

**Report of the
Administrative Office of
Pennsylvania Supreme Court
2001**

Supreme Court of Pennsylvania

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

*'01 in Brief
(listed chronologically)*

*Juvenile Court Procedural
Rules Committee is
established to advise the
Supreme Court regarding
juvenile delinquency
practice and procedure*

*Pennsylvanians vote to
amend Pennsylvania Con-
stitution to permit judges
to retire on December 31
of the year in which they
turn 70 instead of on the
day they turn 70*

*Chief Justice John P.
Flaherty urges Pennsyl-
vania's attorneys to
contribute to a fund to
provide legal aid to less
fortunate Pennsylvanians,
marking second time in
three years Chief Justice
Flaherty has asked attor-
neys to provide more pro
bono service*

*UJS launches the Penn-
sylvania Appellate Court
Management System
(PACMS) to provide im-
mediate public access to
appellate court case infor-
mation on the Internet*

*Allegheny County
launches first mental
health court in the Com-
monwealth. Goal of the
court is to help mentally ill
people charged with petty
crimes get treatment
instead of jail time*

AOPC publishes brochure "Pennsylvania's Judicial System: A Citizen's Guide" to help Pennsylvanians learn more about their state court system

Philadelphia Municipal Court judge Robert S. Blasi receives John Neufeld Court Achievement Award from Mid-Atlantic Association for Court Management for efforts to modernize court with fully integrated case management, document management, electronic filing system

Intergovernmental Task Force to Study the District Justice System outlines recommendations to improve Pennsylvania's district justice courts in addition to proposing standards for the decennial magisterial district realignment

Honorable J. Michael Eakin is elected to Supreme Court of Pennsylvania

Former Court Administrator of Pennsylvania Nancy M. Sobolevitch passes away. Mrs. Sobolevitch was the first non-attorney and first woman to serve as Pennsylvania's court administrator. She retired in early 2000 after 13 years of service

Chief Justice John P. Flaherty retires after serving on the Commonwealth's highest court for 22 years, five as chief justice; accepts appointment to lead efforts to establish mandatory continuing education program for Pennsylvania jurists

AOPC

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Preface
from the
Court
Administrator

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 for 2001. Our goal is to provide a general reference document that reflects the hard work and dedicated service of the Administrative Office and the boards and committees of the Supreme Court.

Within this report we have attempted to outline the array of programs and services that provide the framework of our effective judicial system. This report also serves to highlight noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

The judiciary continued to improve service, access and the administration of justice for all Pennsylvanians in 2001. It did so, in large part, through collaborative decision-making within the judicial branch and among the executive and legislative branches. One example during 2001 of enhanced collaborative decision-making among Pennsylvania's governing branches was the creation of a special task force designed to study the state's minor courts.

The Intergovernmental Task Force to Study the District Justice System was charged with recommending administrative and operational changes to make justice at the local level even more effective. Its findings were outlined in a report that was adopted by the Supreme Court. The complete report is available on-line at www.courts.state.pa.us, the judiciary's Web site.

Created in May 2001, the 22-member task force was made up of representatives from the judiciary, General Assembly and executive branch of government. Its creation coincided with the Supreme Court's requirement to realign or reestablish magisterial districts each decade once new census data is available. The task force was developed to propose guidelines for realigning the districts, while also taking a broader look at whether the overall district justice system could operate even more effectively.

Preface
from the
Court
Administrator,
continued

A significant new Supreme Court advisory group also was created in 2001 as a result of the collective aspirations of Pennsylvania's three branches of government: the Juvenile Court Procedural Rules Committee. Nine experienced members of the bench and bar were appointed to the committee to review procedural practices in juvenile court and respond to questions from the bench, bar and public about juvenile court matters.

The committee was an outgrowth of work begun by the Juvenile Court Rules Project, which was established by the Supreme Court and funded by the state legislature in response to changes in juvenile law that emerged during the General Assembly's 1995 Special Session on Crime.

Among the committee's first tasks was a review of proposed procedural rules that were initiated in the Juvenile Court Rules Project, governing key elements of juvenile case processing. The project included an examination of juvenile court national standards, statutory and case law and studies of local practices that vary widely throughout Pennsylvania.

During 2001 Chief Justice of Pennsylvania John P. Flaherty urged the state's attorneys to make a voluntary financial contribution in the form of a separate check accompanying his or her annual attorney registration renewal form to help fund local legal services for indigent Pennsylvanians. He outlined his request in a two-page letter mailed to attorneys across the Commonwealth, suggesting a minimum \$50 tax-exempt contribution. The plea marked the second time in three years that the chief justice called on attorneys to provide more *pro bono publico* service, or when lawyers represent clients without a fee "for the public good."

Chief Justice Flaherty closed out 2001 by accepting the post of Chief Justice Emeritus after his year-end mandatory retirement from the bench. He was succeeded as chief justice by Justice Stephen A. Zappala. Chief Justice Emeritus Flaherty agreed to help lead and foster continuing education programs for jurists in his new non-adjudicatory role, noting the rise in cases with cutting-edge issues in technology, family law and many other areas that demand professional development for jurists.

Other changes on the bench during the year included the November 2001 statewide election of Justice J. Michael Eakin, who formally joined the court in January 2002. Justice Eakin, a Mechanicsburg native, had been a judge on the Superior Court of Pennsylvania since 1996.

A successful reorganizing of the AOPC's legal department took place during the year, providing a positive framework for meeting the diverse needs for counsel and representation within the state court system. I appointed Howard Holmes as chief legal counsel in July

2001, setting the stage for a number of administrative changes. Among those changes were the appointments of Staff Attorney Maryellen Gallagher as assistant chief legal counsel and Assistant Counsel A. Taylor Williams as assistant chief of litigation.

AOPC attorneys provide legal services to the Unified Judicial System and, when appropriate, legal representation, which may involve litigation or be something of a more “transactional” nature. AOPC attorneys frequently negotiate and review contracts and leases, and day-to-day legal counsel is provided on a wide array of topics, including human resources and public records access issues. AOPC attorneys also provide counsel, research and valuable input for the judiciary’s automation projects, including the automated District Justice System and the Common Pleas Criminal Automation Project.

Regarding automation, Pennsylvania’s judiciary launched a new pilot project on-line during the year that allows attorneys, judges, litigants and the general public to retrieve up-to-date appellate court case information on the Internet. The Pennsylvania Appellate Court Management System (PACMS) Docket Sheet Web site is an easy-to-use resource that was designed to provide immediate access to anyone wanting to quickly view and print case information. The new online case information is available through a link on the Pennsylvania judiciary Web site.

Pennsylvania’s state court system long has been among the nation’s leaders in fostering new technology to enhance efficiency in court operations and boost public trust and confidence in the judicial branch of government. Pennsylvania was one of the earliest states to establish an automated system for minor courts (December 1992) and became the second state court system to operate a Web site (April 1995), providing public access to a host of data such as appellate court opinions.

A new publication produced during the year was designed to help Pennsylvanians learn more about their state court system. “Pennsylvania’s Judicial System: A Citizen’s Guide” provides readers with a general overview of the judiciary. The goal is to broadly educate Pennsylvanians about the resources, services and workings of their state court system. The first-of-its-kind brochure by Pennsylvania’s courts is the culmination of more than a year of research, organizing and writing about a diverse state court system that is one of the nation’s oldest. A committee made up of court administrators from around the state helped develop the eight-panel publication.

The full-color brochures have been distributed to each district court administrator and are available within Pennsylvania’s 60 judicial districts, including “row offices,” or from the AOPC directly. In addition, the brochure also appears on the Pennsylvania Judiciary Web site.

**Preface
from the
Court
Administrator,
continued**

Preface
from the
Court
Administrator,
continued

The year ended on a sad note with the passing of former Court Administrator of Pennsylvania Nancy M. Sobolevitch, 63, of Berwyn, who died December 26, 2001, from complications related to a liver-kidney transplant she received in August.

Mrs. Sobolevitch was the first woman, non-lawyer to be appointed Court administrator by the Supreme Court. She took office as Court Administrator of Pennsylvania's Unified Judicial System on March 31, 1986, retiring January 2, 2000, after having served longer than any of her predecessors.

The judiciary takes great pride in demonstrating to you through this report the challenges faced by the courts and how they are being met through our efforts to provide effective service, access and justice for all Pennsylvanians.

Sincerely,



ZYGMONT A. PINES

Court Administrator of Pennsylvania

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

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

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

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

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

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

Evolution of Pennsylvania's Judicial System

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

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

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

Constitutional amendment makes the entire judiciary elective

Superior Court is created to ease burdens of the Supreme Court

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

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

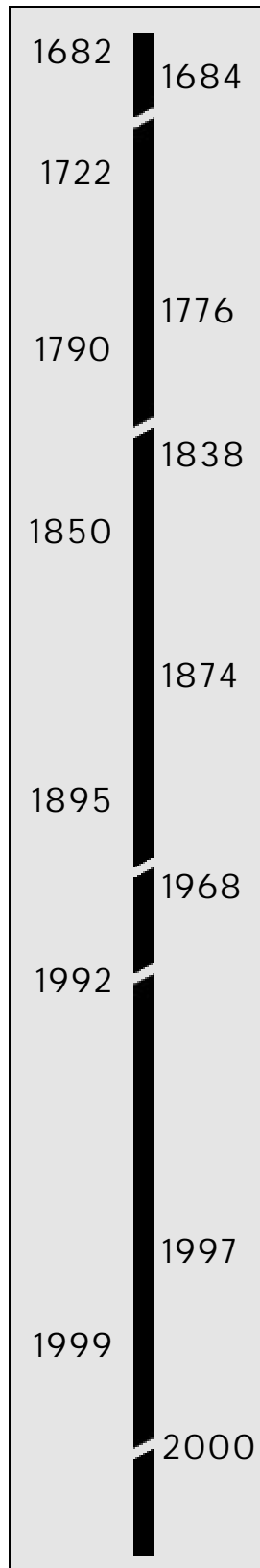


Chart 2.1.1

jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895 the General Assembly created the Superior Court to further ease the work 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.

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

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

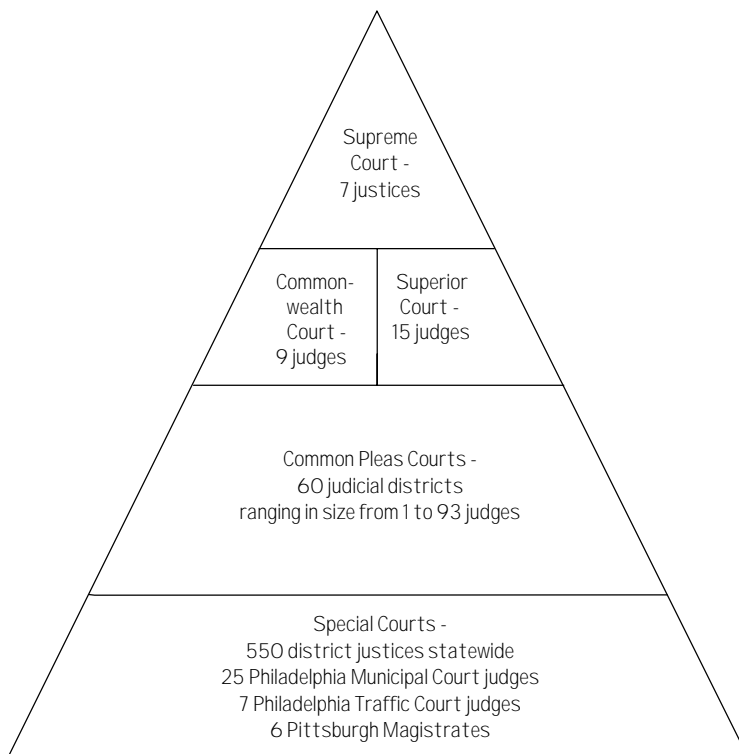


Figure 2.2.1

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

Special Courts

Special courts, also called minor courts or courts of limited jurisdiction, constitute the “grass roots” level of Pennsylvania’s court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter. The special courts include 550 district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

District Justice Courts

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

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

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

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

District justices are not required to be lawyers, but if they are not, they must complete an educational course and pass a qualifying examination before they can take office. They must also complete one week of continuing education each year in a program administered by the Minor Judiciary Education Board. (For more information on the Minor Judiciary Education Board see page 91.)

Philadelphia Municipal Court

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

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

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

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

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

Philadelphia Traffic Court

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

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

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

Pittsburgh Magistrates Court

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

Pittsburgh Magistrates may:

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

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

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

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

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

Common Pleas Courts

Common Pleas Courts are Pennsylvania's courts of general trial jurisdiction. They have original jurisdiction over all cases not exclusively assigned to another court and appellate jurisdiction over judgments from the special courts. They also hear appeals from certain state and most local government agencies.

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

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

Appellate Court System

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

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

Commonwealth Court

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

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

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

Its **appellate** jurisdiction includes:

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

Superior Court

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

As an appeals court, the Superior Court's jurisdiction is less specialized than the Commonwealth's; therefore, it hears a wide variety of petitions, both criminal and civil, from Common Pleas Courts. Such petitions include all manner of cases from child custody to armed robbery to breach of contract.

Supreme Court

Since the Supreme Court was established by the Pennsylvania Provincial Assembly in 1722, the Commonwealth's highest court has undergone several major changes that have

helped shape its composition today. The most far-reaching of these changes was the 1980 expansion of the Court's authority that allowed it to not only better administer the entire judicial system, but to devote greater attention to cases holding significant consequence for the Commonwealth and its citizens.

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

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

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

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

Appeals from final orders of Common Pleas Courts include:

- cases involving matters prescribed by general rule
- the right to public office
- matters where the qualifications, tenure or right to serve or the manner of service of any member of the judiciary is in question

- review of death sentences
- supersession of a district attorney by the attorney general or by a court
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question
- statutes and rules held unconstitutional by the Courts of Common Pleas
- matters where the right to practice law is involved.

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

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

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

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

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

For a list of Pennsylvania's judges and their jurisdictions, please refer to The Directory 2001, beginning on page 111. **AOPC**

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

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

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

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

Mandatory retirement age for judges is 70 years, but retired judges may, with the approval of the Supreme Court, continue to serve the Commonwealth as senior judges. This service helps ease court backlogs. Effective January 1, 1999, all but senior appellate judges and those senior judges who were sitting before this time, may serve as senior judges until they reach the age of 75. AOPC

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

Administrative Office of Pennsylvania Courts

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

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

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

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

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

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

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

Policy Research and Statistics Department

The Administrative Office's Policy Research and Statistics 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 caseflow management reviews of individual trial courts to statewide surveys of the structure and functioning of judicial support agencies, e.g., offices of the prothonotary and clerk of courts.

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

The Administrative Office uses the statistical information gathered for many

purposes, including the monitoring of county court system operations and development of policy initiatives consistent with its mandate under the Rules of Judicial Administration.

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

- a study of post-conviction collateral relief (PCRA) petitions to assist the Criminal Procedural Rules Committee in its review of procedures
- an analysis of trial court decisional delay based on the 1997 amendments to Rule of Judicial Administration 703, specifically examining cases awaiting decision over twelve months
- provide research and support to the Judicial Council's Committee on Court Security
- an analysis of transcripts fee schedules in the 60 judicial districts
- assist with drafting amendments to Rules of Judicial Administration
- design of statistical reports for the Common Pleas Automation Project
- expand caseload statistical reporting to include more case types and procedures, such as Mini-Jury Utilization information
- support to the AOPC Finance Department in responding to legislative requests for forecasts and projections involving new initiatives affecting the judiciary.

Within the Policy Research and Statistics Department, the Docket Transcript Section receives, reviews and corrects data on misdemeanor, felony and escalating summary cases filed in the judicial districts. The information is submitted on paper forms and computer tapes. Staff send extracts of the data to the Pennsylvania State Police, where individual criminal histories, or rap sheets, are compiled. The AOPC

and other state agencies also use the database for statistical research.

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

Legal Department

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

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

Other significant activities include:

- active participation in planning and implementing the Judicial Computer System and related statewide court automation programs
- reviewing and negotiating leases and contracts for appellate court offices and related offices, chambers and committees of the UJS
- providing legal and administrative assistance and advice to the Court Administrator of Pennsylvania

- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Judicial Services Department

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

In 2001 the department coordinated even conferences:

- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 22-25, 2001
- *Commercial Law*
April 19, May 3, 24, 2001
- *Families in Crisis*
May 8-10, 2001
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 3-6, 2001
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 26-29, 2001
- *Settlement Techniques*
October 11, 18, 25, 2001
- *Pennsylvania Association of Court Management Mid-Annual Conference*
November 4-6, 2001

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

Judicial Services also negotiates office space for judicial offices across the Commonwealth, subject to final legal review by the chief counsel's legal staff; maintains and updates all Pennsylvania state department lists; handles the filing of financial disclosure statements; works with the Joint Task Force to Insure Gender Fairness in the Courts and the Joint Task Force to Insure Racial & Ethnic Fairness in the Courts; and acts as liaison to the Minor Judiciary Education Board.

Judicial Programs

The Judicial Programs Department's mission is to assist court administrators, judges and staff throughout Pennsylvania's 60 judicial districts in ensuring the efficient operation of Pennsylvania's minor and trial courts and to promote the equitable administration of justice throughout the Commonwealth. Judicial Programs provides assistance to the local courts on diverse issues such as financial management, caseload management, personnel, technology and other aspects of managing a complex judicial system. The department will also work closely with the Supreme Court, the Court's rules committees and other departments within the AOPC to assist with implementation of policies, procedures, rule changes and reporting standards. This assistance includes:

- conceiving, developing and implementing new judicial programs; evaluating and maintaining existing programs
- providing information about judicial program development and trends either within Pennsylvania or nationally
- reviewing and assessing local court requests for complement level and/or organizational structure changes and other related human resources needs
- collecting, analyzing and disseminating data and information regarding court program operations

- establishing standards and procedures for program performance, audits and evaluation
- devising, developing and conducting training and continuing education programs for local court staff
- analyzing the impact of legislation related to judicial operations and devising solutions for implementation of new statutes and statutory changes
- overseeing senior judicial assignments, requests for changes of venue/venire and AOPC communication with judicial districts concerning president judge elections.

Judicial Automation

The AOPC's Judicial Automation Department is responsible for developing and maintaining case management systems and other applications for courts and administrative staff. 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.

Reorganization

In late January of 2001, the court administrator announced a complete restructuring of the AOPC's information technology divisions. The Statewide Automation and Information Technology Departments were merged into a unified Judicial Automation Department. This department was tasked with the support of all AOPC and Supreme Court computer systems.

One goal of the reorganization was to unify the computer operations of the AOPC and the appellate courts. The other goal was to

develop a staff prepared to move forward with the Common Pleas automation project and to maintain and upgrade the existing computer systems in place at the AOPC.

In October of 2001, further organizational changes were announced within the Judicial Automation Department, specifically geared at the Common Pleas Project. A management structure for the project was developed that made use of the skills and talents of existing staff.

Common Pleas Project

In April of 2001, the AOPC released a Request for Proposals (RFP) for the development of a Common Pleas criminal case management system. The RFP was unique in that it divided the work to be performed into four distinct entities, called project units, as follows:

- Project Unit One - overall project management and system design activities
- Project Unit Two - database-related activities
- Project Unit Three - programming, report and notice development activities
- Project Unit Four - training and document services.

The RFP was written in a way to permit vendors to bid on as many of the project units as they chose; however, each project unit was evaluated separately and awarded separately.

In September contracts were signed with Deloitte Consulting, Sybase and The Davison Group. Joint Application Design sessions began with representatives from the counties, and by December the first set of sessions had been completed, and the vendors and staff were well into the development process.

The Common Pleas Criminal Case Management System will be deployed primarily

in the county judicial, court administration and clerks of courts offices. It will provide comprehensive case management and processing, including the production of forms, notices and reports. It will also provide the capability for statewide inquiry in various areas and electronic transmission of data to and from many state agencies, including the state police for disposition reporting and the Department of Revenue for financial reporting.

Pennsylvania Appellate Court Case Management System (PACMS)

The Pennsylvania Appellate Case Management System was successfully installed in the appellate court filing offices in late 2000. In the first quarter of 2001, the system was installed in all appellate court judicial chambers, and additional functionality requested by the users during development was added to the system. The enhancement included the release of several hundred management reports for use by the chambers and filing office staff.

Additionally in 2001, PACMS staff introduced on-line docketing statements. A Web site was established to permit Internet users to view and print real-time docket sheets for appellate court cases. The Web docket sheet facility can be found at <http://pacmsdocketsheet.aopc.org>.

Administrative Support Application Project (ASAP)

The ASAP software developed by the AOPC provides an integrated administrative package for the AOPC's finance, human resources, payroll and administrative services departments. While continuing to maintain the current software, a team of AOPC and contract programmers began to enhance and rewrite the ASAP system to provide more flexibility and functionality. Completion of the enhancements is targeted for January of 2003.

District Justice System (DJS)

The installation of Thin Client devices in the district justice offices to provide access to JNET, the executive branch's integrated justice network, and Microsoft Word was completed midway through 2001. A project to install modems and backup lines in each district justice office was also completed in this calendar year. JNET and Word training for DJS staff began and will be complete in the first third of 2002.

Deputy Court Administrator's Office

Communications/Legislative Affairs

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

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

Administrative Services

Administrative Services oversees a variety of administrative-related tasks, including procurement for the Administrative Office and for Philadelphia courts under the First Judicial District/AOPC Procurement Unit. It handles all

issues relating to facility management, fixed asset control, mail and messenger services and vehicle management. It also provides support to many UJS agencies in a variety of ways.

Payroll

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

Human Resources

The Office of Human Resources

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

Finance

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

- developing necessary policies and procedures on accounting and budget issues and training staff at all levels in their use
- monitoring and preparing the budget for some 35 UJS line items in the Commonwealth's annual budget. These line-item appropriations include not only the funding for the Administrative Office, but for all of the state-funded courts, most Supreme Court advisory procedural rules committees and a special commission, 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 \$257.5 million in annual appropriations, including \$32.1 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 (approximately \$28.9 million), including recommending investment and banking strategy. The procurement unit, created by and operating under an agreement between the Administrative Office and Philadelphia City government, was established to improve the procurement function in Philadelphia's three courts. Since the agreement was put into effect, the First Judicial District has realized significant savings through efficiencies in its procurement function
- undertaking special projects, as requested and upon its own initiative, to develop financial information regarding cost trends, comparative analyses and the like. Such information includes analyses of legislation for fiscal impact routinely requested by the both the legislative and executive branches.
- responding to questions and providing information on the judiciary's financial operations as needed to the legislature, the executive branch, other judiciary employees and the public.

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

Appellate

Court

Procedural

Rules

Committee

2001 Membership:

Honorable Joseph M. Augello, *Chair*
Marvin L. Wilenzik, *Vice Chair*
William P. Bresnahan, Esq.
Frederick N. Frank, Esq.
Charles E. Gutshall, Esq.
Sarah V. Hart, Esq.
Honorable Joseph A. Hudock
Bridget E. Montgomery, Esq.
Andrew M. Ominsky, Esq.
Dionysios G. Rassias, Esq.
Paul W. Roman, Esq.
Honorable Cynthia M. Rufe
Peterclyde N. Papadakos, Esq.
Sunah Park, Esq.

Staff:

Dean R. Phillips, Esq., *Counsel*
Tricia W. Nagel, *Executive Director*

Legal Authorization:

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

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History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function 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.

The committee also responds, when and as appropriate, to inquiries made by lawyers, trial judges and trial court officials. Questions from and suggestions by these parties are often studied in depth by the committee and can result in recommendations for rule changes.

The committee's name was changed to its present one by Supreme Court order on March 31, 1994.

2001 Activities

The committee met twice in 2001, in April in Philadelphia and in October in Harrisburg. As a result of these sessions, the committee prepared, reviewed and revised numerous recommendations for submission to the Court.

The Supreme Court, by order dated December 20, 2000, adopted Joint Recommendation 98-1 amending Pa.R.A.P. 341 (**Orphans' Court Orders Determining Realty, Personality and Status of Individuals or Entities**). This recommendation was submitted jointly with the Orphans' Court Procedural Rules Committee and became effective January 2, 2001.

In 2001 the Supreme Court adopted one recommendation, an amendment to Pa.R.A.P. 2541 (**Form of Papers; Number of Copies**). This recommendation becomes effective July 1, 2002.

The following recommendations are expected to be approved by the Supreme Court early in 2002:

- amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**)
- amendment to Pa.R.A.P. 3102 (**Quorum and Action**)
- new Pa.R.A.P. 3761 (**Enforcement Proceedings**).

The following recommendations were considered by the committee in 2001 and early 2002:

Recommendation 29: Pa.R.A.P. 1925 (**Opinion in Support of Order**)

Recommendation 33: **Cross Appeals**

Recommendation 36: **Entries of Appearance**

Recommendation 46: Pa.R.A.P. 1702 (**Stay Ancillary to Appeal**)

Recommendation 47: Incorrect use of **Permission to Appeal**

Recommendation 48: Pa.R.A.P. 2135 (**Length of Briefs**)

Recommendation 49: Pa.R.A.P. 3520 (**Brief of Appellant**) and Pa.R.A.P. 2111 (**Brief of Appellant**)

Recommendation 50: Amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**).

The committee is also recommending amendment of Pa.R.A.P. 3102 (**Quorum and Action**) and adoption of new Pa.R.A.P. 3761 (**Enforcement Proceedings**). These proposals have been published.

In addition to the aforementioned matters, the committee chair, vice chair and

counsel have responded to various inquiries and requests, many of which have become topics for discussion at the committee's meetings and have formed the basis for further recommendations.

Counsel for the committee has actively participated in court-related meetings regarding the appellate rules, statewide rules and the Rules of Judicial Administration and has responded to various requests from the Administrative Office of Pennsylvania Courts and practitioners throughout the Commonwealth.

Web Site

The Appellate Court Procedural Rules Committee maintains a site on the home page of the Unified Judicial System. The site is located at www.courts.state.pa.us/Index/SupCtCmtes/AppCtRulesCmte/IndexAppCtRulesCmte.asp. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

2002 Plans

Among the subjects on the committee's agenda for 2002 are completion of the above-named recommendations.

Contact Person

Anyone wishing to speak to a member of the advisory committee can contact either of the following:

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Luzerne County Courthouse
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e-mail: dean.phillips@supreme.court.state.pa.us **AOPC**

**Board
of
Law
Examiners**

2001 Membership:

Jonathan H. Newman, Esq., *Chair*
Lisa Pupo Lenihan, Esq., *Vice Chair*
Robert J. Coleman, Esq.
Thomas A. Decker, Esq.
Gregory E. Dunlap, Esq.
Patricia L. McGrail, Esq.
Jane Gowen Penny, Esq.

Staff:

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Executive Assistant*

Legal Authorization:

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

5070 Ritter Road
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History/Background

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.

Seven members of the Pennsylvania Bar of the Supreme Court comprise the Board of Law Examiners. They serve regular terms of three years each and may be reappointed to second terms.

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

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 contains questions developed by the examiners and approved by the board. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable. Prior to July 2001, eight questions made up this section. Beginning with the July 2001 exam, however, this number was reduced to six, with the remaining two questions replaced by one question of the Multistate Performance Test (MPT).

The MPT is prepared by the National Conference of Bar Examiners (NCBE) and is designed to test an applicant's ability to use fundamental lawyering skills in situations that are comparable to those encountered in the practice of law. Some of the tasks an applicant might be required to complete in responding to a question include preparing or 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.

The MPT score is weighted at one and a half times one essay question and combined with the scores for the remaining six essay questions. Applicants have 90 minutes to complete one MPT question.

The MBE is a national exam, prepared by the NCBE in conjunction with American College Testing. Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

Also effective with the July 2001 exam, separate passing scores for the essay and MBE portions of the exam are no longer required. Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55% and the MBE portion weighted 45%. In addition, applicants must also score at least 75 on the Multistate Professional Responsibility Examination (MPRE).

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

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

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

Grading the Bar Exam

At the conclusion of each bar exam, board staff send copies of the essay questions (including the MPT questions), 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. Rereads are

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

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.

The MBE is graded by American College Testing.

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 the bar of Pennsylvania 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.

The length of each hearing varies, depending on the issues set forth; the number of issues involved; and the number of witnesses, if any, that testify. 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 2001.

2001 Activities

Office staff processed approximately 2,800 applications for permission to sit for the bar exam and approximately 150 applications for admission on motion and for character and fitness determination.

Statistics for 2001, including a comparison with 2000's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 36 details the percentage of those passing the bar since 1991 while Chart 3.2.3 on page 37 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.

The board met eight times in 2001 to review bar admission rules and recommend specific 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.

Bridge-the-Gap Program

The Pennsylvania Supreme Court mandated that the Bridge-the-Gap (BTG) Program, developed jointly with the Board of Law Examiners, Disciplinary Board of the Supreme Court and the Continuing Legal Education Board,

become a post-admission requirement in 2001, administered by the Continuing Legal Education Board. This program takes the place of the BTG program previously required for all applicants seeking admission to the bar under Pa.B.A.R. 203 and 205. (For more information on the Bridge-the-Gap program see the Disciplinary Board of the Supreme Court on page 63.)

Admission applications	approx. 2,800
Sitting for February exam	661
Change from 2000	(47) (6.64)%
Persons passing February exam	355
Persons failing February exam	306
Passing Percentage	54%
2000 Passing Percentage	52%
Sitting for July exam	1,828
Change from 2000	(39) (2.09%)
Persons passing July exam	1,313
Persons failing July exam	515
Passing percentage	72%
2000 Passing Percentage	70%

Table 3.2.1

Board Recommendations

The board made the following recommendations to the Supreme Court in 2001:

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 402 regarding **confidentiality**. The amendment would permit the board, upon request, to provide a law school with the names of applicants from its school who were not successful on the bar examination. All other records and actions of the board, with the exception of the names of applicants who were successful on the bar examination, will remain confidential.

Recommendation No. 2: Proposed amendment regarding the **Multistate Performance Test (MPT)**. The recommendation was made that the MPT, be replaced as a component of the essay portion of the bar examination with a

Performance Test (PT) developed by the board. Use of a board-developed PT question would become effective with the administration of the July 2002 examination.

Both amendments were approved by the Court.

Filing Fees

The filing fees charged for processing applications in 2001 are as follows:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee
- \$900 for admission on motion.

Looking Ahead to 2002

In May 2002 the Pennsylvania Board of Law Examiners will celebrate 100 years of

distinguished service to the Supreme Court of Pennsylvania. The Court, by *per curiam* order dated May 26, 1902, established a State Board of Law Examiners to provide for a uniform and standard system of bar admissions in this Commonwealth. A celebration will be held in March 2002 in conjunction with the board's semiannual meeting and will include attendance by distinguished guests such as justices of the Supreme Court of Pennsylvania, past board members and representatives from AOPC.

Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact the board office by calling (717) 795-7270 or by writing to 5070 Ritter Road, Suite 300; Mechanicsburg, PA 17055. AOPC

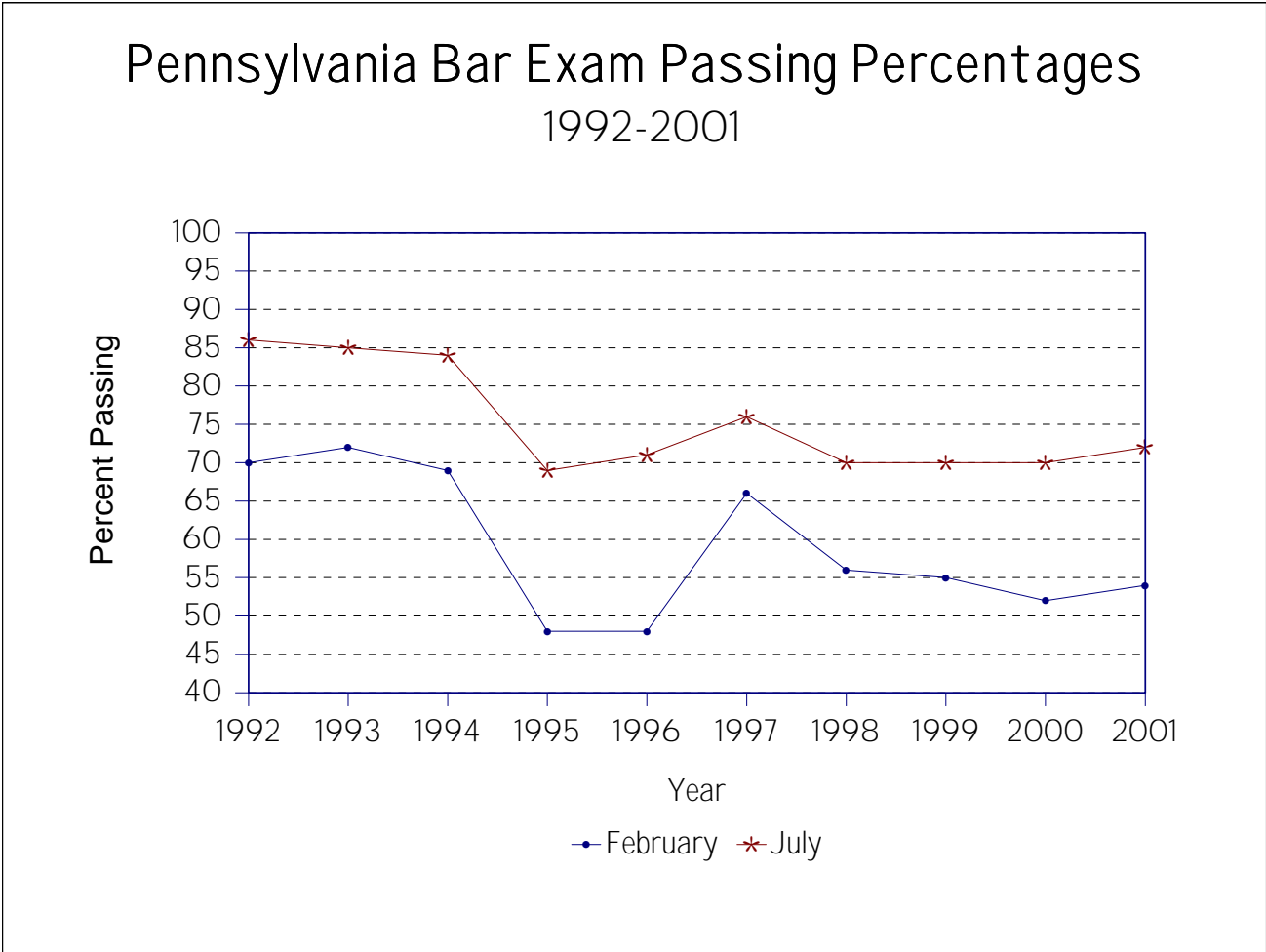


Table 3.2.2

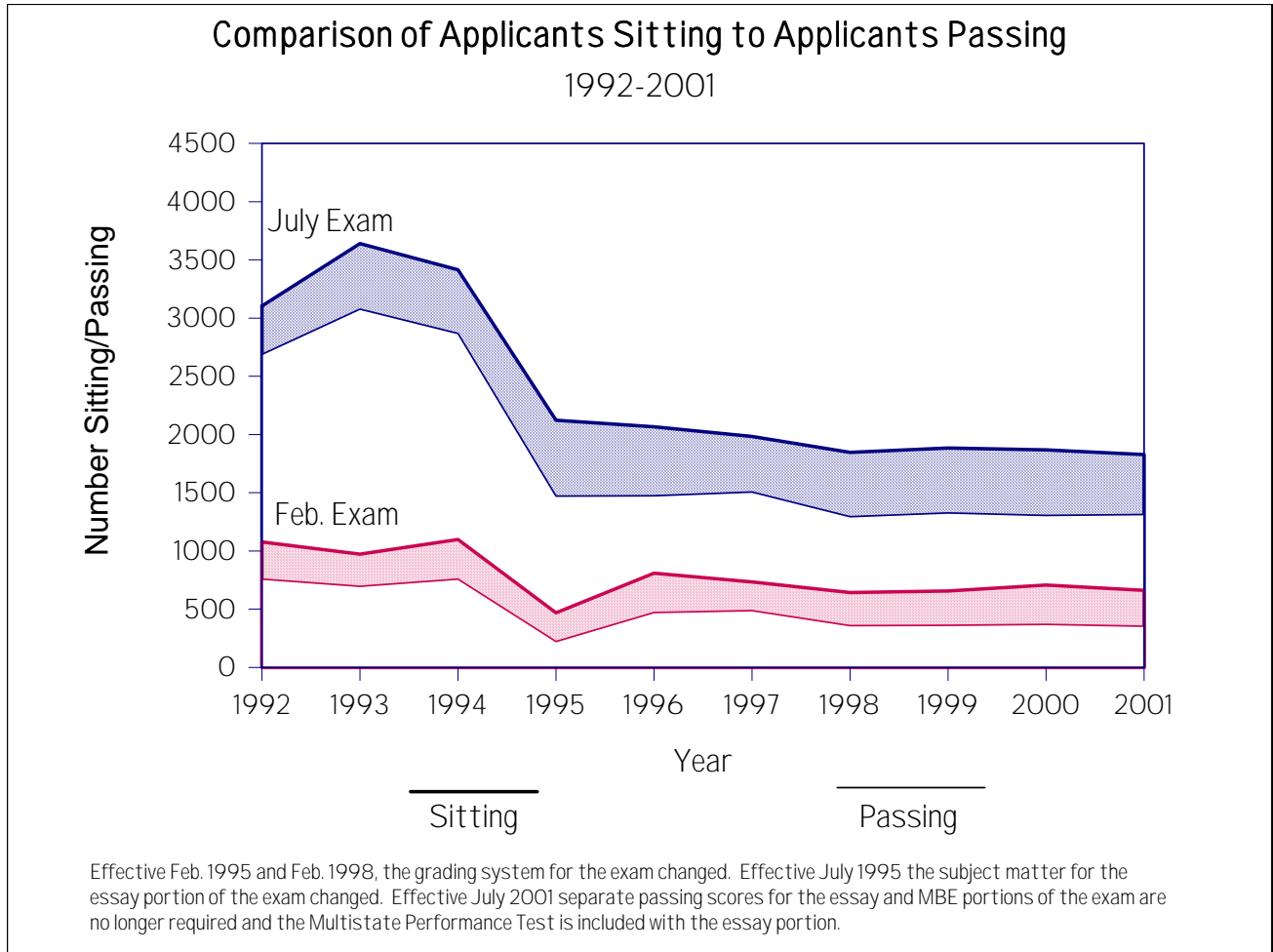


Table 3.2.3

2001 Membership:

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

Staff:

Harold K. Don, Jr., Esq., *Counsel*
Jeffrey M. Wasileski, Esq., *Research Assistant*
Sharon L. Ciminera, *Office Manager*

- * Term expired 6-30-01
- ** Appointed chair effective 6-30-01
- + Appointed vice chair effective 6-30-01

Legal Authorization:

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

Civil
Procedural
Rules
Committee

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History/Background

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. Currently, 16 lawyers and judges, including one *ex officio* member, comprise the committee.

The committee's office is located in Mechanicsburg, and the staff of three includes counsel, a research assistant and an office manager. The counsel and research assistant are both members of the bar of the Supreme Court of Pennsylvania.

2001 Activities

The Civil Procedural Rules Committee held three meetings in 2001 as follows:

March	Pittsburgh
June	Philadelphia
November	Philadelphia

A fourth meeting, scheduled for September 12 and 13, was cancelled due to the attacks on the World Trade Center and Pentagon on September 11.

Internet

The committee continued to maintain a site on the Internet. It is accessed through the home page of the Unified Judicial System at www.courts.state.pa.us and includes:

- recently promulgated rules and amendments to rules

- a schedule of effective dates
- proposed recommendations of new rules and amendments to existing rules
- the prime rate, which forms the basis for calculating damages for delay under Rule of Civil Procedure 238.

The Unified Judicial System includes a list of the members of the committee as part of its home page.

2001 Amendments to the Rules of Civil Procedure

The Supreme Court acted on several committee recommendations in 2001, promulgating new rules and amending existing ones. The committee issued several additional recommendations, which were published to the bench and bar for comment and remain pending. The recommendations are described below and are listed in the Status of Recommendations chart which follows this report.

Recommendations Promulgated by the Supreme Court

Recommendations Effective in 2001

The following recommendations promulgated in 2000 became effective January 1, 2001:

Recommendation Nos. 150 & 156: Associations as Parties; Definition of Political Subdivision Recommendation 150 modernized the definitions of the terms "partnership," "unincorporated association" and "corporation or similar entity" as set forth in Rules 2026, 2051 and 2076. The definitions in these rules contained terminology which had become obsolete since promulgation of the rules in 1939. Recommendation No. 156 revised the definition of "political subdivision" in Rule 76 to include a "municipal or other local authority." Promulgated December 29, 2000.

Recommendation No. 157: Affidavit of Non-involvement Adds new Rule 1036 governing the dismissal of an action pursuant to an affidavit of noninvolvement. Two statutes provide for such an affidavit: Section 7502 of the Judicial Code relating to construction design professionals and Section 827-A of the Health Care Services Malpractice Act relating to health care providers.* The role of the court in these procedures, not specified by the statutes, is supplied by the new rule. Promulgated December 11, 2000.

*The Health Care Services Malpractice Act was repealed by Act 13 of 2002. Section 827-A of the former act was substantially reenacted as Section 506 of the Medical Care Availability and Reduction of Error (Mcare) Act, 40 P.S. § 1303.506.

Recommendation 159: Notice of Entry of Orders and Decrees Rule 236(a)(2) provides for the prothonotary to give written notice of the entry of an order, decree or judgment, but does not prescribe the manner of giving such notice. Without limiting the prothonotary in the manner of giving notice, new subdivision (d) authorizes the prothonotary to give notice by means of facsimile or other electronic transmission and describes the requirements therefor. The new provision extends service by facsimile or other electronic transmission to “other matters.” Other matters are in addition to orders, judgments and decrees and may include court notices, scheduling notices and other matters of an administrative nature. Promulgated November 28, 2000.

Recommendation 163: Pleading a Writing Amends Rule 1019 as it applies to the pleading of a writing. Subdivision (h) of Rule 1019 was revised to apply specifically to agreements. The pleading must state if an agreement is oral or written. A note advises that a written agreement must be attached to the pleading as provided by subdivision (i). New subdivision (i) was added to govern writings generally and is derived from former subdivision (h). It provides that when a claim or defense is based on a writing, that

writing or the material part thereof must be attached to the pleading. Promulgated November 28, 2000.

Rule 239: Local Rules A second paragraph was added to the note to Rule 239(c)(5) to reference the local rules page of the Internet site of the Pennsylvania Unified Judicial System. The local rules page contains links to the rules of the Courts of Common Pleas of the various counties and enables practitioners to easily access the local rules. Promulgated November 28, 2000.

Rule 1308: Compulsory Arbitration Amended Rule 1308(a)(1) governing the time to appeal from the award of arbitrators in compulsory arbitration. The amended rule incorporates the holding of *Stellar Construction Inc. v. Ronald Sborz et al, individually and trading as Keystone Meats*, 748 A.2d 667 (Pa. 2000) that “the date of entry of an order” for purposes of the appeal period is “the day on which the prothonotary fulfills its duty to make the required notation on the docket reflecting that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3).” Promulgated November 29, 2000.

Rule 4020: Discovery Rule 4020 governs the use of depositions at trial. Subdivisions (a) and (b) of the rule were amended to accommodate the new Pennsylvania Rules of Evidence. No change in practice or procedure was effected by the amendment. Promulgated November 29, 2000.

Recommendations Promulgated in 2001

Recommendation No. 161: Venue in Actions in Equity Modernizes and simplifies venue in an action in equity by rescinding former Rule 1503 and promulgating new Rule 1503. In contrast to the former rule, new Rule 1503 simply provides for an action in equity to be brought in any county in which a civil action may be brought or, if property is involved, in the county in which the property is located. Promulgated January 19, 2001, effective July 1, 2001.

Recommendation No. 162: Motions to Exclude Expert Testimony Which Relies upon Novel Scientific Evidence Adds new Rule 207.1 governing motions to exclude expert testimony which relies upon novel scientific evidence. The principal purpose of the rule is to give the court discretion to hear such a motion pre-trial or at trial, as best befits the case. Promulgated January 22, 2001, effective July 1, 2001.

Recommendation 169: *In Forma Pauperis* Prior to amendment Rule 240(d) provided that when a party is represented by an attorney, a *praecipe* to allow the party to proceed *in forma pauperis* must be accompanied by the affidavit showing the inability of the party to pay the costs of the action. Recommendation No. 169 revised subdivision (d) by deleting the requirement that the affidavit accompany the *praecipe*. This brings the rule into conformity with Rule 552(d) of the Pennsylvania Rules of Appellate Procedure and Rule 206 E. (iii) of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before District Justices, neither of which contain the requirement of the affidavit in this circumstance. Promulgated June 8, 2001, effective July 1, 2001.

Recommendation No. 170: Deficiency Judgments The amendments to Rules 3276 *et seq.* were prompted by the passage of Act 144 of 1998, which amended provisions of the Judicial Code relating to deficiency judgments.

First, the act added new definitions to the Deficiency Judgment Act, including a definition of the term “judgment,” adopting, in essence, the definition set forth in Rule 3277. In view of the new statutory definitions, several of the definitions in the rule became duplicative and unnecessary and were, therefore, rescinded.

Second, the act revised Section 5122(b) (2) of the Judicial Code, specifying the date from which is calculated the six-month period for filing a petition for the establishment of a deficiency judgment. It also added new Section 8103(f) providing for “certain special

allocations.” Appropriate revisions to the deficiency judgment rules were promulgated to implement these new and revised provisions of the Judicial Code.

Promulgated July 7, 2001, effective September 4, 2001.

Rule 237.3 Note: Relief from Judgment of *Non Pros* This amendment was necessitated by the holding of the Commonwealth Court in *Peters Township Sanitary Auth. v. American Home and Land Dev. Co.*, 696 A.2d 899 (Cmwlth Ct. 1997). The revised note and explanatory comment clarify the procedure when a defendant, upon the opening of a default judgment, intends to file preliminary objections, a pleading not encompassed by Rule 237.3. The note indicates that, contrary to the holding of the Commonwealth Court, preliminary objections are not an appropriate attachment to a petition to open a default judgment under the rule. Promulgated January 19, 2001, effective July 1, 2001.

Rule 205.4: Electronic Filing and Service of Legal Papers Rule 205.4 was promulgated as a temporary rule to monitor developments in this emerging field and to evaluate the procedures of the rule. Subdivision (h) provided that the “rule shall be rescinded on December 31, 2001.” The two and one-half years since the rule was promulgated, however, have proven to be insufficient to judge the rule’s effectiveness. Thus, the rule was made permanent. As with the rules of civil procedure generally, the rule may be amended in the future if warranted by experience.

Recommendations Published to Bench and Bar

During the year the committee considered the following recommendations, which had been published for comment:

Recommendation No. 166: Damages for Delay Rule 238 provides for the implementation of

damages for delay upon a defendant who does not make an appropriate offer of settlement as required by the rule. The Superior Court in *Sonlin v. Abington Memorial Hospital*, 748 A.2d 213 (2000) imposed three requirements to bring an offer of settlement within the exclusion of that rule from the calculation of delay damages. Recommendation No. 166 proposes amendment of Rule 238(b)(1) by incorporating these requirements into the rule.

Recommendation No. 167: Summary Judgment Proposes the addition of new subdivision (e) to Rule 1035.3 to make clear that a court may decide a motion for summary judgment at any time prior to the start of trial and need not require written responses or briefs so long as the parties suffer no prejudice thereby. Such a motion “on eve of trial” may obviate a trial where, for instance, a motion *in limine* has resulted in the exclusion of testimony by an expert witness so that the party is unable to establish facts which would require the submission of the case to a jury. A note emphasizes that the decision to entertain a motion for summary judgment on the eve of trial remains entirely within the discretion of the court.

Recommendation No. 168: Entry and Withdrawal of Appearance One aspect of Recommendation No. 168 proposes to eliminate the requirements of Rules 1012(a) and 1025 that an entry of appearance state an address within the Commonwealth. Rather, the proposed amendment provides that “[t]he address shall be a street address where papers may be mailed or delivered.” The appearance, pleading or other legal paper stating or endorsed with an address must include a telephone number. A facsimile transmission number is optional.

A second aspect of the recommendation would revise Rule 1012 to provide a more detailed procedure to be followed when leave of court is required for an attorney to withdraw his or her appearance. The revised rule would include notice provisions both of the petition of the attorney for leave to withdraw the appearance and of the order of court granting

leave to withdraw. The recommendation also proposes new forms for entry and withdrawal of appearance.

Recommendation No. 171: Form of Briefs, Preference on Trial List Provides for the rescission of Rule 210, governing the form of briefs, as obsolete. The rule, dating from 1938, requires that briefs be typewritten, a requirement which has become unnecessary in an era of computers and word processing.

The recommendation also proposes revision of Rule 214 and rescission of Rule 215 governing preferences on the trial list. Both rules were promulgated in 1938 as well. Rule 214 sets forth categories of cases formerly given preferences by statutes that have been repealed. Rule 215 prescribes a procedure for assigning preferences, which is obsolete. If the recommendation is adopted, Rule 214 would remain as a general provision providing for a trial preference to be granted upon cause shown.

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

Recommendation No. 173: Representation of Corporations and Similar Entities Proposes amendment of Rule 2177 to permit a corporation or similar entity to be represented by a corporate officer in cases involving relatively small amounts in controversy brought in the

Courts of Common Pleas. This is consistent with the current practice of the district justice courts in which such representation is permissible.

Recommendation No. 174: Judgment Liens and Revival of Judgment Liens Rules 3025 - 3049 were promulgated in 1964 to provide the procedure in proceedings to revive and continue the lien of a judgment. The note to Rule 3025 advised the bench and bar: "For the substantive law governing the revival of judgment against defendants and terre-tenants see the Judgment Lien Law of 1947, 12 P.S. 877 *et seq.*"

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978, but no successor provisions were enacted as part of the Judicial Code or otherwise and the 1947 Act disappeared from *Purdon's Pennsylvania Statutes*. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal community. Yet as no general rules had been promulgated to date to replace the repealed act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P.S. § 20003(b).

Recommendation No. 174 proposes to amend the rules of civil procedure to fill the void left by the repeal of the 1947 Act. It is the last of the major projects arising from the enactment of JARA.

Previously Published Recommendations

The following recommendations published to the bench and bar for comment during previous years remain pending before the committee:

Recommendation No. 160: Appeals from District Justice Courts Unlike the Courts of Common Pleas, practice in the district justice courts does not generally require an attorney or formalized pleading. Consequently, a party who appeals or defends an appeal of the decision of a district justice court to the Court of Common

Pleas may face substantial expense as the result of hiring an attorney to represent the party on appeal and to prepare the formalized pleadings. Recommendation No. 160 proposes that in certain instances the pleadings in the district justice court might constitute the pleadings on appeal in the Court of Common Pleas. The committee is continuing to review the comments elicited by the publication of the recommendation.

Recommendation No. 165: Actions in Equity Proposes the amendment of three equity rules: Rules 1508(b), 1510(a) and 1510(b) concerning joinder of claims, counterclaims and preliminary objections. It is directed toward facilitating the disposition of claims which may give rise to causes of action both equitable and legal.

The recommendation has prompted consideration of the larger issue of the consolidation of actions at law and in equity generally. It is anticipated that the amendments proposed will be incorporated into a larger recommendation to merge the action in equity into the civil action, to be issued in the summer of 2002.

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.

Contact Person

Anyone wishing to learn more about the Civil Procedural Rules Committee or having questions regarding civil rules may contact Counsel Harold Don at (717) 795-2110 or write to him at Suite 700; 5035 Ritter Road; Mechanicsburg, PA 17055 or via e-mail at civil.rules@supreme.court.state.pa.us. AOPC

Status of Recommendations		
Recommendation	Subject	Status
150	Amendment of Rules 2126, 2151 and 2176 defining partnerships, unincorporated associations, and corporations and similar entities ; promulgated with Recommendation 156	Promulgated 12-29-00, effective 7-1-01
151	Promulgation and amendment of rules governing liens upon real property and revival of judgment liens	Superseded by Recommendation No. 174
155	Amendment of Rule 1012 governing entry of appearance and promulgation of new Rule 1012.1 governing civil cover sheet	Superseded by Recommendation No. 168
156	Amendment of Rule 76 governing definitions to include municipal authority in the term political subdivision; promulgated with Recommendation 150	Promulgated 12-29-00, effective 7-1-01
157	New Rule 1036 governing affidavit of noninvolvement	Promulgated 12-11-00, effective 1-1-01
158	Amendment of Rule 227.1 governing post-trial practice with respect to conditional post-trial motions and inconsistent verdicts	Pending with committee
159	Amendment of Rule 236 governing notice of entry of orders and decrees by the prothonotary	Promulgated 11-28-00, effective 1-1-01
160	New Rule 1042.1 governing appeals from district justice courts	Pending with committee
161	Rescission of equity Rule 1503 governing venue and promulgation of new Rule 1503	Promulgated 1-19-01, effective 7-1-01
162	New Rule 207.1 governing motions to exclude expert testimony which relies on novel scientific evidence	Promulgated 1-22-01, effective 7-1-01
163	Amendment of Rule 1019(i) governing pleading of agreements and writings	Promulgated 11-28-01, effective 1-1-01
164	Amendment of Rules 230.1 and 2231 governing compulsory nonsuit and joinder of parties	Promulgated 5-30-01, effective 7-1-02

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
165	Amendment of equity Rule 1508 governing pleading more than one cause of action and Rule 1510 governing counterclaims to provide for the joinder of causes of action at law	Pending with committee
166	Amendment of Rule 238 governing damages for delay	Pending with committee
167	Amendment of Rule 1035.3 governing summary judgment	Pending with committee
168	Amendment of Rules 205.1, 1012 and 1025 and new Rule 1012.1 governing the pleading stage of an action	Pending with committee
169	Amendment of Rule 240 governing proceedings <i>in forma pauperis</i>	Promulgated 6-8-01, effective 7-1-02
170	Amendment of Rules 3277, 3282, 3284 and 3285 and rescission of Rule 3286 governing deficiency judgments	Promulgated 7-7-01, effective 9-4-01
171	Amendment of Rule 214 and rescission of Rules 210 and 215 governing form of briefs and preference on the trial list	Pending with committee
172	Amendment of Rule 1311 to provide for the admission of documentary evidence at trial of an appeal from an award in compulsory arbitration	Pending with committee
173	Amendment of Rule 2177 governing representation of corporations and similar entities	Pending with committee
174	Promulgation and amendment of rules governing liens upon real property and revival of judgment liens	Pending with committee

Chart 3.3.1, cont'd.

2001 Membership:

Civil Instructions Committee

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

Civil Instructions Advisory Panel

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

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Chair*
Honorable Robert E. Dauer, *Co-chair*
William H. Lamb, Esq., *Co-chair*
Honorable John N. Sawyer
Professor Arthur A. Murphy, *Reporter*

Criminal Instructions Advisory Panel

Professor Arthur A. Murphy, *Reporter*
Honorable Kevin A. Hess
Honorable J. Wesley Oler, Jr.

Staff:

Roger B. Meilton, *Assistant Reporter and Secretary*

Legal Authorization:

Pa. Constitution Article V, § 10(c)

**Committee
for
Proposed
Standard
Jury
Instructions**

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

History/Background

The Pennsylvania Supreme Court Committee for Proposed Standard Jury Instructions was first appointed in 1968 by Chief Justice John C. Bell for the express purpose of developing pattern jury charges for the assistance of both the bench and the bar. The committee's mission from the outset has been to assist the administration of justice in both civil and criminal court proceedings through the availability of model jury instructions.

As a result, the committee has published comprehensive volumes of suggested civil and criminal jury instructions. The suggested instructions guide judges and lawyers in the preparation and consideration of instructions during the trial process. The ongoing purpose of the committee is to monitor developments in civil and criminal law, recommending and publishing revised and new instructions as required.

Since 1979 the Pennsylvania Bar Institute (PBI) has provided both administrative and publishing support for the committee as well as funding for this important work. Project costs are underwritten through the sale and distribution of the published suggested standard instructions to the legal community.

Committee Activities

The third supplement to the Civil Jury Instructions was published in 1997. With this supplement, the instructions became available on computer diskette. In 2001 a working Advisory Committee began reviewing every existing instruction. Substantial changes are being made to many instructions; citations are being updated; and, where appropriate, new

instructions are being written. Review of the instructions will continue into 2002 with the goal being to publish a new, two-volume civil jury instruction edition and companion CD-ROM in late 2002.

The eighth supplement to the Criminal Jury Instructions was published in the fall of 2000. With it, the instructions also became available on CD-ROM.

Professor Arthur Murphy, who has served as reporter for the criminal instructions subcommittee for many years, has retired. Although he has agreed to work on particular instructions, a new reporter or co-reporters are being recruited to work on the next edition, scheduled for publication in 2003.

The immediate goal is to publish new supplements or new editions of both the civil and criminal instructions every two years. The three-year goal is to publish shorter, more frequent supplements or new editions on an annual basis.

Contact Person

Members of the bench and bar are urged to provide their comments and suggestions to the committee. Such comments are of great assistance to the reporters and subcommittee members in their ongoing efforts to ensure that the instructions reflect the current state of the law in Pennsylvania.

Those interested may contact David Hominik, PBI Publications Director. He can be reached at the Pennsylvania Bar Institute; 5080 Ritter Road; Mechanicsburg, PA 17055-6903; (800) 932-4637 or (717) 796-0804, ext. 2258; or dhominik@pbi.org. **AGPC**

**Committee
on
Rules of
Evidence**

2001 Membership

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

Staff:

Richard L. Kearns, Esq., *Staff Counsel*
Suzanne Creavey, *Office Manager*

Legal Authorization:

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

5035 Ritter Road,
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History/Background

The Committee on Rules of Evidence was created on September 8, 1998, by the Supreme Court of Pennsylvania as an advisory body to the Court, assisting the Court in fulfilling its constitutional and statutory responsibility to prescribe general rules governing all court proceedings in Pennsylvania's Unified Judicial System. It is the successor to the Ad Hoc Committee on Evidence, which was appointed by the Supreme Court in 1994 and which developed the Pennsylvania Rules of Evidence that were adopted in 1998.

In its advisory capacity, the committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. The committee 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. In addition, the committee continues to review and respond to the various questions that have been raised by judges, lawyers and court personnel.

Membership and Staff

The first members of the Committee on Rules of Evidence were appointed by the Court for initial one-, two- and three-year terms, commencing October 1, 1998. Subsequent appointees have been appointed for three-year terms with a two-term limit. The committee membership in 2001 consisted of one Common Pleas Court judge, eight attorneys in private practice and a law professor, all of whom have extensive backgrounds in trial practice and procedure and are from different geographical areas of Pennsylvania.

Committee staff consists of one attorney and an office manager. The committee maintains its office in Mechanicsburg at the AOPC's central site.

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*), and various local bar publications and also may be found at the Unified Judicial System's home page at www.courts.state.pa.us, under Supreme Court Committees. (Note: Some proposals are submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, because exigent circumstances exist that warrant prompt action, or because the proposed changes are technical or perfunctory in nature.)

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

When the court adopts a recommendation, the committee prepares a "Final Report" explaining the recommendation, including any post-publication modifications. These "Final Reports", which are published with the Court's orders, are useful sources of information about the rule changes and the committee's considerations in developing the proposal.

2001 Activities

The Committee on Rules of Evidence met three times in 2001, twice in Philadelphia and once in Hershey.

Committee members continued in 2001 to participate in various programs and seminars about the rules. These sessions provide the members with excellent opportunities to answer questions and 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.

2001 Committee Action

The committee submitted to the Supreme Court two recommendations for evidence rule changes in 2001. They are described below and are listed in the Status of Recommendations chart below.

Recommendation No. 1, Rules of Evidence 2001: Revision of Comment to Pa.R.E. 803(18) concerning **Learned Treatises**, adding a cross-reference to *Aldridge v. Edmonds*, 705 A2d 292 (Pa 2000). Adopted May 16, 2001, effective July 1, 2001. (See Final Report at 31 Pa.B. 2788 (June 2, 2001,) and 770-771 A.2d Advanced Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 2, Rules of Evidence 2001: Amendment of Pa.Rs.E. 103, 701, 803, 902; Revision of the Comment to Rule 404. Adopted November 2, 2001, effective January 1,

2002. (See Final Report at 31 Pa.B. 6381 (November 24, 2001,) and 783-784 A.2d Advanced Sheets (*Pennsylvania Reporter Series*.)

Looking Ahead to 2002

The committee plans to continue to monitor the Rules of Evidence and the 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.

Contact Person

Anyone wanting additional information about the Committee on Rules of Evidence or who have questions about the rules themselves may contact the committee through its Staff Counsel, Richard L. Kearns, Esq., at (717) 795-2119, or by writing to him at 5035 Ritter Road, Suite 800; Mechanicsburg, PA 17055. AOPC

Status of Recommendations		
Recommendation	Subject	Status
1, 2001	Amendment to Comment to Rule 803 (18)	Adopted 4-26-01; effective 7-1-01
2, 2001	Amendments to Rules 103, 701, 803 and 902; revision of Comment to Rule 404	Adopted 11-2-01, effective 1-1-02

Table 3.5.1

Pennsylvania

Continuing

Legal

Education

Board

2001 Membership

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

Staff:

Daniel Levering, *Administrator*

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

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www.pacle.org

History/Background

With the promulgation by the Pennsylvania Supreme Court of the Pennsylvania Rules for Continuing Legal Education on January 7, 1992, Pennsylvania became the thirty-eighth state in the union to require attorneys to participate in formal continuing legal education (CLE).

It is the responsibility of the Continuing Legal Education Board (PACLE) to administer the rules pertaining to such education for attorneys. This responsibility began with establishing the entire continuing legal education requirements system and continues to include updating the requirements and rules as necessary, monitoring each attorney's compliance with the requirements, notifying attorneys of CLE status, and accrediting and monitoring CLE providers and courses.

The board established the following goals early in its existence:

- create and maintain a credible and respected CLE program in Pennsylvania
- be lawyer friendly
- make compliance easy for lawyers
- minimize paperwork for lawyers
- utilize the most modern, efficient and effective methods of communication
- automate as much as possible through computerization.

The board is comprised of ten active Pennsylvania attorneys appointed by the Supreme Court. Member terms are three years in length, and no member may serve more than two consecutive terms.

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 in each compliance year group must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

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

Board Organization

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

Accreditation Committee

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

Administration Committee

The Administration Committee includes Ruth E. Ganister, Esq., chair; Carmen P. Belefonte, Esq.; and Paul Michael Pohl, Esq. It handles matters involving staff, employee relations, benefits, office equipment, office operations, fees and banking, and those enhancements to program administration necessary to ensure quality and efficiency.

Audit Committee

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

Compliance Committee

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

2001 Board Actions and Operations Highlights

The board held two meetings and one telephone meeting in 2001.

Programming of user-friendly enhancements to the web-enabled Automated System for Accredited Providers was completed. By using ASAPNEXUS, Internet technology allowing for the submission of course notifications and course attendance records from accredited providers, providers help achieve the board's goal of using automation to provide high levels of service to lawyers.

A proposal was submitted to the Supreme Court for approval of a distance learning pilot project. If accepted, attorneys will be able to fulfill up to three of their twelve required hours by participating in a pre-approved Internet- or computer-based CLE course.

Pennsylvania continued to play a major role at the executive level of the International Organization of Regulatory Administrators on Continuing Legal Education (ORACLE), and the Pennsylvania CLE administrator will be president elect of ORACLE in 2002.

Other accomplishments of the CLE Board in 2001 include:

- distribution of course evaluation summary reports to over 180 accredited providers electronically for the first time
- installation of new Front End Program. This comprehensive component to the existing computer system allows for tracking of all payments to transactions by lawyer or provider and creates an audit trail for reconciliation.
- implementation of a second late fee for attorneys who remain noncompliant 150 days after their compliance deadlines.

Attorney Compliance

Lawyer compliance with requirements of Pennsylvania CLE Rules remains very high. Chart 3.6.1 on page 56 displays the compliance rate and number of lawyers in each group whose names were submitted to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

Looking Ahead to 2002

The board plans to implement a distance learning pilot project as well as the Bridge-the-Gap program that has been mandated by the Supreme Court for new Pennsylvania attorneys. It will also continue to enhance the utilization of technology to provide the highest quality of service to the legal community.

Contact Person

Questions about CLE or the Pennsylvania Continuing Legal Education Board may be directed to Daniel Levering, Administrator, at

(800) 497-2253 or (717) 795-2139. Or you may write to the board at 5035 Ritter Road, Suite 500; Mechanicsburg, PA 17055 or e-mail at pacleb@pacle.org. The board's Web site is located at www.pacle.org. **AOPC**

Attorney Compliance				
Compliance Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates
Group 1 (April)				
92-93	17,100	16,959	141	9.2%
93-94	17,300	17,179	121	9.3%
94-95	17,619	17,552	67	9.6%
95-96	17,873	17,768	105	9.4%
96-97	17,804	17,639	165	9.1%
97-98	17,665	17,523	142	9.2%
98-99	17,864	17,751	113	9.4%
99-00	18,132	18,018	114	9.4%
00-01	18,426	18,295	131	9.3%
Group 2 (August)				
92-93	17,124	16,868	256	8.5%
93-94	17,289	17,134	155	9.1%
94-95	17,649	17,540	109	9.4%
95-96	17,595	17,507	87	9.5%
96-97	17,410	17,294	116	9.3%
97-98	17,613	17,511	102	9.5%
98-99	17,756	17,666	90	9.5%
99-00	18,087	17,974	113	9.4%
00-01	18,181	18,100	81	99.6%
Group 3 (December)				
92-93	17,269	16,936	333	8.1%
93-94	17,474	17,414	60	9.7%
94-95	17,679	17,574	105	9.4%
95-96	17,542	17,430	112	9.4%
96-97	17,582	17,456	126	9.3%
97-98	17,781	17,647	134	9.2%
98-99	17,968	17,865	103	9.4%
99-00	18,220	18,113	107	99.4%
00-01	18,361	18,227	134	99.3%

Table 3.6.1

**Criminal
Procedural
Rules
Committee**

2001 Membership

Joseph P. Conti, Esq., *Chair*
Honorable John J. Driscoll, *Vice Chair*
Thomas R. Ceraso, Esq.
John P. Delaney, Jr., Esq.
John L. Doherty, Esq.
Ronald Eisenberg, Esq.
Honorable Scott A. Evans
Paul S. Kuntz, Esq., *ex officio*
Alexander H. Lindsay, Jr., Esq.
Honorable Robert A. Mazzoni
Honorable Donna Jo McDaniel
Patrick L. Meehan, Esq.
John W. Packel, Esq.
Brian J. Preski, Esq.
Mary Benefield Seiverling, Esq.
Claude A. Lord Shields, Esq.
Michael W. Streily, Esq.
Stuart Brian Suss, Esq.

Staff:

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

Legal Authorization:

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

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e-mail [criminal.rules@
supreme.court.state.pa.us](mailto:criminal.rules@supreme.court.state.pa.us)

History/Background

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.

The committee's work includes:

- monitoring recent developments in criminal procedure in Pennsylvania and in other jurisdictions to identify areas in which the criminal rules need to be amended, revised, clarified, streamlined or simplified
- reviewing and responding to the numerous questions raised by judges, lawyers, and court personnel; the public; and agencies within the criminal justice system
- reviewing Pennsylvania appellate court cases and Pennsylvania legislation, earmarking those decisional or statutory law changes which affect the criminal process and necessitate amendments to the rules or other action by the Court
- monitoring all local criminal rules as required by Rules of Criminal Procedure 105.

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. Published in the *Pennsylvania Bulletin* and the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), these "Final Reports" are useful sources of information about the rule changes and the committee's considerations in developing the proposal for the rule changes.

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

Web Site

The Criminal Procedural Rules Committee publishes its rule proposals and explanatory "Reports" as well as the Supreme Court's orders promulgating criminal rule changes, the text of the rule changes, and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System home page. These publications may be found under Supreme Court Committees at www.courts.state.pa.us.

Membership and Staff

Committee members are appointed by the Supreme Court. Each member's term is three years and members may serve a maximum of two full terms. In 2001 membership included four Common Pleas Court judges, the chief disciplinary counsel for the Disciplinary Board of

the Supreme Court, six prosecutors, one assistant public defender, three attorneys in private practice and one district court administrator.

The committee has a staff of three: two attorneys and an office manager. It maintains its office in Mechanicsburg at the Administrative Office's Central Site.

2001 Activities

The committee held five two-day and one one-day full-committee meetings in 2001. The meetings were held in Gettysburg, Hershey, Philadelphia, Pittsburgh and State College.

In 2001 the committee continued its work on

- the development of procedures for the use of advanced communication technology in criminal cases, in particular for arrest and search warrants, and preliminary arraignments and arraignments
- specific issues related to post-conviction collateral proceedings, including time limits on the disposition of cases and appointment of counsel in death penalty cases
- developing new procedures to govern cases when the defendant intends to introduce evidence concerning his or her mental condition
- reviewing both local rules and the rules affecting proceedings before the minor judiciary in summary cases (Chapter 4) and in court cases (Chapter 5).

The committee also began work on

- an extensive project to overhaul the procedures governing motions, answers, filing and service in an effort to attain more statewide uniformity in this area of criminal practice
- work necessitated by the anticipated state-

wide automation of the criminal division of the Common Pleas Courts.

The committee also responded to specific inquiries from the Supreme Court and to issues that arose in case law. It addressed several other areas of criminal practice and procedure, including bail, discovery, and trial and jury procedures.

The committee communicated regularly with the Administrative Office 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.

The committee continued in 2001 to make presentations to the bench, the bar and others involved in the criminal justice system regarding recent changes in Pennsylvania's criminal procedures. At these presentations the committee receives valuable input concerning Pennsylvania's criminal practice.

2001 Committee Action

The Supreme Court adopted one committee recommendation for rule changes in 2001. A number of other recommendations remained pending with the Court. These are described below. A chart indicating the status of the proposals and recommendations pending in 2001 can be found on page 62.

Proposals Adopted by the Supreme Court

Recommendation No. 4, Criminal Rules 2001: Revision of the Comment to Rule 6 (**Local Rules**) (renumbered Rule 105 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) to include the same **language** concerning the judiciary's Web page and local rules that was recently adopted for the civil rules. Adopted June 8, 2001, effective immediately. (See Final

Report at 31 Pa.B. 3310 (June 23, 2001,) and 773-774 A.2d Nos. 3 and 1, respectively, July 27, 2001, Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Recommendation No. 14, Criminal Rules 1999: Proposed amendments to Rule 1500 (Scope) (renumbered Rule 900 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) providing in **capital cases** for notice of the information concerning the PCRA and the procedures under Chapter 1500 of the rules. Remanded to the committee October 24, 2000, and revised and resubmitted February 23, 2001.

Recommendation No. 1, Criminal Rules 2000: Proposed amendments to Rules 1502 (Content of Petition for Post-Conviction Collateral Relief; Request for Discovery) and 1504 (Appointment of Counsel; *In Forma Pauperis*) and correlative revision of the Comment to Rule 302 (Attorneys -- Appearances and Withdrawals) (renumbered Rules 902, 904 and 120, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) concerning verification of counsel and entry of appearance in **PCRA cases**.

Recommendation No. 4, Criminal Rules 2000: Proposed amendments to Rules 316 (Assignment of Counsel) and 1504 (Appointment of Counsel; *In Forma Pauperis*) (renumbered Rules 122 and 904, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) clarifying that **appointed counsel** remains in the case through all avenues of direct appeal, including the Supreme Court.

Recommendation No. 1, Criminal Rules 2001: Proposed amendments governing the **use of advanced communication technology** for conducting preliminary arraignments and arraignments, and for requesting and obtaining arrest and search warrants.

Recommendation No. 2, Criminal Rules 2001: Proposed amendments to Rule 22 (renumbered Rule 131 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) permitting, in the president judge's discretion, centralized courts for **summary trials**.

Recommendation No. 3, Criminal Rules 2001: Proposed amendments to Rules 27 and 328 (combined and renumbered Rule 112 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) conforming to the proposed **ACT-related** changes.

Recommendation No. 5, Criminal Rules 2001: Amendments to Rule 1509 (renumbered Rule 909 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) that will provide extensions of time and sanctions concerning the time for disposition following a hearing in a **PCRA death penalty case**.

Recommendation No. 6, Criminal Rules 2001: Revision of the Comment to Rule 1509 (renumbered Rule 909 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) adding cross-references to *Commonwealth v. Morris* concerning (1) the contents of a request for a **stay** filed separately from the PCRA petition, and (2) **temporary stays**.

Recommendation No. 7, Criminal Rules 2001: Amendments to Rule 1409 (renumbered Rule 708 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) clarifying the 30-day appeal period following motion to modify sentence in **probation and parole violation cases**.

Looking Ahead to 2002

The committee plans to continue its work on the following:

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

Contact Person

Anyone wanting additional information about the Criminal Procedural Rules Committee or having questions about the criminal procedural rules may contact the committee through its chief staff counsel, Anne T. Panfil, Esq., at (717) 795-2100 or writing to 5035 Ritter Road, Suite 800; Mechanicsburg, PA 17055. The committee may also be contacted at criminal.rules@supreme.court.state.pa.us.

AOPC

Status of Recommendations

Note: The number in parentheses indicates the new number assigned to the rule as part of the renumbering and reorganization of the criminal rules adopted by the Court on March 1, 2000, effective April 1, 2001.

Recommendation	Subject	Status
14, 1999	Amendments to Rule 1500 (900) providing in capital cases for notice of the information concerning the PCRA and procedures under Chapter 1500 of the rules	Submitted 10-13-99, remanded 10-24-00; resubmitted 2-23-01; pending before Court
1, 2000	Amendments to Rules 1502 (902) and 1504 (904), revision of Comment to Rule 302 (120) concerning verification of counsel and entry of appearance in PCRA cases	Submitted 7-17-00; pending before Court
4, 2000	Amendments to Rules 316 (122) and 1504 (904), clarifying that appointed counsel remains in the case through all avenues of direct appeal, including the Supreme Court	Submitted 12-28-00; remanded 7-31-01; resubmitted 10-22-01; pending before Court
1, 2001	Amendments providing for use of advanced communication technology.	Submitted 2-20-01; pending before Court
2, 2001	Amendment to Rule 22 (131) permitting centralized courts for summary trials	Submitted 2-20-01; pending before Court
3, 2001	Amendments to Rules 27 and 328 (112) conforming to proposed ACT-related changes	Submitted 4-23-01; pending before Court
4, 2001	Revision of Rule 6 (105) Comment to include language concerning the Court's Web page and local rules	Adopted 6-8-01, effective immediately
5, 2001	Amendments to Rule 1509 (909) providing extensions of time and sanctions concerning the time for disposition following a hearing in a PCRA death penalty case	Submitted 7-23-01; pending before Court
6, 2001	Amendments to Rule 1509 (909) adding cross-references to <i>Commonwealth v. Morris</i>	Submitted 7-26-01; pending before Court
7, 2001	Amendments to Rule 1409 (708) clarifying the 30-day appeal period following motion to modify sentence in probation and parole violation cases	Submitted 12-18-01; pending before Court

Table 3.7.1

**Disciplinary
Board
of the
Supreme
Court**

2001 Membership:

Angelo L. Scaricamazza, Jr., Esq., *Chair*
John E. Iole, Esq., *Vice Chair*
William R. Caroselli, Esq.
Charles J. Cunningham, III, Esq.
Christine L. Donohue, Esq.
Thomas J. Elliott, Esq.
M. David Halpern, Esq.
C. Eugene McLaughlin
John W. Morris, Esq.
J. Michele Peck
Marvin J. Rudnitsky
Mark C. Schultz, Esq.
Martin W. Sheerer, Esq.
Richard W. Stewart, Esq.
Louis N. Teti, Esq.
Lisa A. Watkins, Esq.

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

Legal Authorization:

Pa. Constitution, Article V, § 10(c)
Rule 103, Pa. Rules of Disciplinary Enforcement
Rule 205(a), Pa. Rules of Disciplinary Enforcement
Rule 205(c), Pa. Rules of Disciplinary Enforcement

First Floor
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(717) 731-7073

History/Background

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.). Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney of another jurisdiction specially admitted to the bar of the Supreme Court for a particular proceeding
- any disbarred, suspended or inactive attorney, with respect to violation of any rules committed prior to disbarment, suspension or transfer to inactivity
- any justice, judge or district justice, 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 justice, judge or district justice.

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).)

Through December 2001, 54,063 active attorneys were registered in Pennsylvania, an increase of 0.46% over 2000.

During 2001, 4,738 complaints were filed with the Disciplinary Board, an average of 394 per month and an increase of 3.86% from last year.

Of the 4,738 new complaints received plus 801 complaints active at the start of the year, 4,727, or 85.34%, were disposed of, including 3,348 dismissed as lacking substance. At the start of 2001, 812 active complaints remained.

Increase in Annual Fee

With the increase of the annual attorney assessment in 1991 from \$75.00 to \$105.00, the Disciplinary Board was able to establish funds for computerization, leasehold improvements and education. Conservative, prudent investing has enabled the board to hold this assessment steady.

In the ten years since the last increase, however, the board's staff has increased from 60 full- and part-time employees to 80 full- and part-time employees. More employees has necessitated larger office space for the four district offices as well as the offices of the secretary and chief disciplinary counsel.

With these increasing costs, therefore, in April 2001 the board recommended to the Supreme Court that the annual assessment be increased to \$155.00 for fiscal year 2001-02. After due consideration, by order dated May 15, 2001, the Supreme Court directed that the annual assessment be increased to \$130.00. By that same order, the mailing date for the annual fee forms was advanced to June 18, 2001, and the due date for payment of the annual fees was extended to August 6, 2001.

In the fall of 2001, the board requested that its auditors prepare an updated three-year forecast based on the increased fee. The draft forecast was approved by the full board in February 2002. Statistics show that the annual fees represent 92% of Disciplinary Board revenues. Since 1996, however, the average increase in the number of newly registered attorneys has dropped. (Between 1988 and 1993, the number of active attorneys in Pennsylvania increased 51.10%. Since 1993, the number has increased only 6.73%.) If investment income is used to calculate revenues, the forecast indicates that income will exceed expenses until the year 2004. If investment income is not used to determine revenues, however, expenses will exceed revenues starting in year 2001-2002.

2001 Activities

The board met six times in 2001. The results of the executive sessions can be found in Table 3.8.1 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 3.8.2 on page 68. Comparisons of cumulative actions taken and actions taken in 2001 can be found in Chart 3.8.3 on page 70.

Rules Committee

The Rules Committee met and considered amendments to various Pennsylvania Rules of Professional Conduct (Pa.R.P.C.), Pa.R.D.E., and Disciplinary Board Rules and Procedures (D.B.R.P.). Several proposed amendments were published for comment as follows:

D.B.R.P. 85.10: Would provide that the generally applicable four-year period within which **complaints** must be submitted will be tolled while litigation is pending that results in a finding of ineffective assistance of counsel or prosecutorial misconduct.

Pa.R.D.E. 402: Would permit the chief disciplinary counsel to independently contact qualified mental health agencies or programs dealing with **alcoholism or substance abuse** to request that the agency or program contact the respondent-attorney.

D.B.R.P. 89.71: Would require the scheduling in all cases of a **prehearing conference** to be held not less than 30 days before a hearing.

In addition to the above-proposed amendments, the following rule changes were approved by either the board or the Supreme Court:

Pa.R.D.E. 217(j): Establishes specific law-related activities a **formerly admitted attorney** may engage in under the supervision of a member in good standing of the bar of this Commonwealth. Adopted December 23, 2000, for persons becoming formerly admitted

attorneys and January 1, 2001, for those who were formerly admitted attorneys on or before December 23, 2000.

Pa.R.D.E. 218(f)(2): Provides that an **attorney suspended** for a term not exceeding one year will be required to file a petition for reinstatement if he/she has been on inactive status for more than three years or if the order of suspension has been in effect for more than three years. Effective April 21, 2001.

D.B.R.P. 85.13: Provides that every pleading or response to a letter requesting statement of position submitted by or on behalf of a respondent-attorney in any proceeding that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a **verified statement** signed by the respondent-attorney. Amended effective July 14, 2001.

D.B.R.P. 89.164, 89.273-89.275 and §93.53: Amended to change or clarify the **procedures** for filing and service of briefs before hearing committees, procedures for reinstatement and dockets. Effective July 14, 2001.

D.B.R.P. 91.100: Conforming changes to reflect new Pa.R.D.E. 217(j) provisions relating to law-related activities that may be conducted by **formerly admitted attorneys**, which were amended by the Court by order dated December 7, 2000. Effective July 14, 2001.

Finance & Pension Committee

At its meeting on May 11, 2000, the board reviewed reports submitted by two outside consultants concerning the board's investment portfolio as well as observations and recommendations concerning the board's investments, which were being handled through PNC Advisors. At that time the investment moneys were held in Black Rock funds almost exclusively, and the performance reports indicated that Black Rock provided relatively inconsistent returns. Based on these

recommendations, the board decided to obtain proposals from other investment firms with the goal of using three different firms for investments.

At its meeting on April 17, 2001, the board changed its investment policy to provide that its assets will be divided equally between three investment firms for the purpose of evaluating net return based on the board's conservative investment policy. Instruction will be provided to the three firms concerning asset allocation. Revenues generated by the Attorney's Annual Fee will be deposited equally between the three firms. Likewise, monthly operating expenses will be withdrawn equally from each. Each firm is required to file quarterly reports and to provide, as necessary, investment advice. After a period of one year, the three firms' investment strategies and fund performances will be reviewed and evaluated against their fees.

The Finance & Pension Committee reviewed proposals submitted from Bruce A. Kraig Associates and Henry H. Armstrong Associates, Inc. and recommended that these two investment firms be retained to invest the board's funds, along with PNC Advisors.

The committee also met to review and approve the budget for fiscal year 2001-02, monitored the monthly financial reports prepared by the office of the secretary, and made recommendations to the board concerning

2001 Executive Session Results	
Action	Total
Adjudications involving formal charges	53
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rule 208(a)(5) Pa. R.D.E.]	26
Respondents appearing before board to receive private reprimands	26
Oral arguments before three-member panels of board members	7
Hearing on a petition to dissolve a temporary suspension (before one board member)	2
Three-member panel hearing on appropriate action after a finding of contempt by Supreme Court	1.
Board referrals to Supreme Court, including report and recommendation for public discipline	32
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	20
Supreme Court orders reinstating previously disbarred or suspended attorneys*	10*
Disbarred attorneys reinstated	1.
Supreme Court denials for reinstatement	3+
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	44
*Action taken following hearing on petition for reinstatement +One after having been suspended, one after having been disbarred and one after having been on inactive status three years or more	

Table 3.8.1

ways to limit spending and avoid unnecessary expenses.

Education Committee

The Education Committee prepared and presented the program at the training session

for newly appointed Hearing Committee members on July 25, 2001. Eighteen of the 22 new members attended.

The committee also designed the program for the board's retreat meeting in the fall of 2001. The topic was "Open Discussion on Closed Records" and dealt with the dissemination of redacted Disciplinary Board reports and opinions in both public and private discipline cases.

Bridge-the-Gap Committee

The concept of a Bridge-the-Gap program originated from a Disciplinary Board retreat meeting held in October 1994, where one of the topics for discussion was "Preceptorship-Mentoring Program vs. Practical Business Course." Following a lengthy debate, the board concluded that a practical business course for newly admitted attorneys in their first year of practice would be beneficial and referred the issue to the Education Committee to draft a proposal to the Supreme Court. The Court, upon learning of the idea, responded enthusiastically.

Over the next several years, the Education Committee researched the concept of a bridge-the-gap course thoroughly, obtaining information from other states concerning their mandatory courses, meeting with representatives of the Continuing Legal Education Board and the Board of Law Examiners, and writing to accredited continuing legal education providers to give them an opportunity to submit proposals for offering the course.

In January 1999 a Bridge-the-Gap Committee was established and in the spring of 2001, the program was offered for the first time at Temple Law School, Dickinson Law School, the University of Pittsburgh Law School and Widener Law School in Harrisburg.

Originally established as a pre-admission requirement, the Supreme Court has mandated that the program become a part of the post-admission process, administered by the Continuing Legal Education Board. As a result of this change, the Disciplinary Board anticipates that it will no longer be co-funding the program and accordingly, has dropped this line item from the Budget for 2001-2002.

Hearing Committees

As of December 31, 2001, 177 regular Hearing Committee members and 24 alternate members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

Web Site

Effective October 2001 the Disciplinary Board's unpublished reports and opinions are now available on the Web site of the Unified Judicial System. The address is www.courts.state.pa.us/Index/Opinions/IndexOpinions.asp.

For the last several years, the board has wrestled with the problem of the District & County Reports not publishing board reports and opinions, thus depriving Hearing Committee members, respondents and respondents' counsel the opportunity to review recent board decisions. (Only the published reports can be found on Westlaw.) The reaction to these postings has been extremely favorable.

Contact Person

Anyone having questions about the Disciplinary Board may contact Elaine M. Bixler, Secretary to the Board, at (717) 731-7073 or write in care of the board to First Floor; Two Lemoyne Drive; Lemoyne, PA 17043. **AOPC**

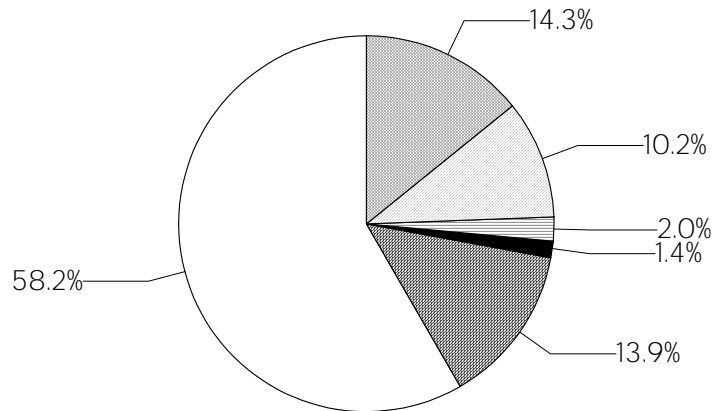
Disciplinary Board Actions: 1973-1992

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

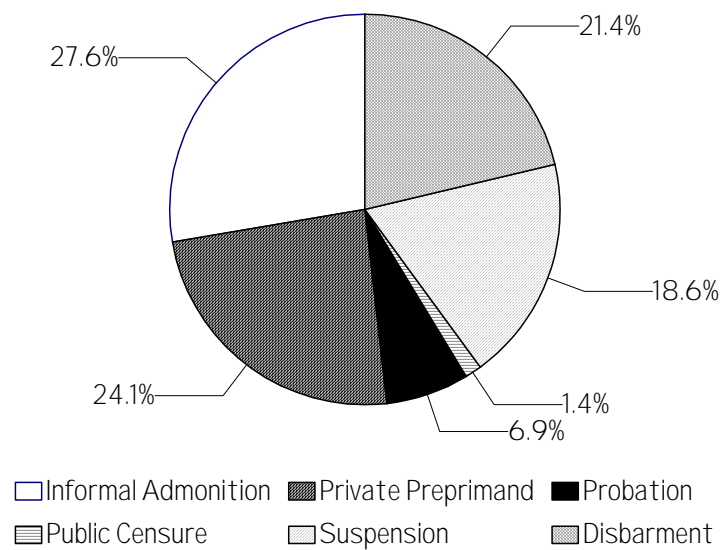
Disciplinary Board Actions: 1993-2001

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	2,705
Private Reprimand	30	41	48	31	46	43	26	29	35	647
Probation	5	5	7	3	8	5	7	3	10	65
Public Censure	0	1	6	3	3	7	4	0	2	91
Suspension	12	23	26	37	33	24	23	30	27*	474
Disbarment	20	32	35	41	40	33	29	32	31+	662
TOTAL	152	177	196	185	236	200	137	139	2,705	4,499
Reinstatement Cases										
Petitions Granted	29	24	44	31	35	33	45	35	55#	683
Petitions Denied	1	0	1	0	2	1	4	2	3▲	40
TOTAL	30	24	45	31	37	34	49	37	58	665
<p>* This figure does not include ten temporary suspensions (Rule 214 Pa.R.D.E.) and five emergency temporary suspensions (Rule 208(f) Pa.R.D.E.).</p> <p>+ This figure includes 20 disbarments on consent (Rule 215 Pa.R.D.E.).</p> <p># This figure includes reinstatement to active status of 44 at attorneys who had been inactive three or more years, ten reinstatements after suspensions and one reinstatement after disbarment.</p> <p>▲ This figure includes one reinstatement denied after suspension, one reinstatement denied after disbarment and one reinstatement denied after having been on inactive status three years or more.</p>										

Disciplinary Board Actions Comparison 1973-2001



2001



Informal Admonition
 Private Preprimand
 Probation
 Public Censure
 Suspension
 Disbarment

Table 3.8.3

Domestic

Relations

Procedural

Rules

Committee

2001 Membership:

David S. Rasner, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Robert C. Capristo, Esq.
Mark M. Dalton
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Kathleen R. Mulligan
Honorable Esther R. Sylvester
Leslee Silverman Tabas, Esq.
Joanne Ross Wilder, Esq.

Staff:

Patricia A. Miles, Esq., *Counsel*
Sharon L. Ciminera, *Secretary*

Legal Authorization:

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

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Mechanicsburg, PA 17055
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fax (717) 795-2116
e-mail patricia.miles@
supreme.court.state.pa.us

History/Background

Began 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 that the rules conform with developments in the law as well as the realities of domestic relations practice. It is the goal of the committee to promote statewide uniformity of practice, to streamline procedure and to encourage the expeditious disposition of family law matters.

The Domestic Relations Procedural Rules Committee currently has as members three judges, six attorneys and one district court administrator. Members are appointed by the Supreme Court to three-year terms, and each member may serve two consecutive terms.

2001 Activities

The committee met four times in 2001 as follows:

February	Ephrata (Lancaster County)
May	Erwinna (Bucks County)
September	Pittsburgh
November	Harrisburg

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

Beginning in 1989 all states were required to establish uniform statewide guidelines for child support. Pursuant to state and federal law, the Commonwealth must review these guidelines every four years. Included in the

review is research into available economic data relating to household expenditures, in particular the costs of raising a child. The four-year review of the guidelines was assigned to the Domestic Relations Procedural Rules Committee.

The last review was completed in 1999 and resulted in a sweeping revision of the support guidelines. Thereafter, the committee has continued to review and refine the guidelines.

In 2001 the committee prepared for the next mandated review, which will begin in 2002.

The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes, including judges, lawyers, court administrators, domestic relations section personnel, the Department of Public Welfare and the public. Throughout 2001 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. Staff also attended meetings of the Pennsylvania Bar Association Family Law Section and the Domestic Relations Association of Pennsylvania.

2001 Recommendations

The following recommendations were promulgated or pending either with the Supreme Court or the committee in 2001. In general numbers are assigned in the order in which each recommendation is submitted for publication. A chart listing the statuses of the recommendations is set forth in Table 3.9.1 on page 75.

Recommendation 54: Rule 1910.16-4(c) -- Application of the Formula, Spousal Support/APL in Split Custody Cases and Termination on Death. Amended to provide that the formula for support cases in which the parties share custody of their children equally or nearly equally cannot be used unless the obligor is the

parent with the higher income and that a parent with less income cannot be ordered to pay support to the other. Subdivision (d) provides that when each parent has custody of a child and the obligee's income is 10% or less of the parties' combined income, then in calculating spousal support or alimony *pendente lite*, the court must deduct from the obligor's income both the support owed for the non-custodial child as well as the direct support to the custodial child (calculated as if the child were not living with the obligor). Subdivision (f) provides that spousal support and alimony *pendente lite* orders terminate on the death of the payee to insure alimony tax treatment.

Rule 1910.6(a) -- Subsidized Child Care. Amendment to clarify that the amount of child care expenses to be apportioned between the parties is the full amount, not the subsidized amount. The trier of fact, however, can deviate if the resulting amount of support would be overly burdensome to the obligor.

Rule 1930.6 -- Civil Action for Paternity. New rule to provide a means of establishing paternity in a separate action, not as part of a support or custody action. 23 Pa. C.S. § 4343 states that "a putative father may not be prohibited from initiating a civil action to establish paternity."

Promulgated June 5, 2001, effective immediately.

Recommendation 55: Proposed new **family court rules** to establish and streamline family court practice. Published for comment in late 2000, in 2001 the committee reviewed the comments received and considered revisions to the proposal.

Recommendation 56: Rule 1910.3(a) -- Parties. Amendment to permit a minor parent to bring a support action.

Rule 1910.6 -- Notification. Amendment to require that attorneys as well as the

parties receive notification of all support proceedings and orders entered.

Rule 1910.16-2(f) -- Child Dependency Exemption. New rule to allow the court, "as justice and fairness require," to award the federal child dependency exemption to the non-custodial parent, or to either parent in cases of equally shared custody, and to order the other parent to execute the necessary waiver.

Rule 1910.16-4 -- Formula. Part IV of the formula at Rule 1910.16-4 was revised to accommodate the deduction, when calculating spousal support or alimony *pendente lite*, of any amounts the obligor is required to pay for children or former spouses who are not part of the current support action.

Rule 1910.16-6(c) -- Unreimbursed Medical Expenses. New subparagraph (4) clarifies that the year for calculating the \$250 deductible is a calendar year, with the deductible in the first year of the order to be prorated.

Rule 1910.16-7 -- Child Support When There Are Multiple Families. Technical amendments.

Rule 1915.3 -- Commencement of Custody Actions. The committee became aware that courts were being confronted with situations in which a man initiates a custody action but, in a subsequent support action, denies paternity. New subdivision (d) to Rule 1915.3 requires that a claim or acknowledgment of paternity be filed according to the statute and that a copy be attached to the custody complaint when a putative father initiates a custody action, the mother is unmarried and there is no legal or presumptive father.

Promulgated October 30, 2001, effective immediately.

Recommendation 57: Rule 1910.13-1(d) and 1910.13-2(b) -- Bench Warrants. The committee was asked by domestic relations personnel to propose expanding the time period for

holding a party who has been arrested pursuant to bench warrant in a support action. The rules provide that if a party fails to appear at a support conference or hearing as ordered by the court, assuming the party received proper notice, that party may be arrested pursuant to bench warrant and held in the county jail until the court is opened. The rules, however, currently place a 72-hour limit on the length of time a defendant can be held. If not brought before the court within that time period, the party must be released.

The 72-hour limit inhibits the ability to execute bench warrants on long holiday weekends when law enforcement has been particularly successful in executing such warrants. The committee seeks to balance the need to bring recalcitrant parties before the court with the desire to avoid prolonged pretrial incarceration, keeping in mind the resources of law enforcement and the courts. The committee, therefore, is proposing expansion of the time frame from 72 hours to five days.

Rule 1910.16-2 -- Support Guidelines. Calculation of Net Income. Currently, Rule 1910.16-2 simply recites types of income set forth in the support statute at 23 Pa. C.S. §4302. Based upon comments received and case law interpreting the rule, the committee decided that expansion and clarification of the definition of income for support purposes was needed.

Rule 1910.19 -- Support Modification. Termination. Guidelines as Substantial Change in Circumstance. The proposed amendments are intended to resolve problems surrounding the termination of support orders when a child turns 18 or graduates from high school. If the obligor does not file to terminate, the order continues to run and, if wage attached, the obligor cannot simply stop paying. The Department of Public Welfare (DPW) reports that the problem has resulted in thousands of old support orders continuing to run because

obligors do not know they are required to file to terminate. DPW requested this proposed rule authorizing the court to close certain cases administratively after due notice and the opportunity for the obligee to object. The proposed amendment establishes a procedure for notice to the parties and includes the requirement of a support conference if other unemancipated children are covered by the order, there is an agreement between the parties or a party asserts that a child has special needs requiring continued support.

Rule 1930.4 -- Service of Original Process in Domestic Relations Matters. Proposed amendments are intended to clarify the permissible means of service in protection from abuse cases and to provide for an alternative means of service upon authorization by the court.

Published for comment.

Plans for 2002

The committee will begin its mandated review of the support guidelines as required by 23 Pa.C.S. §4322. The committee also will continue to develop rules to effectuate the goals of family court reform, which include eliminating fragmentation in the system and making family courts more accessible and user-friendly.

Contact Person

Questions about the committee and its work may be directed to Patricia A. Miles, Esq.; Domestic Relations Procedural Rules Committee; 5035 Ritter Road, Suite 700; Mechanicsburg, PA 17055; telephone (717) 795-2037; fax (717) 795-2116; e-mail patricia.miles@supreme.court.state.pa.us. AOPC

Status of Recommendations		
Recommendation	Subject	Status
54	Amendments to the support guidelines and new rules for initiating a civil paternity action outside the context of a support or custody case	Promulgated 6-5-01, effective immediately
55	Proposed new Family Court Rules to establish and streamline family court practice	Pending with committee
56	Various amendments and new rules related to support and custody matters	Promulgated 10-30-01, effective immediately
57	Various amendments related to bench warrants in support actions, support guidelines, support modification and service in protection from abuse	Published for comment

Chart 3.9.1

**Interest
on
Lawyers
Trust
Account
Board**

2001 Membership:

Gerald A. McHugh, Jr., Esq., *Chairman*
Robert C. Burd
Kenneth M. Jarin, Esq.
David E. Lehman, Esq.
Sallie Updyke Mundy, Esq.
Carl Oxholm, III, Esq.
Richard I. Thomas, Esq.
Thomas M. Thompson, Esq.
Ernestine Watlington

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

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History/Background

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.

The program works as follows: clients often ask attorneys to hold particular sums of money for them. When this involves a large amount of money 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 which the IOLTA program targets.

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

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

The IOLTA Board

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.

IOLTA Constitutionality

On June 15, 1998, the U.S. Supreme Court announced a decision in a case involving the Texas IOLTA program, *Phillips et al. v. Washington Legal Foundation et al.* By a 5-4 majority vote the court ruled that Texas law observes the “interest follows principal” doctrine and that interest income earned on client funds held in Texas IOLTA accounts is the private property of the clients.

The Supreme Court did not, however, eliminate or enjoin the Texas IOLTA program. Instead, it sent the case back to the lower court to decide whether the State of Texas had “taken” the clients’ private property in violation of the Fifth Amendment, and if so, whether compensation must be paid for it.

On January 28, 2000, the United States District Court for the Western District of Texas, decided that the Texas IOLTA program does not take private property in violation of the Fifth Amendment of the U.S. Constitution, nor does it violate a client’s free speech rights guaranteed by the First Amendment to the Constitution. Upon appeal, however, a panel of the United States Court of Appeals for the Fifth Circuit on October 25, 2001, reversed that decision, finding that the Texas IOLTA program does indeed take client funds in violation of the Fifth Amendment. It remanded the case back to the district court for entry of declaratory and injunctive relief. The Texas program requested an en banc rehearing, which was denied by a 7-7 vote.

In the meantime, the United States Court of Appeals for the Ninth Circuit issued an en banc decision in a similar case in Washington

State, declaring that Washington's IOLTA program does *not* take client property in violation of the constitution. It remanded the case to the district court for consideration of the appellant's First Amendment claim that the IOLTA program compels clients to be associated with causes to which they disagree.

The United States Supreme Court will hear oral argument during its 2002-03 session on whether client property is unconstitutionally taken by the IOLTA program.

Attorney Compliance

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

Rules & Regulations for IOLTA

To assist attorneys and others in learning the requirements under the IOLTA program, the IOLTA Board has published implementing regulations at Title 204 Pa. Code, Chapter 81. In addition, a booklet entitled *Rules & Regulations for IOLTA* has been distributed to bar associations, bar leaders and attorneys requesting information on IOLTA requirements. It is also mailed twice yearly to newly licensed Pennsylvania attorneys and is available on the board's Web site at www.paiolta.org.

Banks

Participation by financial institutions in the IOLTA program is voluntary. Since attorneys must have IOLTA accounts if they handle qualified funds, however, banks that do not offer

IOLTA accounts risk losing their attorney customers.

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

The top five banks, ranked by net interest remitted to the board, for calendar year 2001 were:

- PNC Bank, N.A.
- First Union National Bank
- National City Bank of Pennsylvania
- Mellon Bank
- Hudson United Bank

A list of all IOLTA participating financial institutions can be found in the IOLTA Board's annual reports.

IOLTA Grants

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

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

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

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

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

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

Upon careful consideration, the board, with Supreme Court approval, has decided on the following priorities for distribution of funds:

- Before any allocation of funds is made, the estimated administrative expenses associated with operation of the program will be deducted.

- After this initial deduction, \$5 million will be distributed as follows:
 - 85% to legal services programs
 - 15% to qualified law school clinical and internship programs.
- Income between \$5 million and \$7 million will be allocated in the following manner:
 - 50% to legal services programs
 - 50% to law school clinical and internship programs.
- Any income over \$7 million will be distributed to legal services programs and administration of justice programs at the board's discretion and upon approval by the Supreme Court.

Grant Process

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

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

Applicant Qualifications

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

Legal Services Organizations

Organizations must:

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

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

Law Schools

Law schools must meet the following requirements:

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

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

- the clinical/internship program is for credit
- specific and measurable training goals and objectives are defined

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

Administration of Justice

The board has not yet defined this grant category.

2001 Activities

The IOLTA Board was able to award its highest level of annual IOLTA grants for the 2001-02 fiscal year, \$8,308,755, a nearly one-third increase from the prior fiscal year. This level resulted from the favorable response the IOLTA Board received from its "Bank Yield Project," begun the previous year. As a result of the increase, well over 16,000 new cases were initiated, an increase of 50% from the previous year. With the downturn in the economy, however, interest rates on IOLTA accounts have fallen and service charges have increased, portending future reductions in grants.

Recognizing that only about one in five poor Pennsylvanians needing civil legal assistance were receiving help, Chief Justice John P. Flaherty in 2001 appealed to Pennsylvania-licensed attorneys to contribute \$50 each to a fund set up to ensure appropriate representative for less fortunate Pennsylvanians. The total raised through these contributions was approximately \$100,000 and will be used by the board to help stimulate *pro bono* efforts in

counties where none currently exists as well as to expand *pro bono* activities where organized programs do exist.

Contact Person

Anyone with questions regarding the IOLTA program or who wishes to learn more

about it may contact Executive Director Alfred J. Azen at (717) 238-2001 or at Pennsylvania Interest on Lawyers Trust Account Board; 115 State Street; P. O. Box 1025; Harrisburg, PA 17108-1025. AOPC

**Juvenile
Court
Procedural
Rules
Committee**

2001 Membership:

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

Staff:

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

Legal Authorization:

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

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History/Background

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

The committee is currently drafting a set of procedural rules for juvenile courts throughout the Commonwealth. Upon completion, these proposed rules will be published in the *Pennsylvania Bulletin* for comment from the bench, bar and general public. After considering all comments and making any revisions, the committee will submit the final proposal to the Supreme Court for consideration and possible adoption.

Web Site

The Juvenile Court Procedural Rules Committee will publish its rule proposals along with explanatory "Reports," which describe the proposals, and the Supreme Court's orders promulgating juvenile court rules on the Supreme Court's home page. These publications may be found under Supreme Court Committees at www.courts.state.pa.us.

Membership and Staff

The Supreme Court appointed nine members to the Juvenile Court Procedural Rules Committee. The terms of these first appointments were one year, two years or three years with a two-term limit set. In 2001 membership included a senior Superior Court judge, four Common Pleas Court judges, one law school professor, two prosecutors, one attorney in private practice and a district court administrator.

Committee staff includes a staff attorney and an administrative assistant. The committee maintains its office at the AOPC's Central Site in Mechanicsburg.

2001 Activities

The committee held three two-day meetings and two one-day meetings in 2001. These meetings were held in Hershey, Mechanicsburg and Pittsburgh. Committee work included developing procedures in the areas of written allegations, arrest procedures, commencement of proceedings, intake/diversion and detention.

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.

Looking Ahead to 2002

The committee plans to continue the development of juvenile court rules. The areas that will be addressed include: petitions, discovery and motions, transfer, consent decree, summons, preservation of testimony and evidence, general provisions, venue and jurisdiction, counsel, records and masters.

Contact Person

Anyone wanting additional information about the Juvenile Court Procedural Rules Committee or who have questions about the Juvenile Court Procedural Rules may contact the committee through its staff counsel, A. Christine Riscili, at (717) 795-2018, or by writing to Mrs. Riscili at 5035 Ritter Road, Suite 700; Mechanicsburg, PA 17055. **AOPC**

**Minor
Court
Rules
Committee**

2001 Membership:

Honorable Fred A. Pierantoni, III, *Chairman*
Honorable Linda Baumunk
Aileen Bowers, Esq., *ex officio**
Honorable Kenneth E. Deatelhauser
Honorable Thomas E. Martin, Jr.
Honorable Timothy Patrick O'Reilly
Honorable Christine A. Sereni-Massinger
Honorable Carla M. Swearingen**
Honorable Alberta Thompson

* Effective 5-8-01

** Effective 8-28-01

Staff:

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

* Effective 6-4-01

Legal Authorization:

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

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History/Background

The Minor Court Rules Committee is an advisory body of the Supreme Court of Pennsylvania, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing practice and procedure in Pennsylvania's district justice courts.

The committee reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect district justice procedure and necessitate amendments to the rules or other action by the Court. The committee also reviews and responds to inquiries and suggestions raised by district justices; lawyers; court personnel; the public; and other court-related committees, boards and agencies. These inquiries and suggestions often become the basis for proposals developed by the committee.

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

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

On occasion, proposals and reports may be submitted to the Court without publication, pursuant to Pennsylvania Rule of Judicial

Administration No. 103(a)(3). This would occur in the interest of justice, when exigent circumstances warrant prompt action or because the proposed changes are technical or perfunctory in nature.

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

Web Site

The Minor Court Rules Committee publishes its rule proposals and explanatory reports, the Supreme Court's orders promulgating minor court rule changes, the text of the rule changes and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System Web site. These publications may be found on the Supreme Court Committees page at www.courts.state.pa.us.

Membership and Staff

Minor Court Rules Committee members are appointed by the Supreme Court to three-year terms and each may serve a maximum of two full terms. In 2001 the committee had as members both attorney and non-attorney district justices, a Common Pleas Court judge and an *ex officio* county special courts administrator, all from different geographical areas of the state.

A list of current committee members is maintained on the Supreme Court Committees page of the Unified Judicial System Web site.

The committee maintains its office at the AOPC facility in Mechanicsburg.

2001 Activities

The committee held four meetings in 2001, in Hershey, Seven Springs, State College and Erwinna. At each meeting the committee conferred with AOPC staff on issues relating to the District Justice Automated System, the statewide computer system that links all of Pennsylvania's district justice courts. Counsel to the committee also participated in the educational programming at the conferences of the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

The committee reviewed and considered a number of new issues in 2001 including the following:

- a general rule to provide for the design of forms used in district justice civil and landlord/tenant proceedings. The committee published a proposal and Report concerning this issue in December 2001. In addition, it worked with AOPC staff to develop new automated forms and to review and update other forms used in district justice proceedings.
- a proposal to clarify the rules by expanding the list of defined terms in Rule 202 and consolidating the rules relating to subpoenas into one new rule. The committee published a proposal and Report concerning this issue in December 2001.
- amendments to Rule 206 to clarify that parties proceeding *in forma pauperis* are not required to pay service costs and to make additional improvements to that rule. The committee published a proposal and Report concerning this issue in October 2001.
- a proposal to further relax the rules of evidence in district justice proceedings to allow for the introduction of certain forms of documentary evidence without requiring the attendance of experts and other witnesses at civil and landlord/tenant hearings.

- The committee broadened the scope of its ongoing proposal to make uniform rules regarding the transfer of cases to and from other Pennsylvania courts, including the Philadelphia Municipal Court, when venue is found to be improper in the originating court. The proposal will now more broadly explore venue issues. The committee expects to publish this proposal for comment in 2002.
- The committee also broadened the scope of its ongoing consideration of issues related to the procedures for appeal from judgments rendered by district justices. The committee hopes to publish one or more proposals related to these issues in 2002.

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 dialogue with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

2001 Committee Action

The Supreme Court adopted five committee recommendations in 2001. A number of other recommendations remained pending with the Court. A chart indicating the status of the recommendations pending in 2001 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 1, Minor Court Rules 2000: Amendments to Rules 1201-1211 relating to **emergency relief** under the Protection From Abuse Act. Adopted 11-2-01, effective

2-1-02. (See order and “Final Report” at 31 *Pa.B.* 6385 (November 24, 2001).)

Recommendation No. 2, Minor Court Rules 2000: Amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516, and 811 to provide for service of process by certified **constables** or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is located in cases where the district justice has no certified constables in the county. Adopted 7-16-01, effective 8-1-01. (See order and Final Report at 31 *Pa.B.* 4166 (August 4, 2001).)

Recommendation No. 4, Minor Court Rules 2000: Amendment to Rule 113 to further provide for the use of a **facsimile signature** on certain documents. Adopted 7-23-01, effective 9-1-01. (See order and Final Report at 31 *Pa.B.* 4391 (August 11, 2001).)

Amendatory Order to Correct Order No. 121, Magisterial Docket No. 1, Book No. 2: Correction of a typographical error in Rule 213 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted 12-6-99, effective 7-1-00). Amendatory order entered 2-5-01, effective immediately.

Recommendation No. 1, Minor Court Rules 2001: Amendments to Rules 7 and 112 to correct cross-references to the newly renumbered Rules of Criminal Procedure. Adopted 3-6-01, effective 4-1-02. (See order and Final Report at 31 *Pa.B.* 1556 (March 24, 2001).)

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2001: Proposed amendments to Rules 314, 504, 512, and 514 to clarify that the entry of a **default judgment** is prohibited in actions for the recovery of real property (landlord and tenant actions) and make clarifications regarding

the dismissal and reinstatement of complaints. (See Report at 30 *Pa.B.* 6547 (December 23, 2000).)

Recommendation No. 3, Minor Court Rules 2001: Proposed renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments or revisions to the Notes of Rules 306, 315, 324, 402, 514, 518, 1001 and 1007 to provide a procedural mechanism for the entry of **satisfaction** of money judgments and make other related changes. (See Report at 31 *Pa.B.* 1319 (March 10, 2001) and revised Report 31 *Pa.B.* 4528 (August 18, 2001).)

Recommendation No. 4, Minor Court Rules 2001: Proposed amendment to Rules 403, 515, 516 and 519 to further provide for the issuance and reissuance of orders of execution and orders for possession and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from **residential leases**. (See Report at 31 *Pa.B.* 4392 (August 11, 2001).)

Recommendation No. 5, Minor Court Rules 2001: Proposed amendment to Rule 305 to remove the implication in the rule that parties can obtain **legal advice** from district justices or court staff. (See Report at 31 *Pa.B.* 5794 (October 20, 2001).)

Looking Ahead to 2002

The committee plans to continue considering proposals relating to appellate procedure, venue, evidence, subpoenas, and the design and updating of forms. The committee also plans a comprehensive review of the 200 series rules to consider possible amendments to consolidate certain rules that pertain to both civil actions and landlord/tenant actions. In addition, the committee plans a comprehensive review of the 800 series rules to recommend needed updates and possibly to provide rules to deal with deceased litigants.

Contact Person

Anyone wanting additional information about the Minor Court Rules Committee or having questions about the Rules of Conduct, Office Standards and Civil Procedure for District

Justices may contact the committee through its staff counsel, Michael F. Krimmel, Esq., by calling (717) 795-2018; writing to the committee at 5035 Ritter Road, Suite 700; Mechanicsburg, PA 17055; or e-mailing to minorcourt.rules@supreme.court.state.pa.us. **AOPC**

Recommendation	Status of Recommendations Subject	Status
1, 2000	Amendments to Rules 1201-1211 relating to emergency relief under the Protection From Abuse Act	Adopted 11-2-01, effective 2-1-02
2, 2000	Amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified constables or certified deputy constables	Adopted 7-16-01, effective 8-1-01
4, 2000	Amendment to Rule 113 to further provide for use of a facsimile signature on certain documents	Adopted 7-23-01, effective 9-1-2001
Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2	Corrects a typographical error in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000)	Entered 2-5-01, effective immediately
1, 2001	Amendments to Rules 7 and 112 to correct cross-references to the newly renumbered Rules of Criminal Procedure	Adopted 3-6-01, effective 4-1-01
2, 2001	Proposed amendments to Rules 314, 504, 512, and 514 to clarify that entry of a default judgment is prohibited in actions for the recovery of real property (landlord and tenant actions) and make clarifications regarding dismissal and reinstatement of complaints	Submitted 5-22-01; pending before Court
3, 2001	Proposed renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments to or revisions to the Notes of Rules 306, 315, 324, 402, 514, 518, 1001 and 1007 to provide a procedural mechanism for the entry of satisfaction of money judgments and make other related changes	Submitted 12-20-01; pending before Court

continued...

Table 3.11.1

Status of Recommendations, continued		
Recommendation	Subject	Status
4,001	Proposed amendments to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from residential leases	Submitted 12-20-01; pending before Court
5,2001	Proposed amendment to Rule 305 to remove the implication in the rule that parties can obtain legal advice from district justices or court staff	Submitted 12-20-01; pending before Court

Table 3.11.1, cont'd.

Minor

Judiciary

Education

Board

2001 Membership:

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

Staff:

Robert E. Hessler, *Executive Director*

Legal Authorization:

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

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

History/Background

Article V, §12 of the Pennsylvania Constitution requires that district justices and judges of the Philadelphia Traffic Court either be members of the bar of the Supreme Court or, before taking office, complete a course and pass an examination in the duties of their respective offices.

It is the responsibility of the Minor Judiciary Education Board (MJEB) to instruct and certify individuals wishing to become district justices, Philadelphia Traffic Court judges or Philadelphia Bail Commissioners. The board approves the curriculum, appoints and evaluates instructors, establishes course content, reviews all tests, and issues certificates to successful program participants.

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

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

2001 Curriculum

During this past year approved subjects for the four-week certifying course included:

- 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 the Commonwealth's district justices and Philadelphia Bail Commissioners is mandated by the Judicial Code (42 Pa. C.S., § 3118). This year during the 16 scheduled weeks the following courses made up the 32 required course hours for district justices:

- review and update of civil and criminal procedure
- Motor Vehicle Code
- Pennsylvania Landlord-Tenant Law
- Consumer Protection
- District Justices and the Media
- Being an Effective Manager

The one-week mandatory continuing education course for Philadelphia Bail Commissioners included:

- criminal law review
- Ethics
- National Alliance for the Mentally Ill
- Crime Victims' Compensation
- Courts and the Media

The orientation course for new district justices included:

- Sexual Assault
- Ethics
- District Justice Practices
- National Alliance for the Mentally Ill
- Human Behavior

The Minor Judiciary Education Board approved a continuing education program for Philadelphia Traffic Court judges in compliance with Rule 22. That program included:

- Being an Effective Manager
- Philadelphia Traffic Court and the Media
- Philadelphia Traffic Court Procedures
- Pennsylvania Motor Vehicle Code review and update

The Minor Judiciary Education Board provided continuing education to 649 district justices and senior district justices, continuing legal education credits to 115 attorney district

justices; and certification classes to 87 prospective district justices and an additional 18 students who were not certified. The board also certified one prospective Philadelphia Bail Commissioner and two prospective Philadelphia Traffic Court judges.

Other Activities

In addition to conducting educational courses at its facility in Chambersburg, the Minor Judiciary Education Board provided staff

assistance to the minor judiciary, court administrators, president judges and related court agencies in answering questions pertaining to the board, the minor courts system and the board's courses of instruction.

Contact Person

Robert E. Hessler serves as Executive Director of the MJEB and may be contacted at (717) 263-0691 or by writing to 3301 Black Gap Road, Suite 108; Chambersburg, PA 17201.
AOPC

Pennsylvania

Lawyers

Fund

for

Client

Security

2001 Membership:

William H. Lamb, Esq., *Board Chair*
Paul S. Diamond, Esq., *Board Vice Chair*
Carl D. Buchholz, III, Esq.
Derek C. Hathaway
Joseph H. Jacovini, Esq.
Beth Lang
Zygmunt R. Bialkowski, Jr.

Staff:

Kathryn J. Peifer, *Executive Director*
Paul J. Killion, Esq., *Counsel*
Arthur R. Littleton, Esq., *Counsel Emeritus**
Susan L. Erdman, *Administrative Assistant*

* Died 7-23-02

Legal Authorization:

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

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

History/Background

Originally known as the Pennsylvania Client Security Fund, the Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court on April 30, 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 paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for any claim.

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

2001 Claims Statistics

Statistics for the 2001-02 fiscal year can be found in Table 3.15.1.

The fund received 197 claims alleging a loss of \$7,998,583 during FY 2001-02. Chart 3.15.2 on page 100 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 101 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 102 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2001-02.

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 2001-02 cost the fund \$685,503, or 58.64%, of its total award dollars, settling 38 claims.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
2001-02		
Awarded	96	\$1,168,973
Rejected	47	4,870,666
Discontinued	8	1,2738
Total	151	\$6,052,377
Pending	128	\$8,079,683

Table 3.15.1

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 \$250,375 to 18 claimants fitting this category were made in 2001-02, 21.42% of the total dollars awarded.

Fraud and deceit - The conversion of funds through fraudulent representations or activities by the attorney represented the third highest payment category in 2001-02 with awards to three claimants totaling \$160,000, or 13.69% of the total dollars awarded.

Claims involving fraud and deceit often occur where an attorney requests a loan from a client or agrees to hold and invest settlement funds on behalf of the client, then converts the funds for personal use. The types of claims which typically fall into this category are those where a long-standing attorney/client relationship has existed. They tend to be the most difficult to evaluate.

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

2001 Activities

The board met in Harrisburg, Pittsburgh and Mechanicsburg in FY 2001-02. It continued to make educating the legal community and Pennsylvania's citizens about the fund a high priority. This included hosting dinners on the eves of board meetings for the judiciary, bar leaders and prominent local citizens from in and around the counties in which the board meets.

Restitution and Subrogation Efforts

The fund received \$89,208 in subrogation and restitution payments during FY 2000-01.

Mandatory Overdraft Notification

Pennsylvania Rules of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 2001-02 the fund received 252 overdraft notices, 226 of which were reviewed and dismissed and 20 of which were referred to the Office of Disciplinary Counsel (ODC). Six 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.

To date, the fund has met with the following counties:

Allegheny County (1983, 1986-89, 1991, 1993-1998, 2000-02)
 Cambria County (1998)
 Centre County (1995)
 Chester County (1990, 1998)
 Cumberland County (1998, 2002)
 Dauphin County (1984, 1985, 1989, 1991, 1993, 1996, 1997, 1999, 2001)
 Delaware County (1994, 1997)
 Erie County (1989, 1992, 1994, 2000)
 Fayette County (1992)
 Lackawanna County (1990, 1999)
 Lancaster County (1990, 2000)
 Lehigh County (1989)
 Luzerne County (1996)
 Monroe County (1992)
 Montgomery County (1999)
 Northampton County (1994)
 Philadelphia County (1982-88, 1990-93, 1995, 1996, 1998, 2001)

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to non-profit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 2001-02 \$150,000 of funding was given to the organization known as Lawyers Concerned for Lawyers. Such assistance complements the fund's mission to ameliorate losses resulting from attorney dishonesty as oftentimes when an attorney converts client funds, the conduct is related to substance abuse. The financial support for Lawyers concerned for Lawyers helps to mitigate the losses by providing a resource for impaired attorneys.

National Ranking

The Pennsylvania Lawyers Fund for Client Security continues to rank among the top four funds in the United States in terms of both awards made and claims processed, as determined through the most recent American Bar

Association Survey of Client Protection Funds. The funds in California, New York and New Jersey are the other most active organizations.

Contact Person

The contact person for the fund is executive director, Kathryn J. Peifer. She may be reached in care of the fund at 4909 Louise Drive, Suite 101; Mechanicsburg, PA 17055; (800) 962-4618 or (717) 691-7503. **AOPC**

Categories of Claims

Amounts Awarded - 2001-02

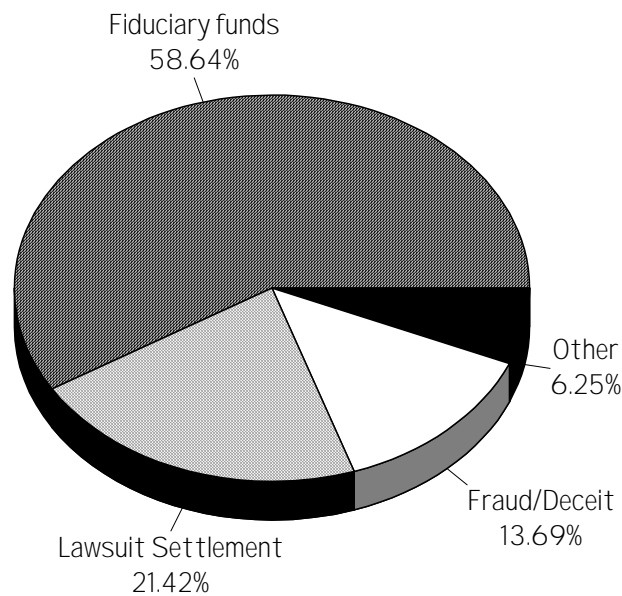


Table 3.15.2

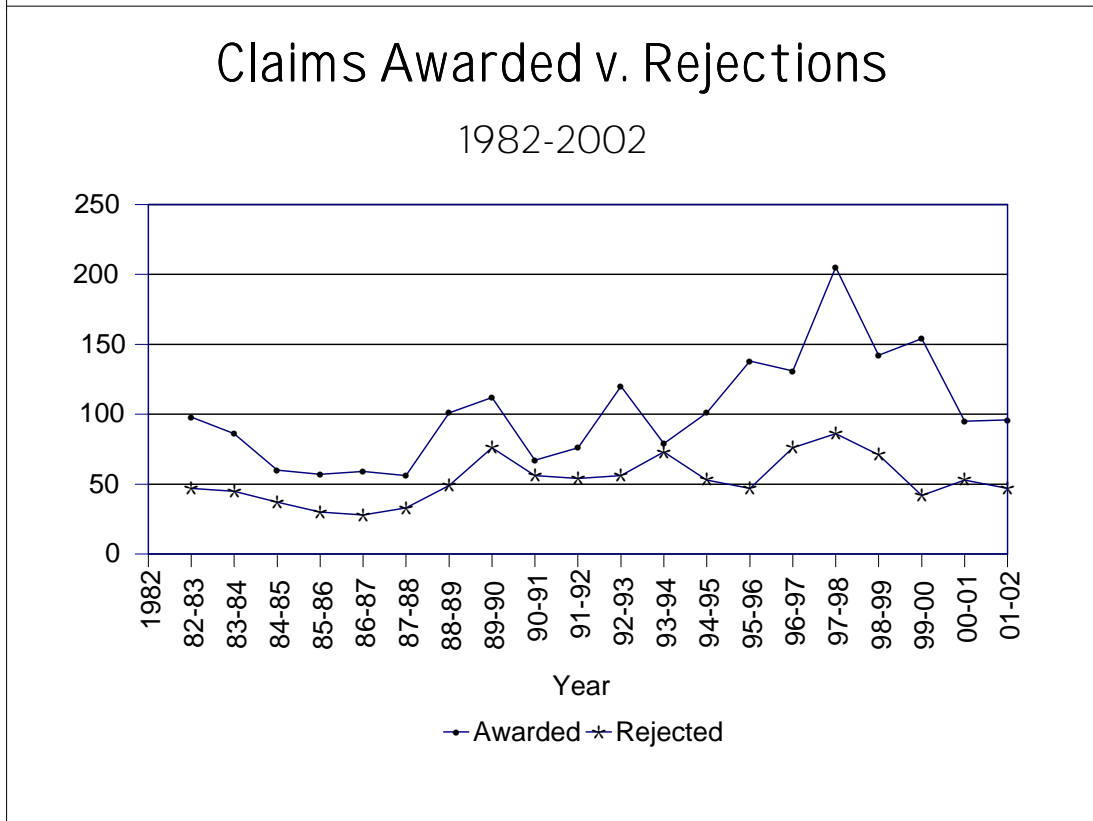
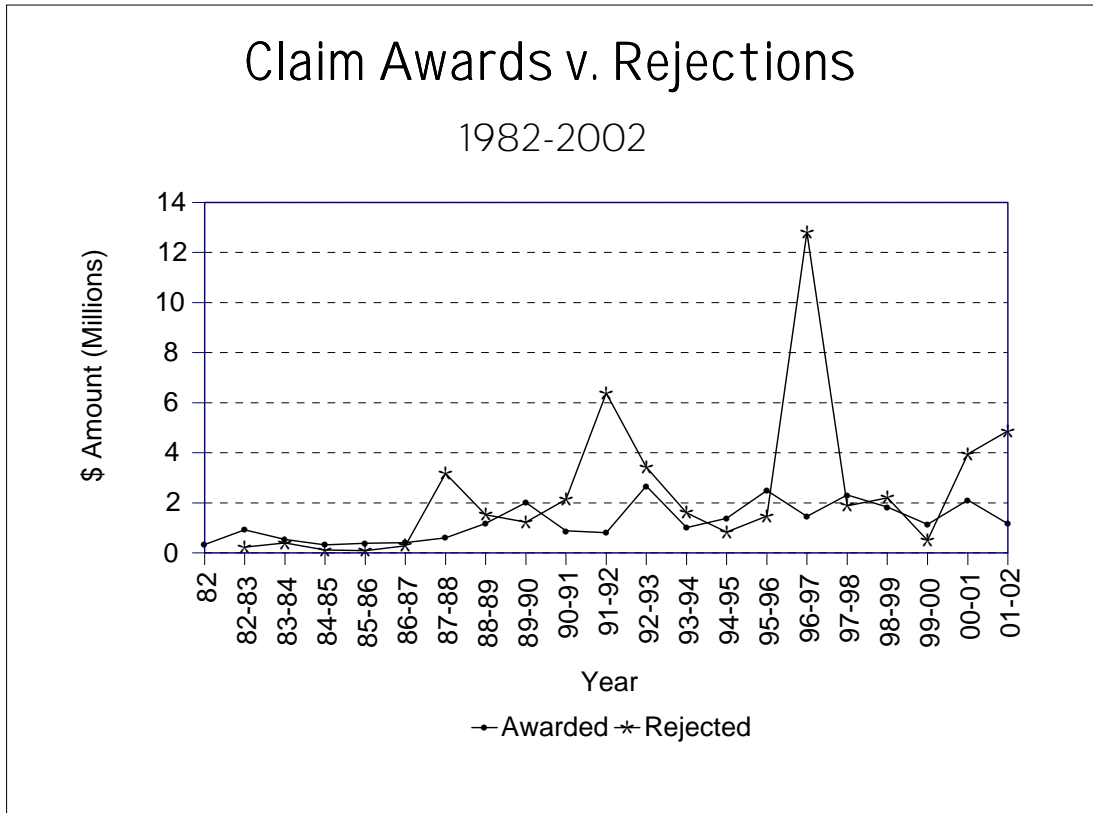
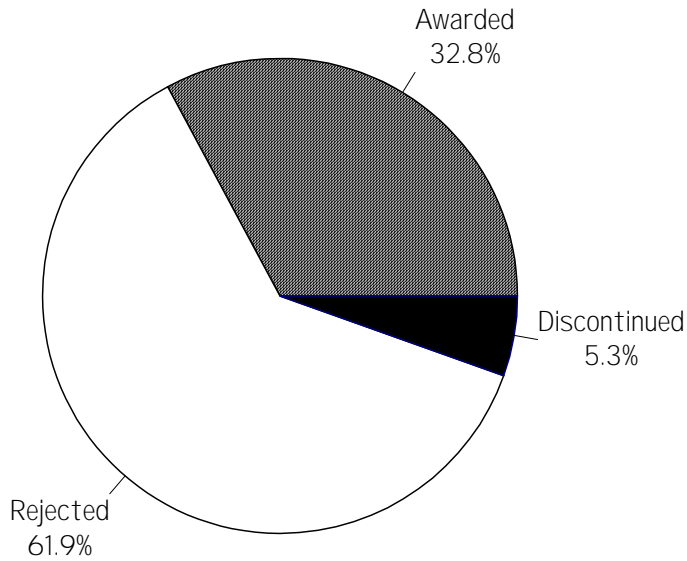


Table 3.15.3

Comparison of Claim Dispositions Cumulative



2002

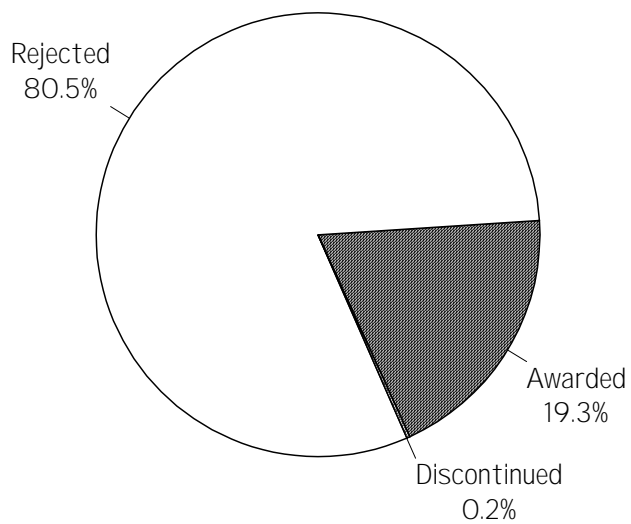


Table 3.15.4

Funding for the Unified Judicial System derives from both state and county appropriations. The state pays the salaries for all judicial officers as well as the personnel and operating costs of the entire appellate court system, including the committees and boards of the Supreme Court and the Administrative Office of Pennsylvania Courts. Beginning January 1, 2000, in accordance with Act 12 of 1999, the Commonwealth also funds the salaries and benefits for district court administrators transferred to state service effective that date. Table 4.1 on page 105 provides a break-down of these state-funded expenditures for fiscal year 2001-02.

Of the total state government expenditures for fiscal year 2001-02, *administrative costs for the judiciary accounted for one-half of one percent*. Table 4.2 on page 107 shows the distribution of expenditures across the three branches of government.

County Reimbursement Program

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

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

For each Common Pleas judge position, the General Assembly also requires that counties spend an amount at least equal to the flat rate per judge, which was \$70,000 for FY 2001-02.

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

Table 4.3 on page 108 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2001-02.

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

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 110, 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, to provide funding for the statewide Judicial Computer System. Still other monies collected, such as motor vehicle fines, revert to the state general fund.

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

AOPC

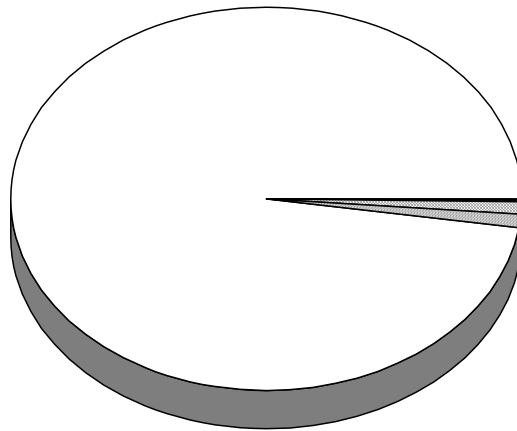
APPROPRIATIONS	
APPROPRIATION	2001-02 (thousands)
Supreme Court*	\$11,742
Justices' Expenses*	180
Civil Procedural Rules Committee*	395
Criminal Procedural Rules Committee*	390
Domestic Relations Procedural Rules Committee*	162
Judicial Council	178
Juvenile Court Procedural Rules Committee	158
Appellate Court/Orphans' Court Procedural Rules Committees	169
Committee on Rules of Evidence*	181
Committee on Racial/Gender Bias	100
Equity Commission	400
Minor Court Rules Committee*	182
Superior Court	23,697
Judges' Expenses	237
Commonwealth Court	14,683
Judges' Expenses	143
Court Security	150
Court Administrator	7,102
District Court Administrators*	12,699
Court Management Education	150
Statewide Judicial Computer System**	26,328
Integrated Criminal Justice System	3,026
Courts of Common Pleas	58,550
Common Pleas Senior Judges	3,759
Common Pleas Judicial Education	727
Ethics Committee of the Pennsylvania Conference of State Trial Judges	40
District Justices*	47,582
District Justice Education	546
Philadelphia Traffic Court*	679
Philadelphia Municipal Court*	4,511
Philadelphia Law Clerks	39
Domestic Violence	204
Pittsburgh Magistrates Court	1,200

Table 4.1

APPROPRIATIONS, continued	
APPROPRIATION	2001-02 (thousands)
Juror Cost Reimbursement*	1,469
County Court Reimbursement	31,356
Senior Judge Support Reimbursement	3,000
Judicial Conduct Board	999
Court of Judicial Discipline	426
TOTAL	\$257,539
<p>* As authorized by Act 6-A of 2001, funds were transferred from other judiciary appropriations and deposited into the Judicial Computer System restricted receipt account in the following amounts: Supreme Court - \$150,000; Supreme Court Justices' Expenses - \$40,000; Civil Procedural Rules - \$90,000; Criminal Procedural Rules - \$25,000; Domestic Relations Procedural Rules - \$15,000; Rules of Evidence - \$85,000; Minor Court Rules - \$55,000; District Court Administrators - \$450,000; District Justices - \$1,907,000; Philadelphia Traffic Court - \$53,000; Philadelphia Municipal Court - \$250,000; and Juror Cost Reimbursement - \$360,000, for a total of \$3,480,000. These transfers reduced the funds available to the respective appropriations, but did not reduce the various appropriated amounts.</p>	
<p>** The Statewide Judicial Computer System is funded through a restricted account in accordance with Act 64 of 1987 and Act 59 of 1990 and not with state general fund money. The full amount of the FY 2001-02 \$26,328,000 appropriation was drawn from the restricted receipt account, consisting of \$21,710,000 of Act 64/Act 59 funds and \$4,618,000 in fiscal year 2000-01 funds transferred to the restricted receipt account from other Judiciary appropriations in accordance with Act 21-A of 2000. An additional \$28,279 was derived from fees charged to users for information generated by the District Justice System, and \$84,300 was derived from augmentations as mandated by Act 119 of 1996 (Jen and Dave's Law). The total amount available to the Judicial Computer System in FY 2001-02 was \$26,440,579.</p>	

Table 4.1, cont'd.

Pennsylvania Government FY 2001-02 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.87%
- ▒ Legislative Branch - .55%
- ▓ Judicial Branch - .50%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The governor's budget showed FY 2001-02 funds available to the judiciary as \$258,382,000. Actual total available funds available were \$258,483,000. The state total operating expenditures shown here were adjusted upward to reflect this difference.

Source: FY 2002-03 Governor's Recommended Budget

Table 4.2

**COUNTY REIMBURSEMENTS FOR COURTS
FY 2001-02**

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Adams	\$4,178.31	\$210,000.00	\$324.00	\$214,502.31
Allegheny	155,727.85	2,870,000.00	430,788.00	3,456,515.85
Armstrong	1,837.46	140,000.00	238.00	142,075.46
Beaver	4,621.19	420,000.00	19,098.00	443,719.19
Bedford	972.74	140,000.00	0.00	140,972.74
Berks	11,324.38	770,000.00	87,880.00	869,204.38
Blair	2,237.18	280,000.00	660.00	282,897.18
Bradford	341.47	140,000.00	0.00	140,341.47
Bucks	34,240.52	770,000.00	85,296.00	889,536.52
Butler	4,639.05	350,000.00	67,230.00	421,869.05
Cambria	0.00	350,000.00	0.00	350,000.00
Cameron	0.00	9,800.00	0.00	9,800.00
Carbon	321.62	140,000.00	21,962.00	162,283.62
Centre	5,329.85	210,000.00	0.00	215,329.85
Chester	14,731.65	770,000.00	39,822.00	824,553.65
Clarion	142.85	70,000.00	3,516.00	73,658.85
Clearfield	1,916.93	140,000.00	2,100.00	144,016.93
Clinton	912.77	140,000.00	0.00	140,912.77
Columbia	0.00	109,200.00	0.00	109,200.00
Crawford	4,800.57	140,000.00	8,560.00	153,360.57
Cumberland	10,537.45	350,000.00	0.00	360,537.45
Dauphin	47,495.92	560,000.00	17,838.00	625,333.92
Delaware	22,200.86	1,260,000.00	39,700.00	1,321,900.86
Elk	1,034.20	60,200.00	0.00	61,234.20
Erie	9,699.62	560,000.00	0.00	569,699.62
Fayette	13,669.16	350,000.00	108.00	363,777.16
Forest	0.00	7,000.00	204.00	7,204.00
Franklin	2,519.79	252,000.00	0.00	254,519.79
Fulton	0.00	28,000.00	0.00	28,000.00
Greene	2,628.63	140,000.00	0.00	142,628.63
Huntingdon	348.27	70,000.00	0.00	70,348.27
Indiana	3,326.36	140,000.00	570.00	143,896.36
Jefferson	0.00	70,000.00	12,190.00	82,190.00
Juniata	0.00	46,200.00	0.00	46,200.00
Lackawanna	36,710.86	420,000.00	113,726.00	570,436.86
Lancaster	22,558.27	770,000.00	13,012.00	805,570.27
Lawrence	8,735.64	210,000.00	0.00	218,735.64
Lebanon	1,141.43	280,000.00	0.00	281,141.43
Lehigh	20,992.52	630,000.00	9,060.00	660,052.52

Table 4.3

COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2001-02

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Luzerne	23,997.28	630,000.00	47,888.00	701,885.28
Lycoming	10,355.60	350,000.00	0.00	360,355.60
McKean	713.28	70,000.00	3,150.00	73,863.28
Mercer	6,337.74	210,000.00	0.00	216,337.74
Mifflin	875.47	70,000.00	960.00	71,835.47
Monroe	5,731.59	350,000.00	1,436.00	357,167.59
Montgomery	11,757.51	1,260,000.00	80,436.00	1,352,193.51
Montour	884.24	30,800.00	0.00	31,684.24
Northampton	16,833.90	490,000.00	37,840.00	544,673.90
Northumberland	3,092.25	140,000.00	18,468.00	161,560.25
Perry	0.00	93,800.00	0.00	93,800.00
Philadelphia	487,925.89	10,075,327.00	249,118.00	10,812,370.89
Pike	688.12	70,000.00	326.00	71,014.12
Potter	893.07	70,000.00	0.00	70,893.07
Schuylkill	8,077.03	350,000.00	14,154.00	372,231.03
Snyder	6,469.00	70,000.00	0.00	76,469.00
Somerset	2,471.28	210,000.00	0.00	212,471.28
Sullivan	0.00	12,600.00	0.00	12,600.00
Susquehanna	265.15	70,000.00	0.00	70,265.15
Tioga	355.89	70,000.00	600.00	70,955.89
Union	0.00	70,000.00	0.00	70,000.00
Venango	4,811.90	140,000.00	9,476.00	154,387.90
Warren	0.00	63,000.00	5,044.00	68,044.00
Washington	10,770.29	350,000.00	0.00	360,770.29
Wayne	1,740.04	70,000.00	0.00	71,740.04
Westmoreland	18,926.75	770,000.00	4,102.00	793,028.75
Wyoming	2,483.55	57,400.00	0.00	59,883.55
York	30,667.81	770,000.00	60,268.00	860,935.81
Transfer to JCS	360,000.00	0.00	0.00	360,000.00
TOTAL	\$1,469,000.00	\$31,355,327.00	\$1,507,148.00	\$34,331,475.00

FUNDING METHODOLOGIES:

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

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 2001-02, the reimbursement was paid at a rate of \$70,000 per authorized Common Pleas position whether filled or vacant. In order for counties to receive the full reimbursement, they must provide a level of support at least equal to the reimbursement rate per authorized position. Nevertheless, no county will receive less than 77.5% of the actual reimbursement for court costs provided to it from state funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

Table 4.3, cont'd.

**COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2001-02**

FUNDING METHODOLOGIES, continued:

Senior Judge - The grant provides partial reimbursement for expenses counties incur to provide support - facilities and staff services - to assigned Common Pleas Court senior judges in accordance with Rule of Judicial Administration 701(a). 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 2001-02, the initial year for the grant, the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2001.

Table 4.3, cont'd.

FEES THAT SUPPORT STATE OPERATIONS

APPROPRIATION	2001-02 (thousands)
Supreme Court	\$351
PA Board of Law Examiners	1,524
Judicial Computer System*	113
Superior Court	248
Commonwealth Court	203
District Justice Education	25
Court Administrator	4
TOTAL	\$2,468

*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$84,300 to support the "Jen/Dave" functions during FY 2001-02. The remainder was derived from public access fees levied on nongovernmental users of information captured by the District Justice System.

Table 4.4

Supreme Court Justices

Complement 7

Flaherty, John P.**
Chief Justice

Zappala, Stephen A.+
Chief Justice

Cappy, Ralph J.
Castille, Ronald D.
Nigro, Russell M.

Newman, Sandra Schultz
Saylor, Thomas G.
Eakin, J. Michael*

* Elected 11-6-01

** Retired 12-31-01

+ Appointed chief justice effective 1-1-02

Superior Court Judges

Complement 15

Del Sole, Joseph A.
President Judge

McEwen, Stephen J., Jr.
Cavanaugh, James R.++
Popovich, Zoran*
Johnson, Justin M.
Hudock, Joseph A.
Ford Elliott, Kate
Eakin, J. Michael**
Joyce, Michael T.
Stevens, Correale F.

Musmanno, John L.
Orie Melvin, Joan
Lally-Green, Maureen
Todd, Debra B.
Klein, Richard B.+
Bender, John T.+
Bowes, Mary Jane+
Graci, Robert A.#

* Retired 2-2-01

** Elected to Supreme Court 11-6-01

+ Elected 11-6-01

++ Retired 12-31-01

Appointed 6-28-02

Commonwealth Court Judges

Complement 9

Doyle, Joseph T.**
President Judge

Colins, James Gardner+
President Judge

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

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

* Elected 11-6-01

** Retired 12-31-01

+ Elected president judge effective
1-1-02

Appellate

Court

Judges

(As of 7-31-02)

**Appellate
Court
Senior
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.
Brosky, John G.
Cavanaugh, James R.**
Cercone, William F.
Hester, John P.
Kelly, John T.J., Jr.
Montemuro, Frank J., Jr.
Olszewski, Peter Paul
Popovich, Zoran*
Tamilia, Patrick R.

* Effective 2-5-01

** Effective 1-1-02

**Commonwealth
Court Senior
Judges**

Doyle, Joseph T.**
Flaherty, James J.
Jiuliante, Jessamine S.#
Kelley, James R.**
Lederer, William J.##
McCloskey, Joseph F.▲
Mirarchi, Charles P., Jr.##
Morgan, Warren G.++
Narick, Emil E.+
Rodgers, Samuel L.*
Ross, Eunice L.+

* Washington County senior
Common Pleas judge assigned
to Commonwealth Court; died
11-19-01

** Effective 1-1-02

+ Allegheny County senior
Common Pleas judge assigned
to Commonwealth Court

++ Dauphin County senior judge;
sits on occasion in
Commonwealth Court

Erie County senior Common
Pleas judge assigned to
Commonwealth Court

Philadelphia County senior
Common Pleas judge assigned
to Commonwealth Court

▲ Schuylkill County senior
Common Pleas judge assigned
to Commonwealth Court

(As of 7-31-02)

‡Act 105 of 2000 added 19 new judgeships to the Courts of Common Pleas over the course of three years, beginning with the 2001 election. Courts marked with the double cross symbol (‡) after the complement are those courts which received new judgeships in 2002. The number after the symbol denotes the number of judgeships given. E.g., ‡1 means the county increased by one judgeship.

ADAMS COUNTY (51)

Complement 3

*Spicer, Oscar F.***
Kuhn, John D.+
 Bigham, Robert G.
 George, Michael A.*

- * Elected 11-6-01
- ** Retired 12-31-01
- + Appointed president judge effective 1-1-02

ALLEGHENY COUNTY (05)

Complement 41
 Vacancy 1

Kelly, Robert A.

Administrative Judges

Bigley, Gerard M.
 James, Joseph M.
 Lucchino, Frank J.##
 Mulligan, Kathleen R.#
 Scanlon, Eugene F., Jr.##
 Zavarella, Paul R.*

Allen, Cheryl Lynn
 Baer, Max
 Baldwin, Cynthia A.
 Cashman, David R.
 Cercone, David S.

Clark, Kim Berkeley
 Colville, Robert E.
 Colville, Robert J.
 De Angelis, Guido A.+
 Della Vecchia, Michael A.**

Durkin, Kathleen A.
 Eaton, Kim D.
 Folino, Ronald W.
 Friedman, Judith L.A.
 Gallo, Robert C.

Horgos, Robert P.
 Jaffe, Joseph A.
 Little, Walter R.
 Luty, Paul F., Jr.
 Machen, Donald E.

Manning, Jeffrey A.
 Mazur, Lee J.
 McDaniel, Donna Jo
 McFalls, Patrick
 Nauhaus, Lester G.

Novak, Raymond A.++
 O'Brien, W. Terrence
 O'Reilly, Timothy Patrick
 O'Toole, Lawrence J.
 Penkower, Alan S.

Sasinoski, Kevin G.
 Strassburger, Eugene B., III
 Todd, Randal B.**
 Wettick, R. Stanton, Jr.
 Zottola, John A.

- * Administrative judge term expired 3-29-01; died 3-30-02
- ** Confirmed 6-12-01; elected 11-6-01
- + Elected 11-6-01
- ++ Resigned 1-6-02
- # Administrative judge term expired 4-16-02
- ## Appointed administrative judge effective 4-16-02

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
 Valasek, Kenneth G.

**Common
 Pleas
 Judges**

(As of 7-31-02)

(Judicial District listed in parentheses)

(*Italics denotes President Judge*)

BEAVER COUNTY (36)

Complement 6

Reed, Robert C.
James, George E.
Kunselman, Robert E.
Kwidis, C. Gus*
McBride, John D.
Steege, Peter O.

* Confirmed 5-22-01; elected
11-6-01

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

BERKS COUNTY (23)

Complement 12†1

Stallone, Albert A.
Campbell, Mary Ann*
Eshelman, Thomas J.
Grim, Arthur E.
Keller, Scott D.
Lash, Scott E.
Lieberman, Stephen B.
Ludgate, Linda K.M.
Parisi, Thomas G.**
Schmehl, Jeffrey L.

Schmehl, Peter W.
Sprecher, Jeffrey K.

* Confirmed 5-22-01; elected
11-6-01
** Elected 11-6-01

BLAIR COUNTY (24)

Complement 4

Peoples, Thomas G., Jr.
Callan, Norman D.*
Carpenter, Hiram A., III

Kopriva, Jolene Grubb
Milliron, Daniel J.**

* Defeated for retention 11-6-01
** Confirmed 6-24-02

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 11

Vacancy 1

McAndrews, R. Barry
Biehn, Kenneth G.
Heckler, David W.
Kane, Michael J.
Lawler, Daniel J.

Mellon, Robert J.*
Rubenstein, Alan M.
Rufe, Cynthia M.**
Rufe, John J.
Scott, Susan Devlin

Thomas, Rea, Boylan

* Elected 11-6-01
** Appointed to U.S. District Court;
resigned 6-10-02

BUTLER COUNTY (50)

Complement 5

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

* Confirmed 6-12-01; elected
11-6-01

CAMBRIA COUNTY (47)

Complement 5

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

CARBON COUNTY (56)

Complement 2

*Lavelle, John P.**
*Webb, Richard W.***
Nanovic, Roger N.+

* Retired 2-16-01
** Appointed president judge
effective 2-17-01
+ Confirmed 6-12-01; elected
11-6-01

CENTRE COUNTY (49)

Complement 3

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

CHESTER COUNTY (15)

Complement 11

Riley, Howard F., Jr.
Cody, Jacqueline C.
Gavin, Thomas G.
MacElree, James P., II
Mahon, William P.
Melody, M. Joseph, Jr.**
Ott, Paula Francisco
Platt, Katherine B.L.
Sanchez, Juan R.
Sarcione, Anthony A.*

CHESTER COUNTY,
continued

Shenkin, Robert J.
Streitel, Phyllis R.*
Wood, Lawrence E.+

* Elected 11-6-01
** Term expired 1-6-02
+ Resigned 1-6-02

CLARION COUNTY (18)
Complement 1

Arner, James G.

CLEARFIELD COUNTY (46)
Complement 2

Reilly, John K., Jr.
Ammerman, Frederic J.

CLINTON COUNTY (25)
Complement 2

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

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

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

CRAWFORD COUNTY (30)
Complement 3‡1

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

* Elected 11-6-01

CUMBERLAND COUNTY (09)
Complement 5

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

DAUPHIN COUNTY (12)
Complement 8

Kleinfelter, Joseph H.
Bratton, Bruce F.*
Cherry, John F.
Clark, Lawrence F., Jr.
Evans, Scott A.

Hoover, Todd A.
Lewis, Richard A.
Turgeon, Jeannine

* Confirmed 5-22-01; elected
11-6-01

DELAWARE COUNTY (32)
Complement 18

*Battle, Joseph F.***
Clouse, Kenneth A.+
Bradley, Harry J.
Burr, Charles B., II
Cronin, Joseph P., Jr.

Dozer, Barry C.#
Durham, Kathrynann W.++
Fitzpatrick, Maureen F.
Hazel, Frank T.
Jenkins, Patricia H.

Keeler, Charles C.
Kelly, Kevin F.*
Koudelis, George
Osborne, Ann A.
Pagano, George A.

Proud, James F.
Toal, William R., Jr.

Wright, Robert C.
Zetusky, Edward J., Jr.

* Confirmed 6-14-00; elected
11-6-01
** Died 3-10-01
+ Elected acting president judge
3-22-01; elected president
judge effective 1-6-02
++ Confirmed 6-5-01; elected
11-6-01
Appointed 10-23-01; elected
11-6-01

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

*Roof, Vernon D.**

* Died 6-2-02

ERIE COUNTY (06)
Complement 9‡1

Cunningham, William R.
Anthony, Fred P.
Bozza, John A.
Connelly, Shad F.
DiSantis, Ernest J., Jr.

Domitrovich, Stephanie A.
Dunlavey, Michael E.
Kelly, Elizabeth K.
Trucilla, John J.*

* Elected 11-6-01

FAYETTE COUNTY (14)
Complement 6*

Franks, William J.
Capuzzi, Conrad B.
Leskinen, Steve P.**
Solomon, Gerald R.

**FAYETTE COUNTY,
continued**

Wagner, John F., Jr.
Warman, Ralph C.

* Complement temporarily increased to six when voters passed amendment to section 16(b) of Article 5 of the Pennsylvania Constitution, permitting judges to sit until December 31 of the year in which they turn 70. Passage during the 2001 primary allowed President Judge Franks to remain in office until 12-31-02, while at the same time Judge Leskinen was running for what would have been President Judge Franks' vacant seat had the amendment not passed. Complement will return to five upon the first vacancy on the court or 1-8-02, whichever comes later.

** Elected 11-6-01

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 4

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

GREENE COUNTY (13)

Complement 2

Grimes, H. Terry
Nalitz, William R.

HUNTINGDON COUNTY (20)

Complement 1

Kurtz, Stewart L.

INDIANA COUNTY (40)

Complement 2

Martin, William J.
Olson, Gregory A.

JEFFERSON COUNTY (54)

Complement 1

*Henry, William L.***
*Foradora, John H.**

* Elected 11-6-01

** Term expired 1-6-02

**LACKAWANNA
COUNTY (45)**

Complement 7†1

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

Minora, Carmen D.
Nealson, Terrence R.

* Confirmed 5-22-01; elected 11-6-01

** Elected 11-6-01

LANCASTER COUNTY (02)

Complement 12†1

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

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

Perezous, Michael J.
Stengel, Lawrence F.

* Elected 11-6-01

LAWRENCE COUNTY (53)

Complement 4†1

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

* Elected 11-6-01

LEBANON COUNTY (52)

Complement 4

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

LEHIGH COUNTY (31)

Complement 9

Gardner, James Knoll
Black, Alan M.
Brenner, Lawrence J.
Ford, William E.
McGinley, Carol K.

Platt, William H.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.

LUZERNE COUNTY (11)

Complement 9

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

**LUZERNE COUNTY,
continued**

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

LYCOMING COUNTY (29)
Complement 5

Smith, Clinton W.
Anderson, Dudley N.
Brown, Kenneth D.
Butts, Nancy L.
Kieser, William S.

MCKEAN COUNTY (48)
Complement 1

Cleland, John M.

MERCER COUNTY (35)
Complement 3

Fornelli, Francis J.
Dobson, Thomas R.
Wherry, Michael J.

MIFFLIN COUNTY (58)
Complement 1

Searer, Timothy S.

MONROE COUNTY (43)
Complement 5

Vican, Ronald E.
Cheslock, Jerome P.
Miller, Linda Wallach
O'Brien, Peter J.
Worthington,
Margherita Patti

**MONTGOMERY
COUNTY (38)**
Complement 20‡2

Smyth, Joseph A., Jr.
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.
Hodgson, Richard J.
Moore, Bernard A.
Nicholas, William T.

O'Neill, Steven T.++
Ott, Stanley R.
Rossanese, Maurino J., Jr.
Salus, Samuel W., II+
Tilson, Arthur R.*
Tressler, Paul W.

* Confirmed 5-22-01; elected
11-6-01
** Elected 11-6-01
+ Resigned 1-9-02
++ Appointed 6-28-02

**NORTHAMPTON
COUNTY (03)**
Complement 7
Vacancy 1

Freedberg, Robert A.
Baratta, Stephen G.
Hogan, James C.*
McFadden, F. P. Kimberly
Moran, William F.

Panella, Jack A.
Simpson, Robert E., Jr.**
Smith, Edward G.+

* Resigned 1-4-01
** Elected to Commonwealth
Court 11-6-01
+ Elected 11-6-01

**NORTHUMBERLAND
COUNTY (08)**
Complement 3‡1

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

* Elected 11-6-01

**PERRY-JUNIATA
COUNTIES (41)**
Complement 2

Quigley, Keith B.
Rehkamp, C. Joseph

**PHILADELPHIA
COUNTY (01)**
Complement 93‡3
Vacancy 2

*Massiah-Jackson,
Frederica A.*

Administrative Judges
Field, Myrna P.♦
Fitzgerald, James J., III♦
Herron, John W.▲▲
O'Keefe, Joseph D.
Sylvester, Esther R.▲▲

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

PHILADELPHIA COUNTY,
continued

Bonavitacola, Alex▲
Bright, Gwendolyn N.
Brinkley, Genece E.
Brown, Joan A.
Byrd, Sandy L.V.

Carrafiello, Matthew D.
Chen, Ida K.
Clark, Tama Myers
Cohen, Denis P.*
Cohen, Gene D.

Colins, Mary D.
Cooperman, Amanda
D'Alessandro, Nicholas M.
Davis, Legrome D.◆◆
DeFino, Rose Marie###

Dembe, Pamela Pryor
Dempsey, Thomas E.
Di Vito, Gary F.
DiBona, Alfred J., Jr.
DiNubile, Victor J., Jr.

Dougherty, Kevin M.+
Dych, Joseph A.▼
Fleisher, Leslie++
Fox, Idee C.
Geroff, Steven R.

Glazer, Gary S.
Gordon, Richard J.
Greenspan, Jane Cutler
Hamlin, Lynn B.▼▼
Hill, Glynnis D.

Hughes, Renee Cardwell
Jackson, Elizabeth+
Jelin, Sheldon C.
Jones, C. Darnell, II
Joseph, Barbara A.

Kafrissen, Arthur S.
Kane, Harold M.+
Kean, Joyce S.
Keogh, D. Webster
Klein, Richard B.#

Lachman, Marlene
Lazarus, Anne E.

Lerner, Benjamin
Levin, Stephen E.**
Lewis, Kathryn Streeter

Lynn, James Murray
Maier, Eugene Edward J.
Manfredi, William J.
Matthews, Robert J.
Mazzola, William J.

McInerney, Patricia A.
McKeown,
 Margaret T. Murphy*
Means, Rayford A.
Moss, Sandra Mazur
New, Arnold L.

O'Grady, John J., Jr.
Overton, George W.##
Panepinto, Paul P.
Papalini, Joseph I.
Poserina, John J., Jr.

Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris
Rau, Lisa M.+
Rebstock, Robert J.##
Reynolds, Abram Frank

Rizzo, Annette M.
Robins New, Shelley
Robinson, Roslyn K.
Rogers, Peter F.
Russell, Edward E.

Sarmina, M. Teresa
Sheppard, Albert W., Jr.
Shreeves-Johns, Karen
Smith, Gregory E.
Snite, Albert John, Jr.

Summers, Edward R.
Temin, Carolyn Engel
Tereshko, Allan L.
Trent, Earl W.##
Watkins, Thomas D.

Wogan, Chris R.##
Wolf, Flora Barth
Woods-Skipper, Sheila A.

Younge, John M.
Zaleski, Jerome A.

- * Confirmed 11-21-00; elected 11-6-01
- ** Resigned 2-5-01
- + Confirmed 6-21-01; elected 11-6-01
- ++ Confirmed 10-23-01
- # Elected to Superior Court 11-6-01
- ## Elected 11-6-01
- ▲ Retired 12-31-01
- ▲▲ Administrative judge term expired 2-12-02
- ◆ Appointed administrative judge 2-12-02
- ◆◆ Appointed to U.S. District Court; resigned 5-3-02
- ▼ Confirmed 6-28-02
- ▼▼ Resigned 7-8-02

PIKE COUNTY (60)

Complement 1

Thomson, Harold A., Jr.

POTTER COUNTY (55)

Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)

Complement 6‡1

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

Stine, D. Michael

- * Elected 11-6-01

**SNYDER-UNION
COUNTIES (17)**

Complement 2

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

SOMERSET COUNTY (16)

Complement 3

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

**SUSQUEHANNA
COUNTY (34)**

Complement 1

Seamans, Kenneth W.

TIOGA COUNTY (04)

Complement 1

Dalton, Robert E., Jr.

VENANGO COUNTY (28)

Complement 2

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

**WARREN-FOREST
COUNTIES (37)**

Complement 2†1

Millin, Paul H.
*Morgan, William F.**

* Elected 11-6-01

WASHINGTON COUNTY (27)

Complement 5

Gladden, Thomas D.
Emery, Katherine B.
Gilmore, David L.
O'Dell Seneca, Debbie
Pozonsky, Paul M.

WAYNE COUNTY (22)

Complement 1

Conway, Robert J.

**WESTMORELAND
COUNTY (10)**

Complement 11

Vacancy 1

*Loughran, Charles H.**
*Ackerman, Daniel J.***
Bell, Alfred B.
Blahovec, John E.
Caruso, Gary P.

Driscoll, John J.
Hathaway, Rita Donovan
Marsili, Anthony G.
McCormick, Richard E., Jr.
Ober, William J.

Pezze, Debra A.

* Resigned 4-8-02

** Elected president judge
effective 4-9-02

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 11

Chronister, John H.
Blackwell, Penny L.
Brillhart, Michael J.
Dorney, Sheryl Ann
Horn, Richard H.

Kennedy, John S.
Linebaugh, Stephen P.
Renn, Richard K.
Snyder, Gregory M.
Thompson, John W., Jr.

Uhler, John C.

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.*

* Effective 1-1-02

ALLEGHENY COUNTY

Dauer, Robert E.*
Farino, S. Louis
Johnson, Livingstone M.
Kaplan, Lawrence W.
McGowan, Bernard J.

McGregor, James R.
McLean, James H.
O'Malley, Michael J.
Ridge, Joseph H.
Ross, George H.

Watson, J. Warren
Zeleznik, Richard G.

* Died 4-2-02

ARMSTRONG COUNTY

House, Roy A., Jr.

BEAVER COUNTY

Mannix, Thomas C.
Rowley, James E.
Salmon, J. Quint

BEDFORD COUNTY

Van Horn, Ellis W., Jr.

BERKS COUNTY

Edenharter, Frederick
Ehrlich, Elizabeth G.
Schaeffer, Forrest G., Jr.
Smith, Calvin E.

BUCKS COUNTY

Beckert, Paul R.
Biester, Edward G., Jr.*
Bortner, Oscar S.**
Clark, Ward F.
Garb, Isaac S.

* Effective 1-5-01

** Removed from list 1-10-02

BUTLER COUNTY

Brydon, John H.
Kiester, George P.
O'Brien, Martin J.

CAMBRIA COUNTY

Creany, Eugene A.*

* Removed from list 8-16-01

CARBON COUNTY

Lavelle, John P.*

* Effective 2-20-01

CHESTER COUNTY

Endy, Alexander
Wood, Lawrence E.*

* Effective 1-7-02

CLARION COUNTY

Alexander, Charles R.

CLINTON COUNTY

Brown, Carson V.

(As of 7-31-02)

**COLUMBIA-MONTOUR
COUNTIES**

Keller, Gailey C.
Myers, Jay W.*

* Died 2-26-02

DAUPHIN COUNTY

Lipsitt, William W.
Morgan, Warren G.*
Morrison, Clarence C.

* Sits on occasion in
Commonwealth Court

DELAWARE COUNTY

Prescott, Rita E.
Wright, Robert A.

ERIE COUNTY

Dwyer, James B.
Fischer, Roger M.
Levin, George E.*
Pfadt, William E.

* Effective 1-2-02

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker

JEFFERSON COUNTY

Henry, William L.*
Snyder, Edwin L.

* Effective 1-3-02

LACKAWANNA COUNTY

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

LANCASTER COUNTY

Bucher, Wilson*
Eckman, D. Richard

* Effective 3-1-01

LEBANON COUNTY

Gates, G. Thomas*

* Died 11-23-01

LEHIGH COUNTY

Backenstoe, John E.
Diefenderfer, James N.

LUZERNE COUNTY

Cappellini, Gifford S.
Podcasy, Bernard J.

LYCOMING COUNTY

Greevy, Charles F., Jr.

MONROE COUNTY

Marsh, James R.

MONTGOMERY COUNTY

Brown, Lawrence A.
Davenport, Horace A.
Lowe, Richard S.
Salus, Samuel W., II*
Subers, Albert R.

Vogel, William W.

* Effective 1-10-02

NORTHAMPTON COUNTY

Franciosa, Michael V.
Grifo, Richard D.
Hogan, James C.
Williams, Alfred T., Jr.*

* Died 10-8-01

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.
Ranck, Samuel C.

PHILADELPHIA COUNTY

Bonavitacola, Alex##
Bruno, Joseph C.
Carson, Curtis C.
Chiovero, John J.
Cipriani, Nicholas A.

DeFino, Anthony J.
Goldman, Murray+
Goodheart, Bernard J.
Gutowicz, Theodore S.
Halbert, Marvin R**

**PHILADELPHIA COUNTY,
continued**

Ivanoski, Leonard A.
Jackson, Ricardo C.▲
Lederer, William J.
Levin, Stephen E.*
Lineberger, James A.

O'Brien, Frank X.
Pawelec, Edmund S.++
Richette, Lisa A.
Rosenberg, Edward B.#
Savitt, David N.

* Effective 2-6-01
** Resigned 3-1-01
+ Removed from list 8-3-01
++ Removed from list 8-10-01
Removed from list 12-31-01
Effective 1-1-02
▲ Effective 5-16-02

SCHUYLKILL COUNTY

Rubright, Wilbur H.

SOMERSET COUNTY

Shaulis, Norman A.

TIOGA COUNTY

Kemp, Robert M.

VENANGO COUNTY

Breene, William E.

**WARREN-FOREST
COUNTIES**

Wolfe, Robert L.

WASHINGTON COUNTY

Bell, John F.
Terputac, Thomas J.

WESTMORELAND COUNTY

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

* Effective 4-9-02

YORK COUNTY

Cassimatis, Emanuel A.
Erb, Joseph E.
Miller, John T.

**Philadelphia
Municipal Court
Judges**

Complement 25
Vacancy 1

Presenza, Louis J.

Administrative Judge

Blasi, Robert S.**
McCaffery, Seamus P.+

Anderson, Linda F.
Brady, Frank T.
Conway, Gwendolyn A.
Daher, Georganne V.
DeLeon, James M.

Deni, Teresa Carr
Gehret, Thomas F.
Gilbert, Barbara S.
Griffin, Deborah Shelton++
Kirkland, Lydia Y.

Krase, Morton
Meehan, William Austin, Jr.
Merriweather, Ronald B.
Moore, Jimmie
Neifield, Marsha H.

Palumbo, Frank
Pew, Wendy L.*
Retacco, Louis G. F.
Robbins, Harvey W.
Silberstein, Alan K.

Stack, Felice Rowley
Washington, Craig M.

- * Confirmed 11-21-00; elected 11-6-01
- ** Administrative judge term expired 10-17-01
- + Appointed administrative judge effective 10-17-01
- ++ Elected 11-6-01

**Philadelphia
Traffic Court
Judges**

Complement 7
Vacancy 1

Little, Francis J.
Kelly, Francis E.***

Administrative Judge
Perri, Fortunato N., Sr.

Adams, Willie J.
DeAngelis, Bernice A.
Howlett, Joseph A.
Tynes, Thomasine

- * President judge term expired 8-15-01; resigned 1-6-02
- ** Appointed president judge effective 8-15-01

**Pittsburgh
Magistrates Court**

Complement 6

Simmons, William T.
Chief Magistrate

Butler, Daniel E.
Cobb, Linda A.*
Coles, Louis
Harrington, Moira
McLaughlin, Irene M.

Watson, Wrenna**

- * Resigned 2001
- ** Appointed 3-01

**Philadelphia
and
Pittsburgh
Special
Courts
Judges**

(7-31-02)

Philadelphia

Special

Courts

Senior

Judges

**Municipal Court
Senior Judges**

Bashoff, Martin W.
Brady, William J., Jr.
Cosgrove, Francis P.
King, William A., Jr.
Lilian, Eric T.

Mekel, Edward G.
Rose, Myer Charles

**Traffic Court
Senior Judges**

Cox, Edward S.
Cuffeld, Charles H.
Podgorski, Lillian H.

(As of 7-31-02)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)

Complement 55

Vacancy 2

Barner, Robert J.
Barton, David J.
Bender, John T.*
Bengel, Carolyn S.
Blaschak, Suzanne R.

Bova, John N.
Boyle, Mary Grace
Brletic, Thomas S.
Bubash, Cathleen Cawood
Burnett, Edward

Cercone, Mary Ann
Cioppa, Ross C.
Comunale, Frank, III++
Conroy, Eileen M.
Cooper, Kevin E.

Costa, Ronald N., Sr.
De Angelis, Guido A.**
Devlin, Mark B.
Diven, Daniel R.
Dzvonick, Robert P.

Edkins, Sally Ann
Evashavik, Susan F.+
Firestone, Nathan N.
Hanley, James J., Jr.
Hromyak, Leonard J.

Ivill, William J.▲▲
Joyce, Dennis R.
King, Richard G.
Lang, Elissa M.##
Longo, Nancy L.

Luniewski, Walter W., Jr.
Marraccini, Ernest L.
Martin, Armand
McCarthy, Richard K.
McGraw, Elaine M.

McLaughlin, Charles A., Jr.
Miller, Thomas G., Jr.
Olasz, Richard D., Jr.
Peglow, Lee G.#
Petite, Oscar J., Jr.

Presutti, Donald H.
Ravenstahl, Robert P., Jr.
Reed, Douglas W.##
Russo, James E.
Saveikis, Anthony W.+

Scharding, Anna Marie
Sosovicka, David J.
Swearingen, Carla M.
Thompson, Alberta V.
Tibbs, Edward A.▲

Torkowsky, Thomas R.
Trkula, Shirley R.
Wagner, William K.
Welsh, Regis C., Jr.
Wyda, Robert C.

Zielmanski, Eugene L.
Zoller, Richard H.
Zucco, Linda I.
Zyra, Gary M.

* Elected to Superior Court
11-6-01

** Elected to Common Pleas
Court 11-6-01

+ Elected 11-6-01

++ Retired 12-31-01

Term expired 1-6-02

Confirmed 4-24-02

▲ Resigned 4-30-02

▲▲ Resigned 5-1-02

ARMSTRONG COUNTY (33)

Complement 4

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

District

Justices

(As of 7-31-02)

(Judicial Districts in
parentheses)

BEAVER COUNTY (36)

Complement 9

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

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

BEDFORD COUNTY (57)

Complement 4

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

BERKS COUNTY (23)

Complement 18

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

Hall, William N., Jr.
Hartman, Michael G.
Kowalski, Phyllis J.
Lachina, Deborah P.
Leonardziak, Michael J.

Mest, Ronald C.
Patton, Dean R.*
Scott, Wallace S.
Stacherski, Felix V.
Stitzel, Gloria W.

Stoudt, Carol A.
Walley, Susanne R.
Xavios, Thomas H.

* Confirmed 9-27-00; elected
11-6-01

BLAIR COUNTY (24)

Complement 7

Dole, Elizabeth A.
Garman, Kenneth L.
Greene, John B., Jr.*
Jones, Patrick T.
Kelly, Todd F.

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

* Resigned 1-6-02
** Confirmed 4-30-02

BRADFORD COUNTY (42)

Complement 4

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

BUCKS COUNTY (07)

Complement 18
Vacancy 1

Adamchak, Joanne M.++
Brown, Leonard J.
Cappuccio, Charles A.
Clark, Francis E.**
Daly, Philip J.*

Dietrich, Ruth C.
DuBree, M. Kay
Falcone, Joseph P.
Gaffney, Robert E.
Groman, Oliver A.+

Hogeland, H. Warren
Kelly, John J., Jr.
Kline, Joanne V.
McEwen, Susan E.
Nasshorn, Donald

Peranteau, Frank W., Sr.*
Roth, C. Robert
Schnell, Robert A., Jr.

Vislosky, Jan
Wagner, Robert L., Jr.

* Elected 11-6-01
** Defeated for re-election
11-6-01; term expired
1-6-02
+ Retired 12-31-01
++ Resigned 8-31-02

BUTLER COUNTY (50)

Complement 5

Haggerty, Sue E.
O'Donnell, Joseph D., Jr.
O'Donnell, Kevin P.
Streib, Kelly T.D.
Woessner, Clifford J.

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Berkhimer, Allan C.
Coleman, Alfred B.*
Creany, Frederick S.
Decort, Galen F.

Grecek, Leonard J.
Musulin, Michael J.
Nileski, Charity L.
Pavlovich, Max F.
Zanghi, Mary Ann**

Zungali, Michael

* Retired 3-2-01
** Elected 11-6-01

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Hadzick, Paul J.
Kosciolek, Casimir T.
Lewis, Edward M.

CENTRE COUNTY (49)

Complement 5
Vacancy 1

Hoffman, Daniel R., II
Horner, Ronald J.*
Lunsford, Bradley P.
Prestia, Carmine W., Jr.
Sinclair, Allen W.

* Resigned 6-29-02

CHESTER COUNTY (15)

Complement 17

Anthony, John F.
Arnold, Rita A.
Blackburn, Jeremy
Brown, Arthur**
Bruno, Mark A.

Cabry, Michael J., III
Charley, James J., Jr.*
Darlington, Chester F.
Davis, Robert L.
DeAngelo, James V.

Farmer, Harry W., Jr.
Gill, Robert E.
Maisano, Daniel J.
Martin, Thomas E., Jr.
Michaels, Theodore P.

Scott, Stanley
Smith, Larry E.
Winther, J. Peter

* Defeated for re-election
11-6-01; term expired 1-6-02

** Elected 11-6-01

CLARION COUNTY (18)

Complement 4

George, Daniel P.
Heasley, Norman E.+
Lapinto, Anthony A.
Long, Amy L.**

Long, Gregory E.*

Quinn, Duane L.++

* Died 2-11-01

** Appointed 6-19-01; elected
11-6-01

+ Retired 12-31-01

++ Appointed 4-15-02

CLEARFIELD COUNTY (46)

Complement 4

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

CLINTON COUNTY (25)

Complement 3

Dwyer, Kevin R.
Maggs, John W.
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 6

Chisholm, William D.
Hanson, Wayne E.
Herzberger, George W., III
Nicols, Amy L.
Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

**CUMBERLAND
COUNTY (09)**

Complement 8

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

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

DAUPHIN COUNTY (12)

Complement 14

Bridges, Roy C.
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Magaro, Samuel J.

Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, James
Semic, Steven M.
Shugars, Ray F.

Solomon, Joseph S.
Stewart, Marsha C.
Yanich, Bernard B.
Zozos, George A.

**DELAWARE
COUNTY (32)**

Complement 33

Berardocco, Ann
Brennan, Mary Alice
Burke, Robert R.
Cappelli, Richard M.
Cullen, Michael G.

Davis, Horace Z.
Day, William L., Jr.
Foster, Beverly H.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.

**DELAWARE COUNTY,
continued**

Gaspari, Rocco
Klein, Stephanie H.
Lacey, Thomas J.
Lang, David Hamilton
Liberace, Gerald C.

Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.
McCray, C. Walter, III
McDevitt, Leonard M.**

McKeon, Laurence J.
Micozzie, Kelly A.*
Miller, Kenneth N.
Murphy, David J.
Nilon, James F., Jr.

Perfetti, John J.
Quinn, Joseph T.F.
Sandone, Steven A.+
Seaton, Spencer B., Jr.
Sereni-Massinger,
Christine A.

Tolliver, Elkin A.
Tozer, Peter P.
Truscello-McHugh,
Deborah M.
Videon, David T.

* Confirmed 10-4-00; elected
11-6-01
** Resigned 5-31-01
+ Confirmed 10-2-01

**ELK-CAMERON
COUNTIES (59)**
Complement 3

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

ERIE COUNTY (06)
Complement 15
Vacancy 1

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

Mack, Suzanne C.*
MacKendrick,
Christopher K.**
Manzi, Paul
Nichols, Patsy A.
Saxton, Robert C., Jr.+

Southwick, Carol L.
Strohmeier, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul G.
Vendetti, John A.

Weindorf, Arthur J.++

* Confirmed 6-21-01; elected
11-6-01
** Elected 11-6-01
+ Term expired 12-31-01
++ Resigned 1-31-02

FAYETTE COUNTY (14)
Complement 13

Abraham, Randy S.
Blair, Lawrence**
Blair, Mark L.*
Breakiron, Robert W.
Cavalcante, Brenda K.

Cramer, Jesse J.
Defino, Michael J.
Dennis, Wendy D.
Haggerty, Ronald J., Sr.
Kula, Deberah L.

Mitchell, Herbert G., Jr.
Rubish, Michael

Shaner, Dwight K.
Vernon, Rick C.

* Elected 11-6-01
** Retired 12-31-01

**FRANKLIN-FULTON
COUNTIES (39)**
Complement 9

Carter, Gary L.
Hawbaker, David E.
Johnson, Carol J.
Knepper, Brenda M.
Mellott, Wendy Richards

Meminger, Larry K.
Pentz, Larry G.
Shatzer, Shirley M.
Weyman, John P.

GREENE COUNTY (13)
Complement 3

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

**HUNTINGDON
COUNTY (20)**
Complement 4

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

INDIANA COUNTY (40)
Complement 4

Orendorff, Richard G.
Rega, Jennifer J.++
Steffee, Michael K.*
Steffee, Susanne V.+

**INDIANA COUNTY,
continued**

Sulkosky, George E.**
Thachik, George M.

* Resigned 5-31-01

** Appointed 6-21-01; defeated
for election 11-6-01; term
expired 1-6-02

+ Appointed 10-2-01

++ Elected 11-6-01

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Hetrick, Bernard E.

**LACKAWANNA
COUNTY (45)**

Complement 11

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

Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.
Russell, Robert G.

Toczydowski, Joseph S., Jr.

LANCASTER COUNTY (02)

Complement 20

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

Hamilton, Maynard A., Jr.
Hartman, Cheryl N.

Hartman, Rodney H.
Herman, Robert A., Jr.
Miller, David P.

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

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

LAWRENCE COUNTY (53)

Complement 5

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

LEBANON COUNTY (52)

Complement 7

Arnold, John F.
Capello, Thomas M.
Foundling, Nigel K.
Heck, Christine R.
Lehman, Lee R.

Smith, Michael D.
Swisher, Hazel V.

LEHIGH COUNTY (31)

Complement 14
Vacancy 1

Balliet, Carl L.
Butler, Donna R.
Crawford, Charles H.
Dugan, John E.
Gatti, Richard A.

Harding, David B.
Hartman, Edward E.

Jepsen, Diane R.*
Leh, David G.
Murphy, Thomas P.

Rapp, Anthony G., Jr.
Snyder, Joan L.
Varricchio, Michele A.
Youkonis, Patricia E.

* Forfeited office 1-14-02 due to
disbarment

LUZERNE COUNTY (11)

Complement 18

Vacancy 1

Amesbury, William Henry+
Barilla, Andrew, Jr.
Dotzel, Michael G.**
Feissner, Gerald L.
Halesey, Joseph A.

Hasay, John E.
Hopkins, John J.
Kane, Martin R.
Maffei, Carmen John++
Malast, Diana

O'Donnell, Catherine R.*
O'Donnell, Daniel
Pierantoni, Fred A., III
Roberts, Paul J.
Sharkey, Thomas J.

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

* Confirmed 10-10-00; de-
feated for election 11-6-01;
term expired 1-6-02

** Confirmed 2-7-01; elected
11-6-01

+ Elected 11-6-01

++ Resigned 2-17-02

LYCOMING COUNTY (29)

Complement 6

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

MCKEAN COUNTY (48)

Complement 4

Boser, Barbara L.
Hauser, Christopher G.
Kennedy, Michael J.
Yoder, John H.

MERCER COUNTY (35)

Complement 5

Fagley, William L.
French, Ruth M.
McMahon, James E.
Russo, Henry J.
Silvis, Lawrence T.

MIFFLIN COUNTY (58)

Complement 2

Clare, Barbara A.
Williams, Rick A.

MONROE COUNTY (43)

Complement 10

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

Olsen, Thomas E.
Perfetti, Robert J.
Shiffer, Thomas R., Jr.

Whitesell, John D.
York, Debby A.

MONTGOMERY COUNTY (38)

Complement 30

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

Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Gadzicki, Walter F., Jr.

Householder,
William R., Jr.
Hummel, Catherine M.
Keightly, David A.
Kowal, John L.
Lawrence, Francis J., Jr.

Leader, Loretta A.
Leo, Paul N.
Liberti, Caroline Culley**
Lukens, Deborah A.
Maruszczak, William I.

Murray, John S., III
Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.
Richman, Michael C.

Sachaczanski, John T.*
Saraceni, Robert A.
Schireson, Henry J.
Silverman, Stephen H.
Skerchock, Dorothy

Valentine, Katleen M.+
Zaffarano, Patricia A.

* Resigned 5-31-01

** Resigned 7-8-01

+ Appointed 10-23-01

NORTHAMPTON COUNTY (03)

Complement 15

Barner, Joseph K.
Elwell, Gay L.
Frey, Elmo L., Jr.
Koury, Michael J., Jr.
Litzenberger, Ralph W.

Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Repyneck, Diane S.
Romig, Elizabeth A.

Schlegel, Barbara A.
Stocklas, James F.
Strohe, Todd M.
Weaver, Harold R., Jr.*
Zaun, William F.**

Zemgulis, Sandra J.

* Resigned 6-30-01

** Confirmed 10-10-01

NORTHUMBERLAND COUNTY (08)

Complement 5

Bolton, Robert J.
Brown, Wade J.
Gembic, John
Kear, William F.
Mychak, Michael F.

PERRY-JUNIATA COUNTIES (41)

Complement 5

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
Moyer, James R., Jr.

PIKE COUNTY (60)

Complement 4

Cooper, Alan B.
Lieberman, Charles F.
McBride, Stephen A.
Sanquilly, William N.

POTTER COUNTY (55)

Complement 4

Bristol, Delores G.
Burton, Lisa M.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)

Complement 8

Ferrier, James R.
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.*
Plachko, David A.

Reiley, James K.
Slezosky, William A.
Zelonis, Andrew B.

* Confirmed 5-10-00; elected
11-6-01

**SNYDER-UNION
COUNTIES (17)**

Complement 4

Armbruster, Leo S.
Mensch, Jeffrey L.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)

Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.

Roush, William H.
Stevanus, Sandra L.

**SUSQUEHANNA
COUNTY (34)**

Complement 3

Dayton, Watson J.
Franklin, Gene A.
Janicelli, Peter M.

TIOGA COUNTY (04)

Complement 3

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

* Confirmed 3-7-00; elected
11-6-01

VENANGO COUNTY (28)

Complement 4

Boyer, Robert L.
Fish, David L.
Gerwick, Douglas B.
Martin, William G.

**WARREN-FOREST
COUNTIES (37)**

Complement 6

Bauer, Laura S.
Carbaugh, Curtis E.
Carlson, Glenn S.
Fedora, Michael L.
Lindemuth, Cynthia K.
Zerbe, Arthur W.

WASHINGTON COUNTY (27)

Complement 12

Amati, Ronald*
Celaschi, Lawrence P.+

Costanzo, Valarie S.
Dutton, Jay H.
Ellis, James C.

Havelka, Gary H.
Hopkins, Larry W.**
Mark, David W.
Pelkey, William P.
Spence, J. Albert

Teagarden, Marjorie L.
Thompson, Curtis L.
Weller, Jay H.

* Relieved of duties by Supreme
Court effective 4-23-99

** Elected 11-6-01

+ Term expired 1-6-02

WAYNE COUNTY (22)

Complement 4

Edwards, Ronald J.
Farrell, Jane E.
Laabs, Dorothy C.
Lewis, Bonnie P.

**WESTMORELAND
COUNTY (10)**

Complement 19

Vacancy 1

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

DelBene, Frank, Jr.*
DiClaudio, Mary S.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.

King, J. Bruce
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.
Medich, Martha

**WESTMORELAND COUNTY,
continued**

Pallone, Frank J., Jr.
Peck-Yokopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

* Resigned 3-1-02

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Robinson, Patricia A.
Shurtleff, Russell D.
Smith, Carl W., Jr.

YORK COUNTY (19)

Complement 18

Vacancy 2

Dubs, Mervin L.
Edie, Nancy L.
Farrell, William J., III*
Garber, Daniel B.
Gross, Scott J.

Haskell, Ronald J., Jr.
Heilman, Vera J.
Hodge, James D.*
Kessler, Harold D.
Leppo, Kim S.

Martin, Richard E., II
Meisenhelter, Douglas F.
Miner, James S.
Naylor, Alan G.
Nixon, Barbara H.
Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.

* Resigned 1-6-02

ADAMS COUNTY

Deardorff, Harold R.

ALLEGHENY COUNTY

Boehm, Leonard W.
Casper, Raymond L.
Comunale, Frank, III+
Diulus, Nicholas A.##
Fiore, Sarge

Franci, Georgina G.
Komaromy, Paul, Jr.
Lindberg, Howard D.
Morrissey, Charles M.
Nairn, Regis C.

Peglow, Lee G.++
Secola, Rinaldo J.
Swearingen, John E.*
Terrick, Richard J.
Thomas, Raymond C.**

Tibbs, Edward A.#
Tucker, Robert E.

* Died 1-8-01
** Removed from list 6-26-01
+ Effective 1-1-02
++ Effective 1-7-02
Effective 5-16-02
Died 7-12-02

BEAVER COUNTY

Keefer, Ross M., Jr.
Kirchner, Lewis E.*
Mihalic, Stephen D.

* Removed from list 6-02

BERKS COUNTY

Dougherty, John F.
Horning, Anthony F.
Schock, Roland H.*
Wenger, George L.

* Removed from list 3-31-01

BLAIR COUNTY

Greene, John B., Jr.*

* Effective 1-7-02

BRADFORD COUNTY

Ayres, Lynn E.*
Wood, Fordham F., Jr.

* Removed from list 6-20-01

BUCKS COUNTY

Groman, Oliver A.**
Marks, Catherine*

* Died 12-3-01
** Effective 1-1-02

BUTLER COUNTY

Wise, Frank C.

CAMBRIA COUNTY

Coleman, Alfred B.*
Rozum, Julia Ann**

* Effective 3-5-01
** Removed from list 6-02

CENTRE COUNTY

Shoff, Robert A.

CHESTER COUNTY

Martini, Harry R.*
Mull, Robert G.
Welsh, Susann E.

* Removed from list 4-02

**Senior
District
Justices**

(As of 7-31-02)

CLARION COUNTY

Heasley, Norman E.*

* Effective 1-1-02

**COLUMBIA/MONTOUR
COUNTIES**

Breech, William L.*

* Removed from list 7-01

CUMBERLAND COUNTY

Farner, Glenn R.

DAUPHIN COUNTY

Cross-Shaffner, Mary E.
Rathfon, William P.
Williams, Edward R.

DELAWARE COUNTY

Boyden, Kenneth J.D.**
Dittert, William J., Jr.**
Harkin, Edward C.
LaRosa, Barbara
McDevitt, Leonard M.*

Sellers, Nicholas
Shaffer, Robert M.
Truscello, Anthony M.

* Effective 6-1-01
** Removed from list 4-02

ERIE COUNTY

Smith, Charles F.
Stuck, Ronald E.

FAYETTE COUNTY

Blair, Lawrence*

* Effective 1-1-02

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Bertugli, Emil
Watson, John C.

HUNTINGDON COUNTY

Kyper, James H.*

* Retired 7-20-01

INDIANA COUNTY

Cravotta, Angelo C.**
DeGrutolla, Delores
Steffee, Michael K.*

* Effective 6-1-01
** Removed from list 3-02

JEFFERSON COUNTY

Lester, Guy M.

LACKAWANNA COUNTY

Grunik, Ferdinand A.
Pieski, John E.
Polizzi, Michael S.

LANCASTER COUNTY

Garrett, James L.
Horton, Murray R.*
James, Doris R.
Miller, John W.
Reeser, Richard L.

* Removed from list 6-02

LEBANON COUNTY

Shultz, Jo Ann
Smith, Betty Ann*
Spannuth, Mary M.

* Effective 3-8-01; removed from
list 3-15-02

LEHIGH COUNTY

Hausman, Joan K.
Maura, Joseph J.

LUZERNE COUNTY

Harvey, Leonard D.
Hendrzak, Bernard J.

LYCOMING COUNTY

McDermott, John M.
McGee, Gerald A.
Stack, Robert W.

MCKEAN COUNTY

Ackerman, Thomas E.

MONROE COUNTY

McCool, Henry

MONTGOMERY COUNTY

Dasch, Charles A.
Hunter, James B.
Inlander, Gloria M.
Liss, Henry M.
Price, Richard M.
Riehl, Donald O.

NORTHAMPTON COUNTY

Auch, Walter F., Jr.
Grigg, Sherwood R.
Leo, Joseph N.

PIKE COUNTY

Purdue, Carolyn H.*
Quinn, Gudrun K.**

* Removed from list 12-3-01
** Removed from list 4-02

SCHUYLKILL COUNTY

Matz, Earl H.*

* Removed from list 3-28-01

WASHINGTON COUNTY

Lilley, June B.*
Mark, Walter A.

* Removed from list 4-02

WESTMORELAND COUNTY

Caruso, Angelo
DelBene, Frank, Jr.*
Giannini, Michael P.
Scott, Robert E.

* Effective 3-4-02

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dixon, Harold C.
Estep, Roger A.
Hodge, James D.*

Lafean, John W.
Stambaugh, Quentin R.

* Effective 1-8-02

District Court Administrators

Administrator

Betty Davis Overman
Raymond L. Billotte
Gayle M. Lang
Joseph Cabraja
Laurie J. Staub

Dale G. Derr
Michael D. Reighard
Mary Lou Vanderpool
G. Thomas Wiley
William L. Patterson

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

David S. Meholick
Miles D. Kessinger, III
Joseph A. Blass
John L. Shuttleworth
Taryn N. Dixon

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

William A. Sheaffer
Audrey Szoyka
Carole D. Lang
Michael J. Kuhar
Norma R. Brown

William J. Murray
Mark M. Dalton
Philip Boudewyns
David P. Wingert, Esq.
Susan T. Schellenberg

William T. Sharkey
Kevin H. Way, Esq.
Joanne L. Bly
Peter A. Morin
Helen L. Montgomery

Joyce L. Stoddard
Michael R. Kehs, Esq.
Judy I. Melito
James N. Onembo
Lawrence E. Diorio

District

Adams
Allegheny
Armstrong
Beaver
Bedford

Berks
Blair
Bradford
Bucks
Butler

Cambria
Carbon
Centre
Chester
Clarion

Clearfield
Clinton
Columbia
Crawford
Cumberland

Dauphin
Delaware
Elk-Cameron
Erie
Fayette

Franklin-Fulton
Greene
Huntingdon
Indiana
Jefferson

Lackawanna
Lancaster
Lawrence
Lebanon
Lehigh

Luzerne
Lycoming
McKean
Mercer
Mifflin

Monroe
Montgomery
Montour
Northampton
Northumberland

District Justice Court Administrators

Administrator

Betty Davis Overman
Nancy L. Galvach
Martha J. Davidson
Aileen Bowers, Esq.
Laurie J. Staub

Faith Phillips
Patricia M. Gildea
Mary Lou Vanderpool
Charles A. Carey, Jr.
Leslie A. Bridgeman, Esq.

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

David S. Meholick
Miles D. Kessinger, III
Joseph A. Blass
John L. Shuttleworth
Ronald E. Johnson, Esq.

Philip M. Intrieri, Esq.

Ward T. Williams, Esq.
Martha Keller Masson
Peter E. Freed
Roberta A. Meese

William A. Sheaffer
Audrey Szoyka
Carole D. Lang
Michael J. Kuhar
Norma R. Brown

James A. Doherty, Jr., Esq.
Thomas N. Weaver, Esq.
Philip Boudewyns
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H. Gordon Roberts

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Kevin H. Way, Esq.
Joanne L. Bly
Peter A. Morin
Helen L. Montgomery

Lyn Bailey
Doris Davis
Joseph A. Blass
Debra C. French
Lawrence E. Diorio

Court

Administrators

(As of 6-30-02)

**Court
Administrators,
continued**

**District Court
Administrators**

Administrator
Kaye V. Raffensperger
Joseph J. DiPrimio, Esq.
Colleen McCarthy
Patricia Ann Fluty
Lois A. Wallauer

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Carl L. Matteson
Carol E. Hutchison

Sherry R. Phillips
Christine L. Brady
Linus Myers
Paul S. Kuntz, Esq.
Alma F. Custer

J. Robert Chuk

District
Perry-Juniata
Philadelphia
Pike
Potter
Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**District Justice
Court
Administrators**

Administrator
Kaye V. Raffensperger

Colleen McCarthy
Patricia Ann Fluty
Bruce D. Heffner

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Carl L. Matteson
Carol E. Hutchison

Sherry R. Phillips
Christine L. Brady
Linus Myers
Lena M. Speicher
Alma F. Custer

Terry R. Baker

Court Administrator

Zygmunt A. Pines, Esq.
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Pennsylvania*

Andrea B. Tuominen, Esq.
Assistant Court Administrator

Dawn Brown
Administrative Assistant

Judicial Programs

Joseph J. Mittleman, Esq.
Director of Judicial Programs

Cherstin M. Hamel
*Assistant Director of
Judicial Programs*

Richard J. Pierce
*Judicial Programs
Administrator*

Amy Y. Kehner
*Judicial Programs
Administrator*

Diane Bowser
Controller

Judicial Services

Bunny Baum
Director of Judicial Services

Nicholene DiPasquale
Administrative Assistant

Policy Research & Statistics

Donald J. Harris, Ph.D.
*Director of Policy Research
and Statistics*

Charlotte Kirschner
Statistical Analyst

Kim E. Nieves
Research Analyst

Chief Counsel

Howard M. Holmes, Esq.
Chief Legal Counsel

Maryellen Gallagher, Esq.
Assistant Chief Legal Counsel

Daryl Walker, Esq.
Staff Attorney

Darren M. Breslin, Esq.
Staff Attorney

David M. Donaldson, Esq.
Chief of Litigation

A. Taylor Williams, Esq.
Assistant Chief of Litigation

Mary Butler, Esq.
Staff Attorney

Timothy McVay, Esq.
Supervising Staff Attorney

David S. Price, Esq.
Staff Attorney

Tara A. Kollas
Staff Attorney

Administrative Office of Pennsylvania Courts Philadelphia

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215-560-6300

(As of 6-30-02)

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Arthur J. Heinz
*Communications/
Legislative Coordinator*

David Lane
*Assistant for
Intergovernmental Affairs*

Gina L. Earle
Communications Assistant

Steven F. Angle
Payroll Manager

William L. Hollenbach
*Manager of Administrative
Services*

Darryl Walker, Esq.
Staff Attorney

Finance

Deborah B. McDivitt
Director of Finance

Kenneth R. Crump
Budget Administrator

R. Dean Stitler
Accounting Administrator

Human Resources

David A. Frankforter
Director of Human Resources

David W. Kutz
*Assistant Director of Human
Resources*

Margaret A. Trotta
*Employment Services
Administrator*

Nancy L. Kranz, CEBS
Benefits Administrator

Judicial Automation

Amy J. Ceraso, Esq.
*Director of Judicial
Automation*

Ralph W. Hunsicker
Director of Special Projects

Stanley K. Ritchie
Systems Support Manager

Nicholas Melnick, Jr.
DJS Project Manager

Judy K. Souleret
ASAP Project Manager

Barbara Holmes
*Common Pleas Software
Development Manager*

5001 Louise Drive
Harrisburg, PA 17055
717-795-2000

Alphabetical Order**District Order**

County	District	District	County
Adams	51	01	Philadelphia
Allegheny	05	02	Lancaster
Armstrong	33	03	Northampton
Beaver	36	04	Tioga
Bedford	57	05	Allegheny
Berks	23	06	Erie
Blair	24	07	Bucks
Bradford	42	08	Northumberland
Bucks	07	09	Cumberland
Butler	50	10	Westmoreland
Cambria	47	11	Luzerne
Cameron-Elk	59	12	Dauphin
Carbon	56	13	Greene
Centre	49	14	Fayette
Chester	15	15	Chester
Clarion	18	16	Somerset
Clearfield	46	17	Snyder-Union
Clinton	25	18	Clarion
Columbia-Montour	26	19	York
Crawford	30	20	Huntingdon
Cumberland	09	21	Schuylkill
Dauphin	12	22	Wayne
Delaware	32	23	Berks
Elk-Cameron	59	24	Blair
Erie	06	25	Clinton
Fayette	14	26	Columbia-Montour
Forest-Warren	37	27	Washington
Franklin-Fulton	39	28	Venango
Fulton-Franklin	39	29	Lycoming
Greene	13	30	Crawford
Huntingdon	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawanna	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Warren-Forest
Lebanon	52	38	Montgomery
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana

**Judicial
Districts**

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lycoming	29	41	Perry-Juniata
McKean	48	42	Bradford
Mercer	35	43	Monroe
Mifflin	58	44	Wyoming-Sullivan
Monroe	43	45	Lackawanna
Montgomery	38	46	Clearfield
Montour-Columbia	26	47	Cambria
Northampton	03	48	McKean
Northumberland	08	49	Centre
Perry-Juniata	41	50	Butler
Philadelphia	01	51	Adams
Pike	60	52	Lebanon
Potter	55	53	Lawrence
Schuylkill	21	54	Jefferson
Snyder-Union	17	55	Potter
Somerset	16	56	Carbon
Sullivan-Wyoming	44	57	Bedford
Susquehanna	34	58	Mifflin
Tioga	04	59	Elk-Cameron
Union-Snyder	17	60	Pike
Venango	28		
Warren-Forest	37		
Washington	27		
Wayne	22		
Westmoreland	10		
Wyoming-Sullivan	44		
York	19		

intestate One who dies without leaving a will.

intestate succession Process by which property of person who has died without a will or whose will has been revoked is distributed to others. Compare **descent and distribution statutes**.

irrelevant Evidence not related or applicable to an issue in a trial and thus not admissible.

irrevocable trust (ear REV o kuh b'l) Trust that, once set up, grantor may not revoke.

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a suit.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at adversary's discretion.

joint tenancy Form of legal co-ownership of property which gives the survivors, when one of the owners dies, the rights to the decedent's shares of the property. Tenancy by the entirety is a special form of joint tenancy between husband and wife. Compare **tenancy in common**.

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.

judgment Final disposition of a lawsuit. **Default judgment** is judgment entered because defendant fails to answer or appear. **Summary judgment** is judgment entered when there is no dispute as to the facts of a case, and one party is entitled to judgment as a matter of law. **Consent judgment** occurs when a judge sanctions an agreement reached between parties. See also **declaratory judgment** and **non obstante veredicto**.

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

judicial review Authority of court to review and declare unconstitutional actions of other branches of government.

Judiciary Act Repealer Act (JARA) Act of 1978 that enacted 42 Pa.C.S., Pennsylvania's Judicial Code.

judicial (juh RID ih kul) Relating to law, judicial proceedings and administration of justice.

judicial day Day on which a court is in session.

Juris 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 for which a court is authorized to hear cases.

jurisprudence Study of law and legal system. See also **caselaw**.

jurist One skilled or versed in the law.

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.

justiciable (jus TISH ee uh b'l) Of issues and claims which may be properly examined in court.

juvenile Person who has not yet reached age (usually 18) at which he/she can be treated as adult for purposes of criminal law.

juvenile court Court having jurisdiction over cases involving children under a specific age, usually 18.

K

kidnapping Unlawfully taking and carrying away a person by force and against his/her will.

King's Bench power Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

knowingly Willfully or intentionally with respect to a material element of an offense.

L

lack of jurisdiction Court's lack of power to act in a particular manner or to give certain kinds of relief.

lapsed gift Gift made in a will to a person who died before will-maker.

larceny Unlawfully taking personal property with intent to deprive owner of it permanently. Also called theft. Differs from **robbery**.

law Rules established by governing authorities to maintain order in a society.

law clerks Law students who assist judges and attorneys with legal research, writing, etc.

leading question Question which suggests the answer desired of witness. Generally may be asked only of a **hostile witness** and on cross-examination.

leave of court Permission received from a court to take a nonroutine action.

legal aid Professional legal services available for free or for reduced cost to those unable to afford them.

leniency Recommendation by prosecutor to judge for a sentence less than maximum allowed.

letters of administration Legal document appointing the administrator of an estate.

letters testamentary Legal document authorizing executor to settle estate.

levy Seizing property of a debtor for satisfaction of a judgment against him/her. Also, imposition of fine or tax.

liable Legally responsible for.

libel Published words or pictures that falsely and maliciously defame a person. Compare **slander** and **fair comment**.

lien Legal claim against another person's property as security for a debt, lasting until the debt has been paid.

limited action Civil action in which recovery of less than a certain amount as specified by statute is sought.

limited jurisdiction Courts limited in types of cases they may hear. In Pennsylvania these courts include district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts. See **inferior court**. Compare **general jurisdiction**.

lis pendens (liss PEN DENZ) Pending suit. Also, legal notice that a dispute exists which may affect title to a certain piece of land.

litigant Party to a lawsuit.

litigation Lawsuit or process of carrying through a lawsuit.

living trust Trust set up and in effect during lifetime of grantor. Also called inter vivos trust. Compare **testamentary trust**.

locus delicti (LOW cuss deh LICK ty) Place where offense was committed.

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge.

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) Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance Committing an unlawful act. Often used to describe misconduct by public officials. Compare **misfeasance** and **nonfeasance**.

malice Intent to commit a wrongful act without just cause or excuse.

malice aforethought Mental state required to prove murder.

malicious prosecution Action instituted with intention of injuring defendant and without probable cause.

- mandamus** (man DAY mus) Writ issued by a court ordering a public official, another court, a corporation, public body or individual to perform an act.
- mandate** Judicial command or order directing an officer of the court to enforce judgment, sentence or decree.
- manslaughter** Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm, or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed, resulting in fatal collision. Compare **murder**.
- master** Official appointed by a court to assist with its proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present written report to court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- mediation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps them agree on settlement. Nonbinding. Similar to **conciliation**.
- memorial** Abstract of a legal record. Also, written statement of facts presented to legislature or executive as a petition.
- mens rea** (menz REE uh) The state of mind of the defendant that the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.
- Miranda rule** Requirement that police advise a suspect in custody of constitutional rights before questioning him/her. Named after U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966) establishing such requirements.
- misdemeanor** Criminal offenses generally punishable by fine or limited local jail term, but not by imprisonment in penitentiary. Compare **felony**.
- misfeasance** Lawful act performed in wrongful manner. Compare **malfeasance** and **nonfeasance**.
- mistrial** Trial terminated before verdict is reached, either because of some procedural error, serious misconduct during proceedings, or because of **hung jury**.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may reduce degree of blame and help reduce sentence of individual convicted. Also known as extenuating circumstances. Compare **aggravating circumstances**.
- mittimus** (MIT ih mus) Written court order directing a jailer to receive and safely keep a person until ordered otherwise.
- moot** Having no practical significance. Usually refers to court's refusal to consider a case because issue involved no longer exists.
- moral turpitude** Immorality, depravity; conduct so wicked as to be shocking to the community's moral sense.
- motion** Application to a court or judge for a ruling or order.
- motion to dismiss** Request to dismiss a civil case because of settlement, withdrawal or a procedural defect. Compare **demurrer**.
- multiplicity of actions** Two or more separate litigations of the same issue against the same defendant.
- municipal court** Court whose jurisdiction is confined to the city or community in which it is erected. Usually has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally also possesses limited civil jurisdiction. Pennsylvania has one municipal court, Philadelphia Municipal Court.
- murder** Unlawful killing of a human being with **malice aforethought**. First degree murder is premeditated, i.e., planned. Second degree murder is sudden, instantaneous intent to kill or to cause injury without caring whether injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in commission of a felony. Compare **manslaughter**.

N

negligence Failure to use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

next friend One acting without formal appointment as guardian, for benefit of minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on written indictment indicating insufficient evidence was found to indict. Compare **true bill**.

no contest See **nolo contendere**.

no-contest clause Language in a will providing that a person who makes a legal challenge to the will's validity will be disinherited.

"no-fault" proceeding Civil case in which claim is adjudicated without finding of error or fault.

nol pros Abbreviation of **nolle prosequi**.

nolle prosequi (NAHL ee PROS eh KWEE) "I do not choose to prosecute." Decision by prosecutor or plaintiff not to go forward with an action. Called "nol pros" for short.

nolo contendere (NO LO con TEN deh ree) Criminal defendant's plea, whereby he/she accepts punishment without admission of guilt. Also called no contest.

nominal party One joined as a party or defendant in a lawsuit because the technical rules of pleading require his/her presence in the record.

non compos mentis (non COM pos MENT iss) Not of sound mind.

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

non prosequitur (non preh SEK wit tur) Judgment entered when plaintiff, at any stage of proceedings, fails to prosecute his/her action. Called "non pros" for short.

non pros Abbreviation of **non prosequitur**.

nonfeasance Failure to act when duty required. Compare **malfeasance** and **misfeasance**.

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with use or enjoyment of a property.

nunc pro tunc "Now for then." Action applied to acts which should have been completed at an earlier date than actually were, with the earlier date listed as the completion date.

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

O

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

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requesting immediate ruling by judge.

"on his own recognizance" See **personal recognizance**.

one-day, one-trial jury service Method of jury selection in many jurisdictions which requires prospective jurors to serve for only one day if they are not chosen for a jury or for only the length of a trial if chosen.

opening statement Statements made at the start of a trial by attorneys for each side, outlining each's legal position and the facts each intends to establish during the trial.

opinion Court's written decision of a case. A majority or plurality opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. Dissenting opinion states opinion of judges who disagree with majority. *Per curiam* opinion is an unsigned opinion of an appellate court.

opinion evidence What a witness thinks, believes or infers regarding disputed facts. Generally admissible only when given by an

expert witness unless opinion is based on matters common to lay persons.

oral argument Summary by attorneys before court (particularly appellate court) of positions regarding legal issue being litigated.

order Command, written or oral, from a court.

ordinance Law enacted by a municipality such as a county or city council.

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

overt act Act done to carry out or in furtherance of intention to commit a crime. Compare **actus reus**.

P

pain and suffering Physical and/or emotional distress compensable as an element of damage in **torts**.

pardon Form of **clemency** releasing one from the penalties of a criminal conviction.

parens patriae (PAH renz PATE ree eye) Doctrine under which the government protects the interests of a minor or incapacitated person.

parole Supervised, conditional release of a prisoner before expiration of his/her sentence.

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

patent Government grant giving an inventor exclusive right to make or sell his/her invention for a term of years.

penal Of, relating to or involving punishment or penalties.

penal code Code of laws concerning crimes and offenses and their punishment.

pendente lite (pen DEN tee LYE tee) During the progress of a lawsuit; contingent on the outcome of the suit.

per curiam (per KYUR ee uhm) See **opinion**.

peremptory challenge (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving a reason. Compare **challenge for cause**.

perjury Deliberately making a false or misleading statement under oath.

permanent injunction Court order requiring or forbidding action, granted after final hearing has been held on its merits. (Does not necessarily last forever.) Compare **preliminary injunction**.

personal jurisdiction Adjudicative power of a court over an individual.

personal property Any movable physical property or intangible property which may be owned. Does not include real property such as land or rights in land.

personal recognizance Release of a defendant without bail upon promise to return to court as required. Also known as releasing one "on his own recognizance."

personal representative Person who administers legal affairs of another because of incapacity or death.

petit jury (PEH tee) Jury composed of six to twelve persons who hear evidence presented at a trial and determine the facts in dispute. Compare **grand jury**.

petition Written request to a court asking for a particular action to be taken.

petitioner See **plaintiff**.

plaintiff Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.

plea Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).

plea bargaining Mutually satisfactory disposition of a case negotiated between accused and prosecutor. Usually defendant pleads guilty to lesser charge/s in exchange for reduced sentence or dismissal of other charges.

pleadings Written statements by parties to a lawsuit, setting forth or responding to allegations, claims, denials or defenses.

plenary action (PLEH nuh ry) Complete, formal hearing or trial on merits.

polling the jury Asking jurors individually after verdict has been announced, whether they agree with verdict.

pour-over will Will that leaves some or all estate assets to existing trust.

- power of attorney** Legal authorization for one person to act on behalf of another individual. See **attorney-in-fact**.
- praecipe** (PRESS ih pee) Writ commanding a person to do something or to show cause why he/she should not.
- precedent** Previously decided case which guides decisions of future cases. Compare **stare decisis**.
- precept** Writ issued by person of authority commanding a subordinate official to perform an act.
- prejudicial error** See **reversible error**.
- preliminary hearing** Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Compare **arraignment** and **initial appearance**.
- preliminary injunction** Court order requiring or forbidding an action until a decision can be made whether to issue a **permanent injunction**. Issued only after both parties have had opportunity to be heard. Compare **temporary restraining order**.
- premeditation** Decision or plan to commit a crime.
- preponderance of evidence** Greater weight of evidence, a common standard of proof in civil cases. Jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing evidence**.
- pre-sentencing report** Report to sentencing judge containing background information about crime and defendant to assist judge in making his/her sentencing decision. Sometimes called sentencing report.
- presentment** Declaration or document issued by grand jury on its own initiative, making accusation. Compare **indictment**.
- presumption of innocence** Fundamental principle of American justice system that every individual is innocent of a crime until proven guilty in a court of law.
- presumption of law** Rule of law that courts and judges must draw a particular inference from a particular fact or evidence.
- pretermitted child** (PRE ter MITT ed) Child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of the estate to go to such children.
- pre-trial conference** Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has minimum amount of evidence necessary to allow it to continue in the judicial process.
- prima facie evidence** Evidence sufficient to establish a fact or sustain a finding in favor of the side it supports unless rebutted.
- prior restraint** Restraint on speech or publication before it is spoken or published. Prohibited by constitution unless defamatory or obscene or creates a clear and present danger.
- pro bono publico** "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."
- pro se** (pro see) An individual who represents himself/herself in court. Also called "in propria persona."
- probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.
- probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.
- probate court** Court with authority to supervise estate administration.
- probate estate** Estate property that may be disposed of by a will.
- probation** Alternative to imprisonment allowing person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for invasion of rights. Compare **substantive law**.
- proceeding** A legal action. Conducting juridical business before a court or judicial officer.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary Chief clerk of any of various courts in some states, including those of Pennsylvania.

proximate cause Act legally sufficient to result in liability. Act without which an action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish the defendant and thus deter future behavior of like nature.

purge To **exonerate** or cleanse from guilt.

Q

quash To vacate, void, nullify.

quid pro quo “Something for something.” Fair return consideration; i.e., giving something of value in return for getting something of similar value.

quo warranto (quo wah RANT oh) Writ used to discover by what authority an individual holds or claims a public office, franchise or liberty.

R

rap sheet See **criminal history record information**.

ratio decidendi (RAY she oh DES ih DEN dye) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to

the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an individual is guilty of crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment. Used as legal standard to determine negligence.

rebuttal Evidence which disproves evidence introduced by the opposing party.

recidivism (reh SID ih vizm) Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

recognizance See **personal recognizance**.

record Official documents, evidence, transcripts, etc., of proceedings in a case.

recusal Process by which a judge excuses him/herself from hearing a case.

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

re-direct examination Opportunity to question witness after cross-examination regarding issues brought up during the cross-examination. Compare **rehabilitation**.

redress To set right; to remedy; to compensate.

referral Process by which a juvenile case is introduced to court, agency or program where needed services can be obtained.

referee Person appointed by a court to assist with certain proceedings, such as taking testimony.

rehabilitation Reexamining a witness whose credibility has suffered during cross-examination to restore that witness’s credibility. Compare **re-direct examination**.

rehearing Another hearing of case by same court in which suit was originally heard.

rejoinder Defendant’s answer to the plaintiff’s **reply**.

relevant evidence Evidence that tends to prove or disprove a matter at issue.

relief See **remedy**.

remand To send a case back to court where originally heard for further action. Also, to

send an individual back into custody after a preliminary examination.

remedy Means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated. Also called relief.

remittitur (reh MID ih dur) Judge's reduction of damages awarded by jury.

removal Transfer of state case to federal court for trial.

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

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

reply Plaintiff's response to defendant's argument, **counterclaim** or **answer**. Plaintiff's second **pleading**.

respondent See **appellee**.

rest When one side finishes presenting evidence in a trial.

restitution Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.

restraining order Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.

retainer Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.

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

reverse Higher court setting aside lower court's decision.

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

revocable trust (REV uh kuh b'l) Trust that grantor may change or revoke.

revoke To cancel or nullify a legal document.

robbery Felonious taking of another's property in that person's presence by force or fear. Differs from **larceny**.

rule of court Rules governing how a given court operates.

rules of evidence Standards governing whether evidence is admissible.

S

sanction Penalty for failure to comply with rule, order or law.

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**.

secured debt Debt in which debtor gives creditor a right to repossess property or goods (called **collateral**) if debtor defaults on the loan.

self-defense Use of force to protect one's self, family or property from harm or threatened harm by another.

self-incrimination, privilege against Right of people to refuse to give testimony against themselves. Guaranteed by Fifth Amendment to U.S. Constitution. Asserting right is often referred to as "taking the Fifth."

self-proving will Will whose validity does not have to be testified to in court by witnesses to it since the witnesses executed an **affidavit** reflecting proper execution of will prior to maker's death.

sentence Punishment inflicted on a person convicted of crime.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. Federal government and several other states also use.

sentencing report See **pre-sentencing report**.

separation of witnesses See **sequestration of witnesses**.

sequestration Keeping all jurors together during a trial to prevent them from being influenced by information received outside courtroom.

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

- service** Delivery of legal document, such as **complaint, summons** or **subpoena**.
- settlor** See **grantor**.
- sidebar** Conference between judge and lawyers, usually in courtroom, out of earshot of jury and spectators.
- 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.
- sovereign immunity** Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.
- specific performance** **Remedy** requiring person who has breached a contract to fulfill his/her part of the contract, as opposed to simply paying damages. Ordered when paying damages would be inadequate or inappropriate.
- spendthrift trust** Trust set up for benefit of someone whom **grantor** believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.
- standard of proof** See **burden of proof**.
- standing** Legal right to bring a lawsuit.
- stare decisis** (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Compare **precedent**.
- state's evidence** Testimony given by accomplice or participant in a crime, given under promise of immunity or reduced sentence, to convict others.
- status offenders** Youths who habitually engage in conduct not considered criminal if committed by an adult, but which cause charges to be brought in juvenile court and show minor is beyond parental control, e.g., being truant from school.
- status offense** Act declared to be an offense when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.
- statute** Law enacted by legislative branch of government. Also called statutory law. Compare **common law**.
- statute of limitations** Timeframe within which a lawsuit must be brought or an individual charged with a crime. Differs for different types of cases/crimes or in different states.
- statutory construction** Process by which a court seeks to interpret legislation.
- statutory law** See **statute**.
- stay** Court order halting a judicial proceeding or the action of halting such proceeding.
- stenographer** See **court reporter**.
- stipulation** Agreement by attorneys on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date.
- sua sponte** (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.
- sub judge** (sub JOO dih SEE) Before a court or judge; under judicial consideration.
- 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.
- subpoena** (suh PEE nuh) Court order compelling 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**.
- 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 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.
- summons** Notice to a defendant that he/she has been sued and is required to appear in court. Also, notice requiring person receiving it to report for jury duty or as witness in a

trial. As relates to potential jurors, also called **venire**.

sunshine laws Laws forbidding or restricting closed meetings of government bodies and providing for public access to records.

supersedeas (SOO per **SEE** dee uhss) Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

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

suppress To forbid use of evidence at trial because it is improper or was improperly obtained. See **exclusionary rule**.

survivorship Another name for **joint tenancy**.

sustain Court order allowing an objection or motion to prevail.

suspended sentence Sentence postponed by order of the court. Also, decision of court to postpone pronouncement of sentence.

swindling Obtaining money or property by fraud or deceit.

third party Person, business or government agency, etc., not actively involved in a legal proceeding, agreement or transaction, but who is somehow involved.

third-party claim Action by a defendant that brings a third party into a lawsuit. Compare **intervention**.

title Legal ownership of property.

tort Injury or wrong committed on a person or property of another for which remedy can be sought in civil court, except that which involves a contract.

tortfeasor One who commits a **tort**; a wrongdoer.

transcript Official record of all testimony and events that occur during a trial or hearing.

transfer hearing Hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court.

trial de novo A new trial.

TRO **Temporary restraining order**.

true bill **Indictment** by grand jury. Notation on indictment that charge should go to court. Compare **no bill**.

trust Legal device used to manage real or personal property, established by one person (**grantor** or settlor) for the benefit of another (**beneficiary**). A third person (**trustee**) or the **grantor** manages the trust.

trust agreement or declaration Legal document that sets up a 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.

T

temporary restraining order Judge's order forbidding certain actions until a full hearing can be held to determine whether injunction should be issued. Often referred to as TRO.

Compare **preliminary injunction**.

tenancy by the entirety See **joint tenancy**.

tenancy in common Form of legal co-ownership of property in which survivors, when one of the owners dies, do not have rights to decedent's shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a will.

testamentary trust Trust set up by a will. Compare **living trust**.

testator Person who makes a will.

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

theft See **larceny**.

U

undue More than necessary; excessive.

unlawful detainer Detention of real property without consent of owner or other person entitled to its possession.

usury (YOO seh ree) Charging higher interest rate than law allows.

V

vacate To nullify, render void.

venire (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court to act as jurors. Also, a group of people summoned for jury duty.

venue (VEN YOO) Geographical area from which a jury is drawn, where a criminal trial is held and where an **action** is brought. Also, the geographical location in which the alleged actions that gave rise to the legal action occurred.

verdict Decision reached by a jury or judge on the facts presented at a trial.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which 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.

weight of evidence Persuasiveness of some evidence as compared to other.

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.

work release Sentence under which defendant is imprisoned, but is released during day to work at a job approved by Department of Corrections or the court.

writ Judicial order directing a person to do something.

writ of certiorari See **certiorari**.

writ of execution Writ directing sheriff or other officer of the court to enforce a judgment or decree of a court. 