

COMMONWEALTH COURT OF PENNSYLVANIA

2003

STATISTICAL REPORT



President Judge

HON. JAMES GARDNER COLINS

Judges

**HON. BERNARD L. MCGINLEY
HON. DORIS A. SMITH-RIBNER
HON. DANTE R. PELLEGRINI
HON. ROCHELLE S. FRIEDMAN
HON. BONNIE BRIGANCE LEADBETTER
HONORABLE RENEE L. COHN
HON. ROBERT E. SIMPSON, JR.
HON. M. HANNAH LEAVITT**

**HON. JAMES R. KELLEY, Senior Judge
HON. JIM FLAHERTY, Senior Judge
HON. CHARLES P. MIRARCHI, JR., Senior Judge
HON. JESS S. JIULIANTE, Senior Judge
HON. JOSEPH F. McCLOSKEY, Senior Judge**

**By: C.R. Hostutler
Deputy Prothonotary/Chief Clerk**

**G. RONALD DARLINGTON, EXECUTIVE ADMINISTRATOR
DANIEL R. SCHUCKERS, PROTHONOTARY
KRISTEN BROWN, DEPUTY PROTHONOTARY FOR LAW
NICHOLAS L. DILORENZO, DEPUTY PROTHONOTARY FOR ADMINISTRATION**

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SUMMARY

The Commonwealth Court of Pennsylvania was created by an amendment to the Pennsylvania Constitution in 1968. The court 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 including workers' and unemployment compensation, environmental issues, welfare claims, and public utility rate disputes. In addition, the court acts as a trial court in certain types of cases where the Commonwealth is a party to the case.

In 2003, there were 4,627 new cases filed. This represents a 3% decrease over the number of new cases filed in 2002.

New cases filed by inmates declined slightly in 2003. The number of new inmate cases in 2003 was 588. This represents a decrease of 5% compared to the number of inmate cases filed in 2002. Nevertheless, inmate cases represent 76% of the total cases filed in the court's original jurisdiction.

In its appellate jurisdiction, workers' compensation and unemployment compensation appeals continued to be filed in large numbers. There were 629 new workers' compensation appeals filed in 2003. There were 577 unemployment compensation appeals filed in 2003, an increase of 27% over 2002. With respect to appeals from courts of common pleas, there was a 4% decrease in the number of new appeals filed.

The court disposed of a total of 4,625 cases in 2003 a decrease of 3% compared to 2002. There were 1,762 opinions filed in 2003. The average elapsed time from assignment of the case to the filing of the opinion was 72 days in 2003 compared to 97 days in 2002. This is significantly better than the American Bar Association's standard for assignment to disposition of 90 days. The court disposed of 5,910 ancillary motions, applications and petitions in 2003.

The court's mediation program continued to be successful in 2003. A total of 171 cases were referred to mediation, 167 were mediated, and 71 cases were settled, thus eliminating the need for further litigation.

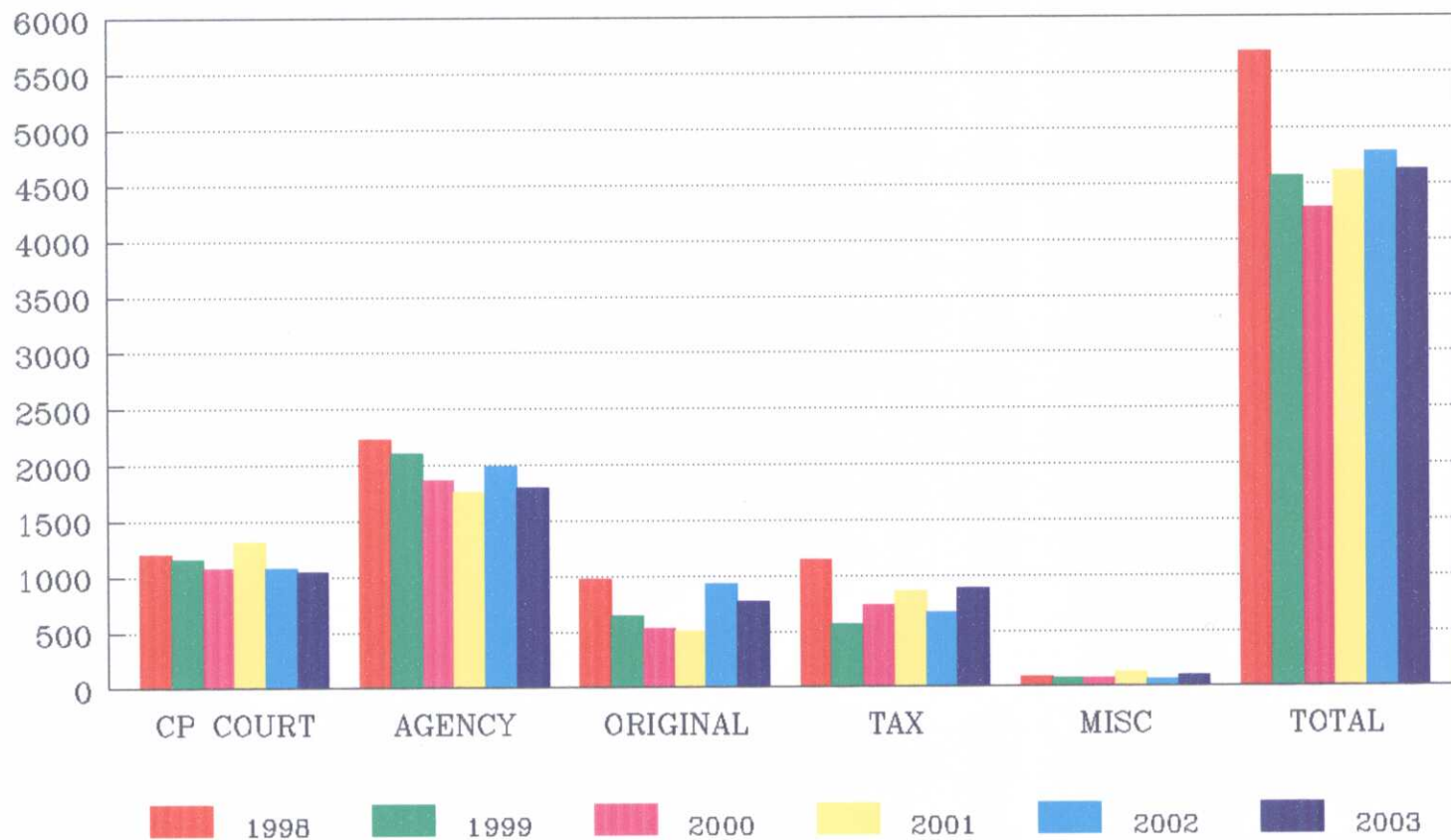
Finally, this high level of productivity resulted in the fewest cases in inventory in the modern history of the court. There were 1,299 appeals pending at the end of 2003 compared to 2,790 appeals pending as recently as 1997. By way of further contrast, there were 3,439 pending appeals in 1988.

G. Ronald Darlington
Executive Administrator
Commonwealth Court of Pennsylvania

Cases Filed

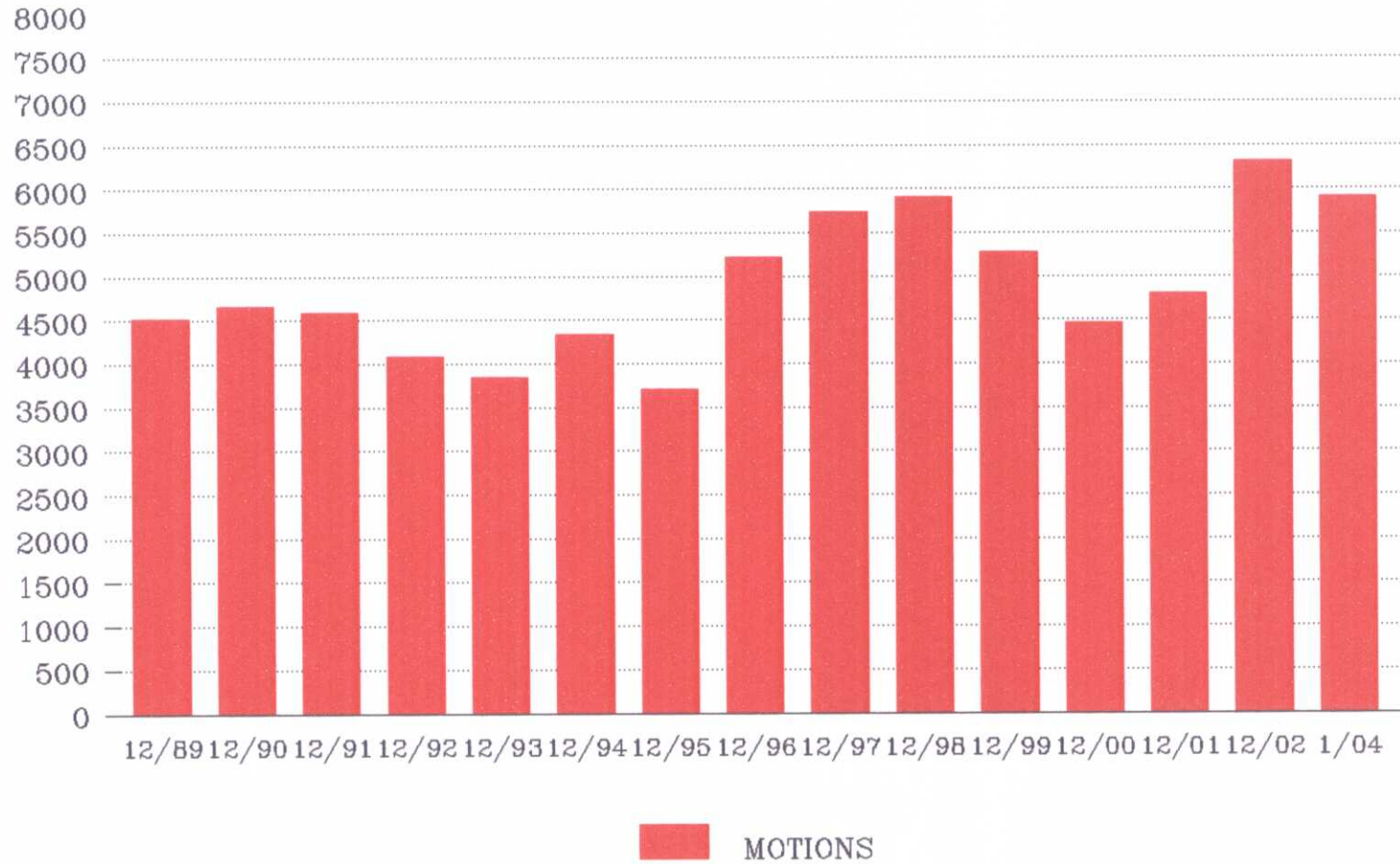
	1993	2001	2002	2003
Appeals from Courts of Common Pleas	1238	1311	1078	1040
Appeals from Administrative Agencies	1828	1763	1987	1807
Discretionary Appeals	37	34	45	36
Original Jurisdiction	471	511	927	772
Appeals from Board of Finance & Revenue	663	856	669	882
Original & Appellate (Combined)	8	8	16	3
Miscellaneous	70	128	63	95
Total Actions Filed	4315	4611	4785	4635
Motions Filed	3845	4801	6313	5910

COMMONWEALTH COURT NEW CASES FILED



1998-2003

COMMONWEALTH COURT MOTIONS PRACTICE

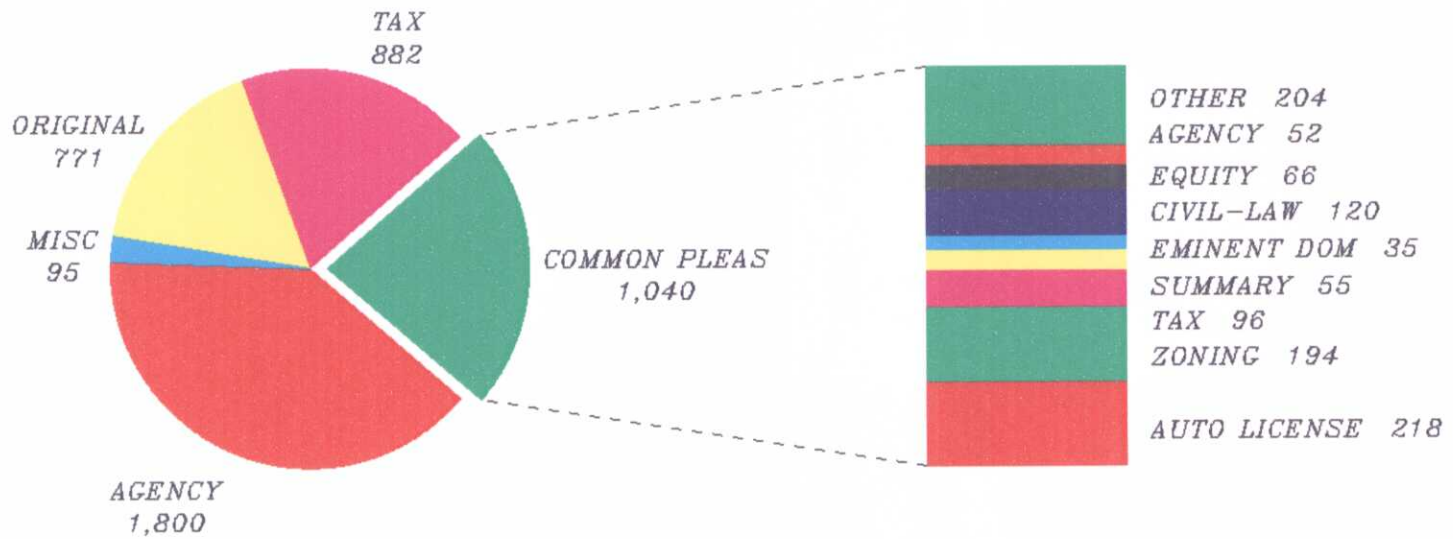


1989 - 2003

Types of Appeals from Courts of Common Pleas

	1993	2001	2002	2003
Motor Vehicle License Suspension	286	385	228	218
Zoning/Subdivision	188	186	168	194
Local Tax Appeals	73	99	111	96
Liquor Control Board	15	25	21	11
Eminent Domain	39	25	45	35
Civil Action Law	262	260	171	158
Civil Action Equity	106	53	63	66
Local Agency Law	93	76	82	52
Declaratory Judgment	20	17	10	11
Criminal	1	16	18	14
Forfeiture Actions	27	13	23	24
Mandamus	30	6	17	17
Summary Conviction (Local Ordinance)	36	30	51	55
Vehicle Registration Appeals	0	26	13	6
Election	20	7	2	33
Other	42	87	55	50
Total	1238	1311	1078	1040

COMMONWEALTH COURT FILINGS – 2003



TOTAL FILINGS 4627

CP APPEALS 1040

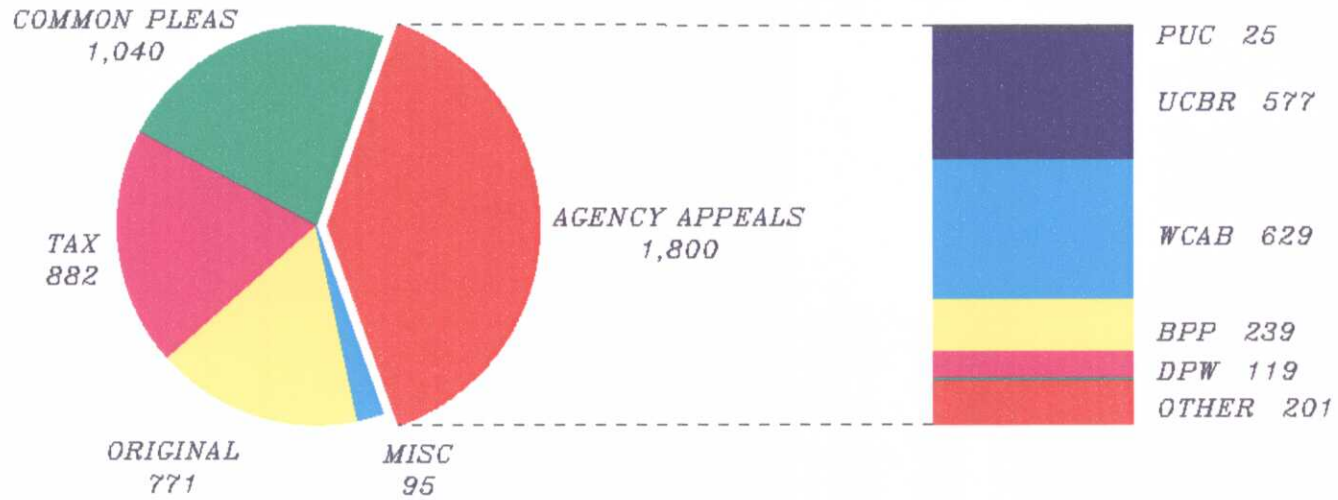
COMMON PLEAS BREAKOUT

Administrative Agency Appeals

	1993	2001	2002	2003
Unemployment Compensation Board of Review	600	322	454	577
Workers' Compensation Appeal Board	741	783	796	629
Board of Probation & Parole	109	233	297	239
Department of Public Welfare	63	187	136	122
Public Utility Commission	47	31	41	25
Civil Service Commission	36	19	22	36
Environmental Hearing Board	38	8	7	10
Bureau of Professional and Occupational Affairs	7	19	25	21
Department of Transportation	8	13	12	12
Attorney General (Firearm)	N/A	0	4	7
Education Department	11	29	68	16
Labor and Industry	13	2	5	9
Labor Relations Board	8	10	8	11
Special Education Due Process Board	0	9	11	11
Department of Corrections	11	21	33	20
"Other"*	136	77	68	62
Total	1828	1763	1987	1807

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

COMMONWEALTH COURT FILINGS – 2003



TOTAL FILINGS 4627 AGENCY APPEALS 1800

AGENCY BREAKOUT

Appeals from the Board of Finance & Revenue

	1993	2001	2002	2003
Corporate Net Income Tax	115	141	114	161
Franchise Tax	88	174	91	188
Sales & Use Tax	154	224	270	335
Sales Tax	80	40	32	20
Use Tax	19	27	13	7
Capital Stock Tax	79	49	47	60
Personal Income Tax	27	36	13	12
Gross Premium Tax	9	15	9	6
Realty Transfer Tax	13	9	14	6
Motor Carrier Road Tax	27	8	8	13
Public Utility Realty Tax	0	79	45	53
Employee Withholding	4	0	6	7
Other*	48	52	7	14
Total	663	854	669	882

*Includes types of matters in which 5 or less Petitions for Review were filed within the last year.

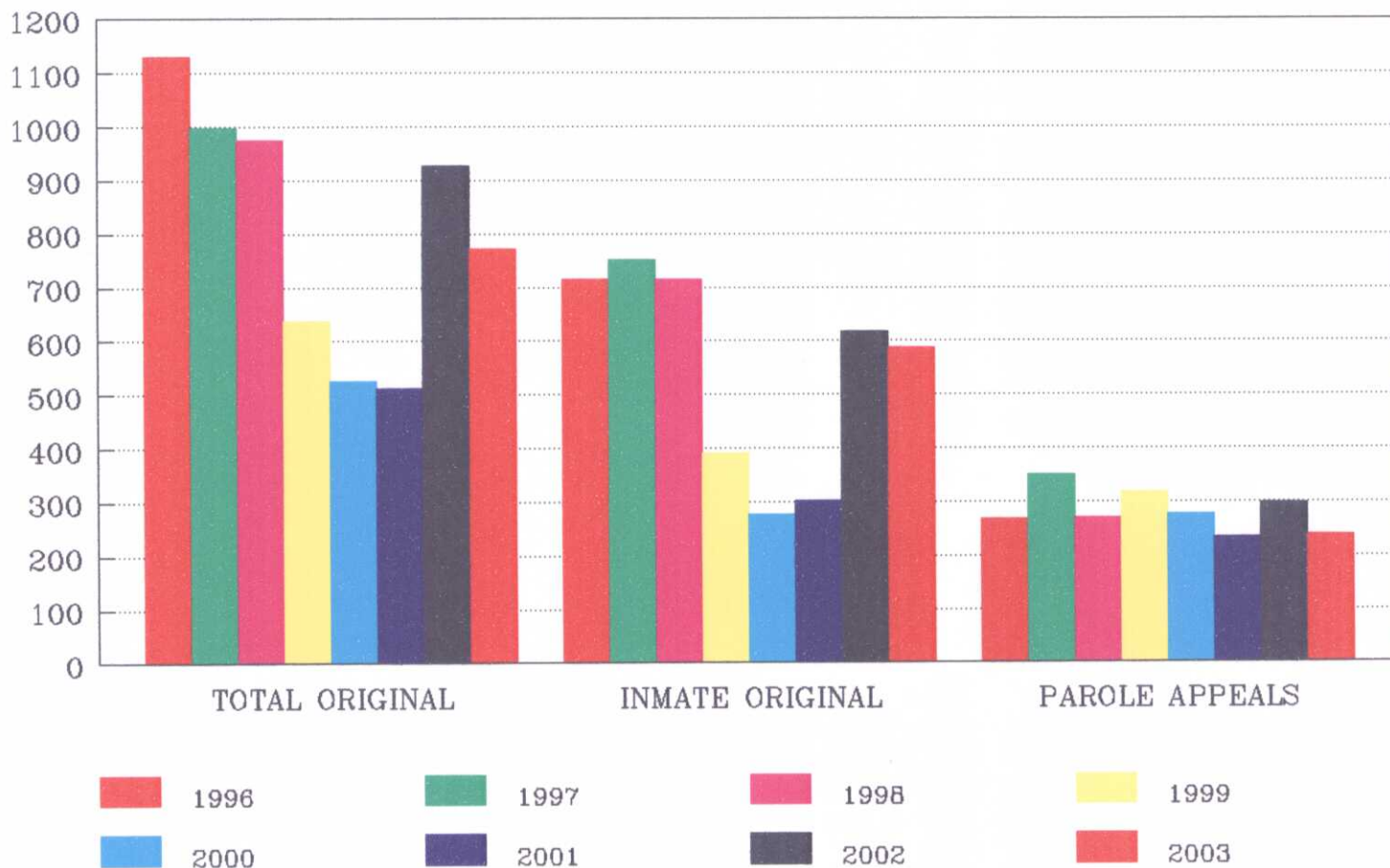
Original Jurisdiction

	1993	2001	2002	2003
Complaints				
Civil Action - Law	131	10	80	30
Civil Action - Equity	25	34	30	49
Petitions for Review				
Civil Action - Law	0	20	9	5
Declaratory Judgment	32	35	35	15
Mandamus	42	30	34	11
Equity	52	21	31	20
Inmate Petitions for Review	133	302	618	588
"Other"	19	15	6	1
Enforcement Proceedings	27	27	47	31
Election Petitions	10	17	37	22
Total	471	511	927	772

Miscellaneous

Assurance of Voluntary Compliance	42	103	44	65
Liquidation Petition (Ins. Dept.)	3	5	2	1
Other	25	20	17	29
Total	70	128	63	95

Commonwealth Court PRISONER LITIGATION

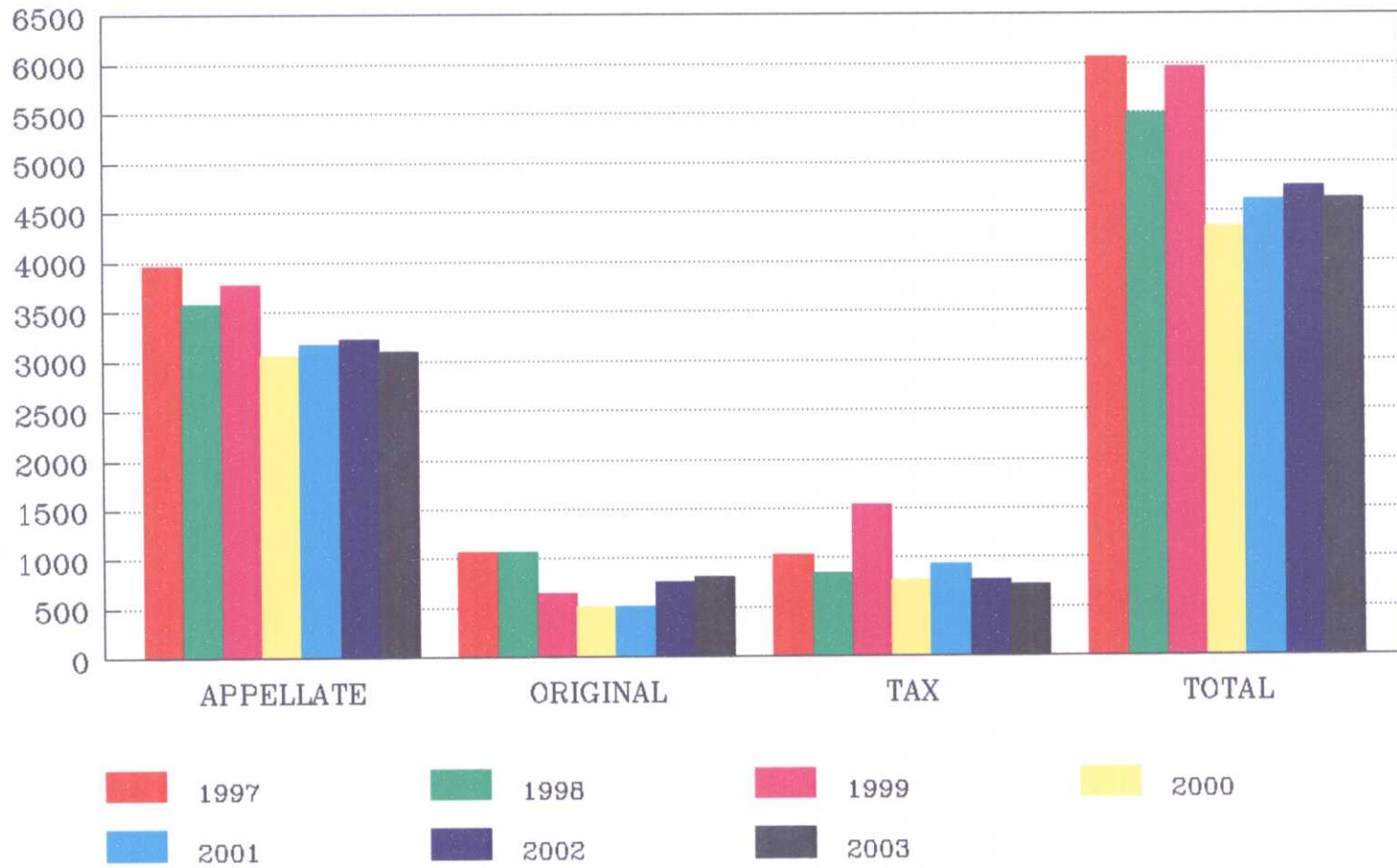


NEW FILINGS

Dispositions

	1993	2001	2002	2003
<u>Appellate</u>				
Majority Opinion	1703	1693	1697	1637
Consolidated	112	178	167	185
Withdrawn	401	397	402	386
Dismissed	620	734	765	641
Remanded	108	60	67	145
Transferred	40	47	39	49
Stricken: Pa. R.A.P. 1701	22	21	29	27
Permission to Appeal Denied	15	19	19	12
Nunc Pro Tunc Denied	8	10	29	24
Summary Relief	0	13	5	4
Sub-Total	3029	3172	3219	3110
<u>Original</u>				
Majority Opinion	31	38	40	80
Consolidated	0	0	0	1
Duty Week Opinions/Orders	70	31	54	51
Election Opinion/Order	13	15	25	16
Withdrawn (election)	0	1	13	1
Withdrawn	106	70	66	99
Dismissed	116	259	473	451
Transferred	44	73	78	91
Consent Decrees	24	27	11	13
Sub-Total	404	514	760	803
<u>Board of Finance & Revenue</u>				
Majority Opinion	9	6	9	4
Consolidated	2	0	1	2
Withdrawn	51	120	128	174
Stipulation for Judgment	323	765	616	518
Dismissed	19	34	20	24
Sub-Total	404	925	774	722
Total Dispositions	3837	4611	4753	4635

COMMONWEALTH COURT DISPOSITIONS



1997-2003

Summary of Opinions

	1993	2001	2002	2003
Majority Opinion	1763	1758	1768	1762
Reported	665	428	479	488
Not Reported	1098	1330	1289	1274
Duty Week Opinions	99	45	57	62
Reported	2	1	1	1
Not Reported	97	44	56	61
Concurring Opinions	22	21	25	17
Dissenting Opinions	111	97	105	114
Concurring & Dissenting Opinions	18	8	16	30
Total Opinions Filed	2013	1929	1971	1985
Dissents	109	125	84	110
Concurred in Result Only	73	50	41	60
Types of Cases in which opinions were filed:				
Administrative Agency Appeals				
Unemployment Compensation Board of Review	291	144	168	204
Workers' Compensation Appeal Board	536	548	567	530
Board of Probation & Parole	23	113	120	127
Other Agencies	185	183	172	151
Total	1035	988	1027	1012
Common Pleas Appeals				
Zoning/Land use	111	112	85	96
Drivers License Suspension	159	235	190	179
Tort/Immunity	23	50	41	16
Other Common Pleas Appeals	377	319	361	342
Total	670	716	677	633
Board of Finance & Revenue	12	6	13	8
Original Jurisdiction	40	48	51	109
Election Cases	3	12	14	2
Submitted on Briefs	1064	1290	1266	1328
Argued before a panel	635	426	444	373
Argued before court en banc	64	42	58	61
Average time from argument or submission to decision (days)	97	102	97	72

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2003	51,573	9980	11,644	73,197
Cases Disposed 1987 through 2003	54,414	9959	12,962	77,335
Cases Pending Dec. 31, 2003	1299	471	1523	3293
% Change	-69 %	+5 %	-46 %	-56 %

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2003	1526	502	1363	3391
Cases Filed 2003	2883	772	882	4537
Cases Disposed 2003	3110	803	722	4635
Cases Pending Dec. 31, 2003	1229	471	1523	3293
% Change	-19 %	-6 %	+12 %	-.03 %

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

COMMONWEALTH COURT CASE INVENTORY



1988 - 2003

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

	1993	2001	2002	2003
Pittsburgh Region				
Allegheny	224	240	180	150
Armstrong	1	2	4	3
Beaver	16	19	22	14
Butler	13	20	12	15
Cambria	14	19	16	15
Clarion	4	0	1	0
Crawford	5	5	3	6
Erie	24	12	22	21
Fayette	20	11	9	11
Forest	0	1	0	1
Greene	9	13	9	8
Indiana	3	5	6	3
Jefferson	4	3	0	3
Lawrence	5	10	8	3
Mercer	6	7	4	5
Venango	5	3	1	3
Warren	13	4	4	3
Washington	35	21	24	15
Westmoreland	32	32	20	19
Total	429	427	345	298
Philadelphia Region				
Bucks	72	75	48	46
Chester	34	51	51	53
Delaware	84	79	67	45
Montgomery	65	62	49	50
Philadelphia	144	215	109	145
Total	399	482	324	339

	1993	2001	2002	2003
Harrisburg Region				
Adams	4	2	4	7
Bedford	4	3	2	3
Berks	30	25	33	56
Blair	7	7	11	10
Bradford	10	8	0	0
Cameron	0	1	2	0
Carbon	3	16	4	10
Centre	9	14	14	19
Clearfield	13	12	4	3
Clinton	10	9	2	1
Columbia	6	11	4	3
Cumberland	11	17	27	16
Dauphin	28	20	18	26
Elk	3	3	1	0
Franklin	5	3	3	3
Fulton	0	0	0	0
Huntingdon	3	7	10	4
Juniata	3	1	1	2
Lackawanna	26	21	18	16
Lancaster	30	15	21	25
Lebanon	5	4	3	3
Lehigh	30	31	37	41
Luzerne	34	36	31	31
Lycoming	4	6	12	5
McKean	1	9	5	1
Mifflin	1	1	5	2
Monroe	13	19	24	17
Montour	0	0	0	1
Northampton	34	24	26	24
Northumberland	10	5	8	6
Perry	2	1	7	1
Pike	6	19	2	4
Potter	0	0	0	3
Schuylkill	24	13	20	14
Snyder	1	0	4	5
Somerset	3	6	3	10
Sullivan	0	2	1	0
Susquehanna	6	6	7	1
Tioga	2	0	4	3
Union	5	0	0	0
Wayne	4	2	11	12
Wyoming	3	3	1	0
York	15	20	19	15
Total	410	402	409	403

Argument Court

	1993	2001	2002	2003
Days of Argument Court	42	29	28	30
Number of Cases Submitted on Brief	1051	1293	1248	1382
Argued before Court En Banc	61	47	46	59
Argued before a Panel	651	427	391	384
Cases Consolidated	92	109	131	181
Cases Continued	64	63	42	36

APPELLATE CASES*
TIME TO DISPOSITION
2003

Cases Disposed (minus consolidations)	2925
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1287
Ave. time to disposition	169 days
Cases Disposed on Merits	1637
% of cases disposed on merits	56 %
Argued orally	468
Submitted on briefs	1174
Cases Disposed under 365 days	2764 (94%)
Cases Disposed under 290 days	2544 (87%)

Cases Decided on Merits

Cases Reviewed	1637
Ave. filing to record	40 days
Ave. filing to Appellant brief	96 days
Ave. filing to Appellee brief	134 days
Ave. filing to argument/submission	169 days
Ave. filing to decision	241 days
Record to Appellant brief	56 days
Appellant brief to Appellee brief	38 days
Briefs to argument/submission	35 days
Assignment to decision	72 days

*Does not include consolidated cases.

Argued Cases

Cases reviewed	468
Ave. filing to record	53 days
Ave. filing to Appellant brief	102 days
Ave. filing to Appellee brief	135 days
Ave. filing to argument	217 days
Ave. filing to decision	285 days
Record to Appellant brief	49 days
Appellant brief to Appellee brief	33 days
Briefs to argument	82 days
Assignment to decision	68 days

Submitted Cases

Cases reviewed	1174
Ave. filing to record	35 days
Ave. filing to Appellant brief	94 days
Ave. filing to Appellee brief	133 days
Ave. filing to submission	150 days
Ave. filing to decision	222 days
Record to Appellant brief	59 days
Appellant brief to Appellee brief	39 days
Briefs to submission	17 days
Assignment to decision	72 days