue</u>			
Majority Opinion	10	5	5
Consolidated	7	0	0
Withdrawn	101	138	91
Stipulation for Judgment	815	621	650
Dismissed	34	34	29
Sub-Total	967	798	775
Total Dispositions	4163	3835	3856

COMMONWEALTH COURT APPELLATE JURISDICTION DISPOSITIONS

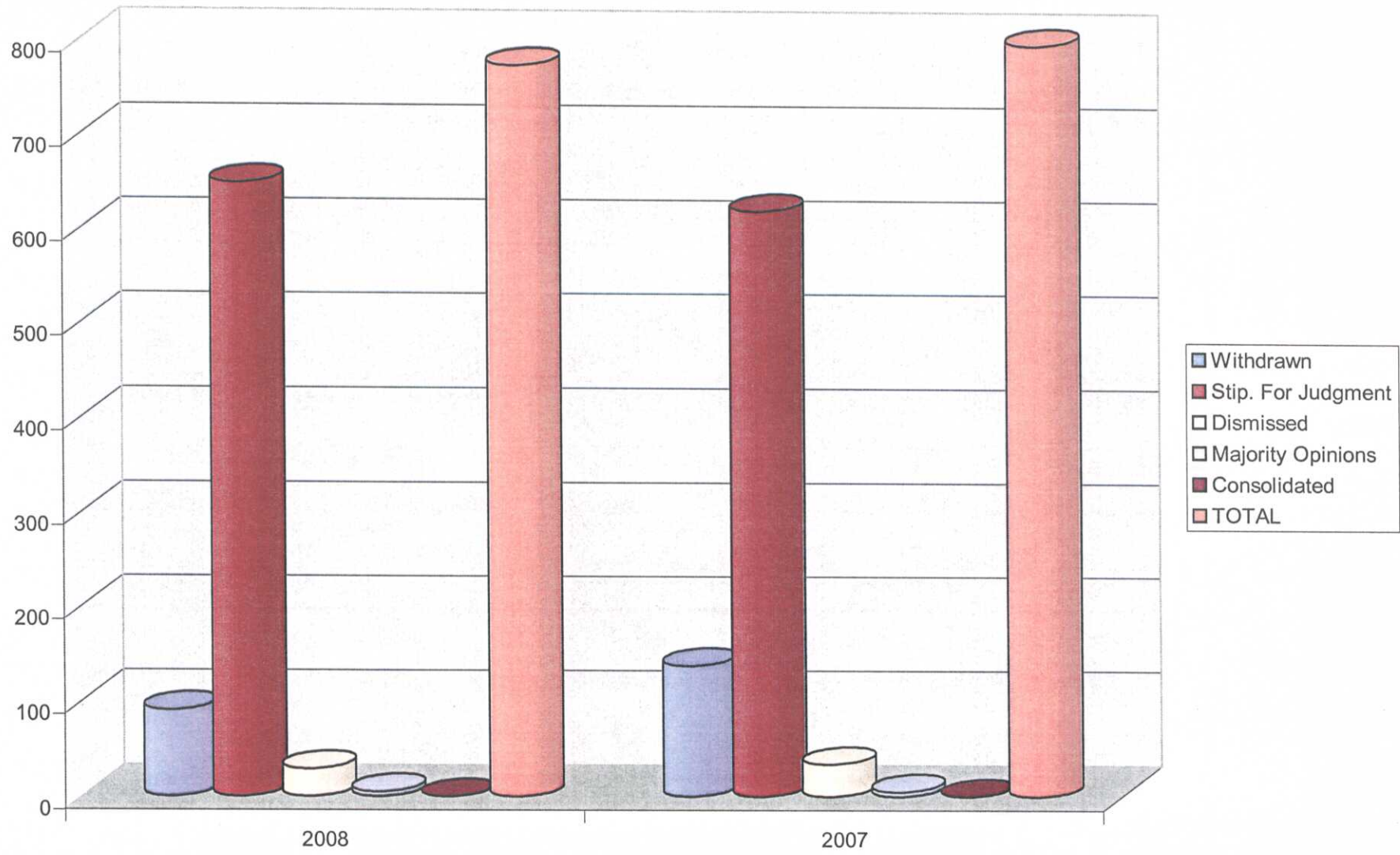
-13-



COMMONWEALTH COURT ORIGINAL JURISDICTION DISPOSITIONS



COMMONWEALTH COURT FINANCE AND REVENUE DISPOSITIONS



-15-

Summary of Opinions

	2006	2007	2008
Majority Opinion	1285	1271	1205
Reported	337	394	311
Not Reported	948	877	894
Duty Week Opinions	104	86	73
Reported	16	5	13
Not Reported	79	81	60
Concurring Opinions	20	10	21
Dissenting Opinions	97	96	86
Concurring & Dissenting Opinions	16	9	8
Total Opinions Filed	1522	1472	1393
Dissents	71	86	51
Concurred in Result Only	41	32	29
Types of Cases in which opinions were filed:			
Administrative Agency Appeals			
Unemployment Compensation Board of Review	186	160	159
Workers' Compensation Appeal Board	352	326	341
Board of Probation & Parole	88	89	102
Other Agencies	155	147	138
Total	781	722	740
Common Pleas Appeals			
Zoning/Land use	85	114	89
Drivers License Suspension	58	69	40
Tort/Immunity	28	13	4
Other Common Pleas Appeals	276	285	285
Total	447	481	418
Board of Finance & Revenue	11	5	5
Original Jurisdiction	46	57	42
Election Cases	44	62	21
Submitted on Briefs	888	869	913
Argued before a panel	357	356	246
Argued before court en banc	40	46	46
Average time from argument or submission to decision (days)	67	66	64

Inventory*

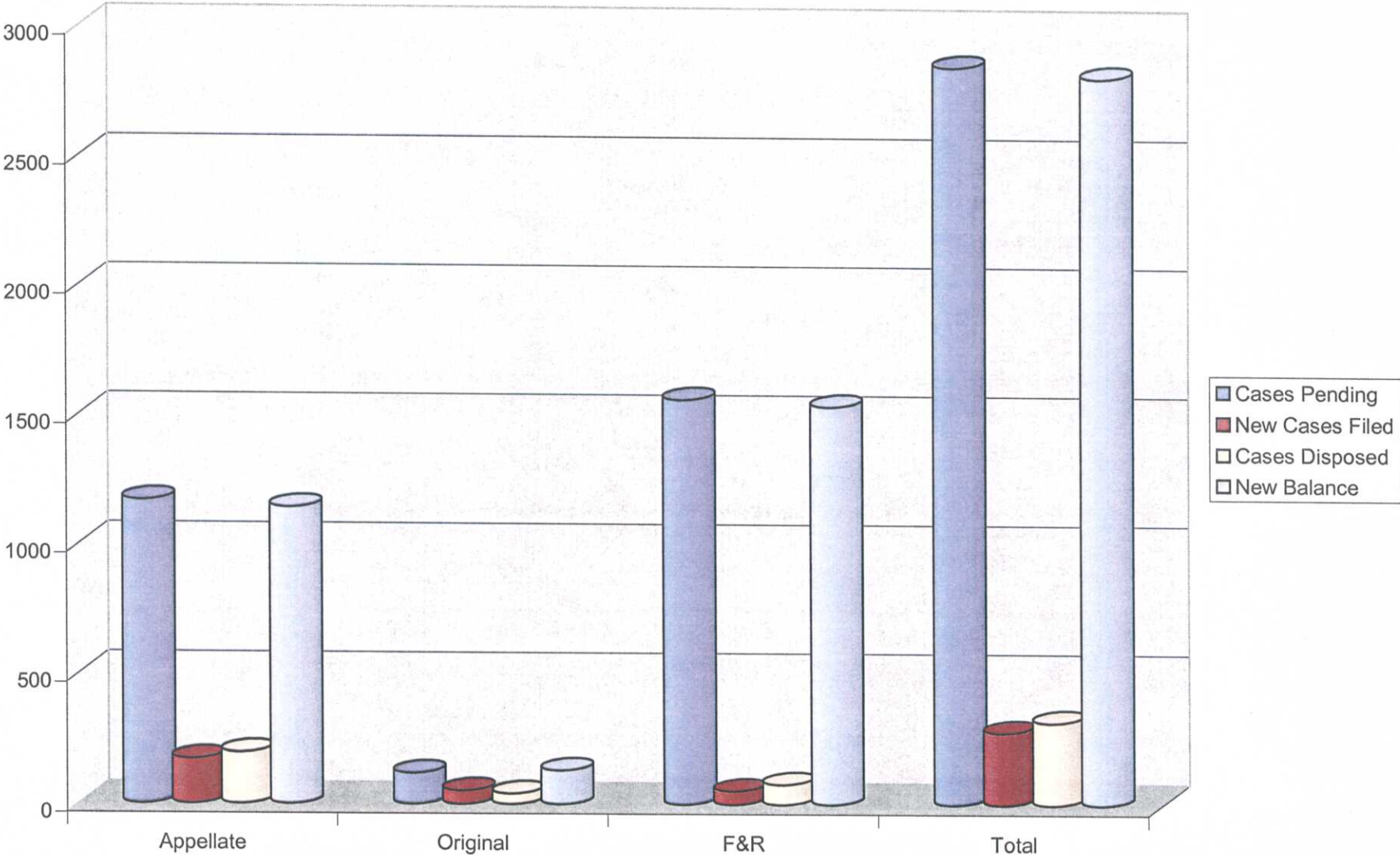
	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2008	64,234	13,128	15,841	93,203
Cases Disposed 1987 through 2008	67,164	13,463	17,166	97,793
Cases Pending Dec. 31, 2008	1172	121	1568	2861
% Change	-72%	-73%	-45%	-61%

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2008	1127	165	1392	2684
Cases Filed 2008	2473	582	932	3987
Cases Disposed 2008	2453	628	775	3856
Cases Pending Dec. 31, 2008	1172	121	1568	2861
% Change	4%	-27%	13%	7%

* Does not include certain "miscellaneous" and dual jurisdiction cases.

DECEMBER 31, 2008 COMMONWEALTH COURT CASE INVENTORY



Supreme Court Treatment of Commonwealth Court Cases

Filings	2006	2007	2008
Petition for Allowance of Appeal	386	385	297
Notice of Appeal	79	61	71
Petition for Allowance of Appeal Granted	40	59	41
Other	0	12	61
TOTAL	505	517	470

Disposition of Appeals from Supreme Court Cases

Dispositions

Petition for Allowance of Appeal Denied	389	391	332
Commonwealth Court Affirmed	77	55	66
Commonwealth Court Reversed	18	38	17
Withdrawn	26	10	26
Dismissed	19	10	18
TOTAL	529	504	459

**The following reflected the counties from which appeals
from trial courts were filed:**

	2006	2007	2008
Pittsburgh Region			
Allegheny	100	113	107
Armstrong	2	2	3
Beaver	8	2	8
Butler	13	6	10
Cambria	8	8	6
Clarion	1	1	4
Crawford	0	3	2
Erie	18	9	13
Fayette	14	19	8
Forest	1	4	3
Greene	8	7	6
Indiana	0	4	3
Jefferson	4	0	0
Lawrence	5	8	8
Mercer	7	10	7
Venango	3	3	3
Warren	3	1	1
Washington	24	17	21
Westmoreland	16	14	21
Total	235	231	234
Philadelphia Region			
Bucks	32	30	27
Chester	37	41	23
Delaware	47	54	33
Montgomery	57	32	51
Philadelphia	175	119	112
Total	348	276	246

NOTE: Includes discretionary appeals.

2006 2007 2008

Harrisburg Region

Adams	8	11	7
Bedford	3	9	1
Berks	33	29	21
Blair	4	2	4
Bradford	1	1	3
Cameron	0	0	0
Carbon	7	11	1
Centre	4	2	10
Clearfield	2	9	2
Clinton	5	1	3
Columbia	3	2	4
Cumberland	9	11	7
Dauphin	31	20	18
Elk	3	2	2
Franklin	8	3	6
Fulton	0	0	1
Huntingdon	6	13	11
Juniata	0	0	0
Lackawanna	17	34	34
Lancaster	13	12	17
Lebanon	7	6	12
Lehigh	18	23	30
Luzerne	27	28	28
Lycoming	10	8	8
McKean	0	0	1
Mifflin	1	1	2
Monroe	18	16	18
Montour	0	0	0
Northampton	24	18	17
Northumberland	3	1	38
Perry	1	1	2
Pike	7	3	4
Potter	3	0	1
Schuylkill	16	20	26
Snyder	2	0	3
Somerset	6	9	5
Sullivan	1	1	0
Susquehanna	5	4	4
Tioga	0	2	3
Union	4	2	0
Wayne	12	10	3
Wyoming	2	2	1
York	24	30	33
Total	348	357	391

Argument Court

	2006	2007	2008
Days of Argument Court	34	41	26
Number of Cases Submitted on Brief	915	918	932
Argued before Court En Banc	59	65	82
Argued before a Panel	325	369	377
Cases Consolidated	123	64	96
Cases Continued	69	43	31

**APPELLATE CASES
TIME TO DISPOSITION
2008**

Cases Disposed	2357
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1207
Ave. time to disposition	167 days
Cases Disposed on Merits	1150
% of cases disposed on merits	49 %
Argued orally	315
Submitted on briefs	831
Cases Disposed under 365 days	2225 (94%)
Cases Disposed under 290 days	2047 (87%)
Submitted Cases Disposed under 220 days	509 (61%)

Cases Decided on Merits

Cases Reviewed	1150
Ave. filing to record	39 days
Ave. filing to Appellant brief	97 days
Ave. filing to Appellee brief	139 days
Ave. filing to argument/submission	182 days
Ave. filing to decision	244 days
Record to Appellant brief	58 days
Appellant brief to Appellee brief	42 days
Briefs to argument/submission	43 days
Assignment to decision	62 days

Argued Cases

Cases reviewed	315
Ave. filing to record	52 days
Ave. filing to Appellant brief	113 days
Ave. filing to Appellee brief	155 days
Ave. filing to argument	257 days
Ave. filing to decision	317 days
Record to Appellant brief	61 days
Appellant brief to Appellee brief	42 days
Briefs to argument	102 days
Assignment to decision	60 days

Submitted Cases

Cases reviewed	831
Ave. filing to record	34 days
Ave. filing to Appellant brief	91 days
Ave. filing to Appellee brief	133 days
Ave. filing to submission	153 days
Ave. filing to decision	217 days
Record to Appellant brief	57 days
Appellant brief to Appellee brief	43 days
Briefs to submission	21 days
Assignment to decision	63 days

COMMONWEALTH COURT MEDIATION PROGRAM
2008 STATISTICAL REPORT
As of 12/31/08

	<u>Referred</u>	<u>Resolved</u>	<u>Pending</u>
Arbitration	2	2	0
Board of Claims	2	0	0
DEP	1	1	0
DPW	17	11	3
Eminent Domain	5	2	1
HRC	2	0	0
Local Agency	5	0	0
Local Tax	7	1	3
Miscellaneous	10	4	2
Original Jurisdiction	6	1	4
PBPP	5	1	0
PUC	2	1	1
State Licensure Boards	6	3	0
State/Local Gov't Tort	3	0	0
Tax Sale	7	2	3
Workers' Compensation	97	35	13
Zoning	17	10	6
TOTAL	<u>194</u>	<u>74</u>	<u>36</u>