



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

NEWS RELEASE

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Supreme Court Internal Operation Procedures

HARRISBURG, October 12, 1994 — After extensive study by two committees of distinguished jurists, legal scholars and attorneys, Pennsylvania's Supreme Court today announced the adoption of Internal Operating Procedures to govern the Court's day-to-day operations and the manner in which allocaturs (appeals) are processed by the Court.

Justice Ralph J. Cappy, who chaired the committee to study the Court's allocatur procedures, and Senior Justice Frank J. Montemuro, Jr., who chaired the committee which studied the Court's internal operating procedures, made the announcement for the Court and on behalf of the respective committees' members.

"Since the beginning of our work in January, 1994, Justice Montemuro and I have been gratified by the extraordinary efforts of our committee members in offering their time and considerable personal knowledge to these two important studies," said Cappy. "The results of their work in reviewing long-standing procedures honored by tradition, and in suggesting new procedures, can be seen today in the reports which we are releasing and in the recommendations which the Court has adopted."

Members of the committee studying allocatur procedures were:

Justice Robert F. Utter, Supreme Court of Washington State; formerly Washington's Chief Justice and current Chairman of the Board of the American Judicature Society

Senior Judge Ruggero J. Aldisert, former Chief Judge of the United States Court of Appeals for the Third Circuit

John E. Murray, Jr., President and Professor of Law, Duquesne University; formerly Dean, University of Pittsburgh and Villanova University Schools of Law and Acting Dean, Duquesne University School of Law

John L. Gedid, Associate Dean and Professor of Law, Widener University School of Law; formerly Acting Dean, Duquesne University School of Law

Members of the committee studying internal operating procedures were:

Arlin M. Adams, Of Counsel, Schnader, Harrison, Segal & Lewis; formerly Judge, United States Court of Appeals for the Third Circuit; President, American Philosophical Society

Joseph F. Weis, Jr., Judge, United States Court of Appeals for the Third Circuit; Chairman, Federal Courts Study Commission

H. Robert Fiebach, Senior Litigation Partner, Wolf Block, Schorr and Solis-Cohen; Immediate Past President, Pennsylvania Bar Association

"While the Supreme Court has long had established operating procedures, those procedures were not in written form but rather were periodically proposed and subsequently adopted by custom and practice in response to specific situations," said Montemuro. "The Court asked me to chair the Internal Operating Procedures ("IOP") Study because of my experience as a member of Pennsylvania's Superior Court, which has followed written procedures for some time.

"Interestingly, our extensive study of other courts of final appeal across the United States revealed that sixteen followed the example of Pennsylvania's Supreme Court in not formalizing their operating procedures. Nevertheless, the unanimous agreement of Justice Cappy's committee and mine was that our Supreme Court would today benefit by a more formal approach.

"To that end, and with a more formalized and methodical direction in mind, Justice Cappy's Allocatur Study Committee formulated suggestions, including implementation of written IOPs, for procedural and organizational change."

The Long-term

"On the longer term, the Allocatur Committee recommended that the Supreme Court should move toward a central staff system for disposing of allocatur, miscellaneous, and emergency matters," said Cappy. "This central core of lawyers would be assigned the initial task of summarizing those petitions or motions at issue and, by doing so, offer several advantages over our present system."

Among the advantages of establishing a central legal staff would be:

- promoting a consistent philosophy in reviewing cases and providing that grants of appeal more closely adhere to the standards set by the internal operating procedures
- isolating an individual justice from initial case review, thus eliminating both the real and perceived opportunity for any individual to manipulate the review process for personal gain
- providing a clearer framework for initial review of both miscellaneous and emergency matters brought to the Court for consideration.

"While the Allocatur Committee's recommendation regarding creation of a Supreme Court core legal staff was unanimous, the Committee -- and the Court itself -- recognizes that funding constraints will not permit immediate implementation of this proposal," said Cappy. "Funding issues for staffing and equipping a new physical location will need to be worked out with the legislature, whose cooperation we anticipate in this endeavor."

Immediate Changes

Focusing on the Supreme Court's present system, the Allocatur Committee suggested recommendations which the Court could adopt immediately. Those recommendations, which the Court has adopted are:

- retaining single justice review of matters coming before the Court but setting specific time limits for that review
- publishing Internal Operating Procedures
- requiring monthly reports of the progress of individual allocatur review by members of the Court and specifically listing for internal review those assignments which have gone beyond stated limits

"Central to the recommendations of the committees is adoption by the Court of Internal Operating Procedures, the development of which Mr. Justice Montemuro and his Committee have so ably and aggressively pursued," said Cappy. "It is their work, in conjunction with that of the Allocatur Committee and myself, which the Supreme Court has adopted and which we are releasing today."

Key aspects of the Internal Operating Procedures are:

- elimination of unlimited and unexplained "holds" on cases in favor of specified time standards requiring written notice to members of the Court setting forth the reason for the "hold"
- establishment of specific time constraints for all matters presented to the Court for action
- establishment of a central case tracking system within the Supreme Court prothonotary's office for every matter filed with the Supreme Court
- requiring that a monthly report of case status, by Chambers, be circulated internally to members of the Court
- formalization of assignment and disposition procedures currently utilized by the Court
- creation of a system of monthly duty assignments for handling emergency matters which would more clearly and publicly delineate how this function is performed.

"With the immediate implementation by the Supreme Court of formal Internal Operating Procedures, and with our pursuit of adequate resources to implement additional suggestions in the long- term, we believe that important steps have been taken to reestablish the integrity of this Court and the processes by which it pursues equity for all Pennsylvanians," said Justice Cappy.

"All of us who were involved in preparation of the Allocatur Study Report and the Internal Operating Procedures reviewed regulatory practices used in many court systems. In addition, we gave special attention to the operations of the United States Supreme Court, and the highest courts of New Jersey, New York, and Washington State.

"One simple fact became apparent from our research: no system, however good, is or can be made completely impervious to the influence of a judge or justice who chooses a path of personal corruption. A free society must assume and rely upon the integrity of high public officials who have sworn to uphold the Constitution and the law. When an individual violates that sworn duty, the perversion must be addressed and punishment simple and sure must be imposed.

"It is our belief, and that of our committees as well as the officials who were gracious enough to assist in this process, that formalizing the operations of the Supreme Court may facilitate the early detection of any attempt to manipulate an otherwise sound system of procedure."

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