

**Report of the
Administrative Office of
Pennsylvania Supreme Court
2002**

Supreme Court of Pennsylvania

*Chief Justice Ralph J. Cappy
Justice Ronald D. Castille
Justice Russell M. Nigro
Justice Sandra Schultz Newman
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice William H. Lamb*

*'02 in Brief
(listed chronologically)*

*District justice courts
undergo mandated
decennial realignment,
aimed at enhancing the
effective administration of
justice for all of Pennsyl-
vania's citizens*

*Pennsylvania Conference
of State Trial Judges insti-
tutes the Pillar of Justice
speakers bureau as a way
of maintaining public trust
in the judiciary*

*Supreme Court rescinds
Pennsylvania Rule of Ju-
dicial Administration 701,
promulgates new rule
701 governing senior
jurists. Included in the
changes is the length of
time jurists may serve.*

*Westmoreland County
district justice James N.
Falcon is awarded the
Governor's Highway
Safety Award for his
efforts to prevent under-
age drinking*

*Supreme Court adopts
uniform statewide rules
for use of advanced com-
munication technology,
namely audio-visual link-
ups, in certain pre-trial
proceedings*

Dauphin County orphans' court, under the leadership of judge Todd A. Hoover is named Pennsylvania Juvenile Court of the Year by the Pennsylvania State-wide Adoptive Network and Department of Public Welfare, Office of Children, Youth and Families. Under Hoover, adoptions in the county went up 300% in 2001 over 2000

Administrative Office launches new careers Web site to help potential job applicants learn more about the UJS as well as available positions

Philadelphia Traffic Court announces that safety initiatives introduced in fiscal year 2001-02 improved traffic safety in Philadelphia. In addition, effective collection techniques resulted in record revenue growth

The Judicial Council of the National Bar Association expands a successful program begun in Pennsylvania and elsewhere in 2001 that places minority and/or economically disadvantaged law students in federal court clerkships. The program was created by Commonwealth Court judge Doris A. Smith-Ribner.

Supreme Court revises rules governing the campaign conduct of judicial candidates in light of the U. S. Supreme Court's ruling in Republican Party of Minnesota et al. v. Kelly et al.

Supreme Court announces pilot program to ease, expedite family court matters

Chief Justice Stephen A. Zappala retires from the Supreme Court after 20 years of service. Chief Justice Zappala was instrumental in automating Pennsylvania's court system

AOPC

Zygmunt A. Pines, Esq.
Court Administrator of Pennsylvania

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Philadelphia Office

1515 Market Street, Suite 1414
Philadelphia, Pennsylvania 19102
(215) 560-6300

Harrisburg Office

5001 Louise Drive
Mechanicsburg, Pennsylvania 17055
(717) 795-2000

On the Internet: www.courts.state.pa.us

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 calendar year 2002. Our goal is to provide a general reference document that reflects the hard work and dedicated service of the boards and committees of the Supreme Court of Pennsylvania as well as of the Administrative Office of Pennsylvania Courts.

Additionally, this report represents an historic record of enormous accomplishments of the judiciary's rule-making and administrative processes.

We have attempted to outline the array of programs and services that provide the framework of the Commonwealth's 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.

Among the most significant actions during the year was the issuance of realignment guidelines by the Supreme Court for reshaping Pennsylvania's magisterial districts. Significant in that process was the public review and comment on each county's realignment plan.

The constitutionally required realignment takes place every ten years to determine how to best continue serving the needs of Pennsylvania's residents and to further enhance the administration of justice at the minor court level.

Accompanying that action was a reshaping of the justice system in one of Pennsylvania's more populous areas -- Allegheny County. The Fifth Judicial District was realigned and a study also was engaged to look at the feasibility of transitioning Pittsburgh Magistrates Court into the Commonwealth's district justice system. All appointments to vacancies on Magistrates Court were suspended while sitting magistrates continued to serve through the expiration of their terms

**Preface
from the
Court
Administrator,
continued**

under an order issued by the Supreme Court. Elected district justices within Pittsburgh’s city limits filled gaps left by the vacancies. The number of district justice seats within Allegheny County was consolidated from 55 to 48.

Allegheny also was the site of another noteworthy judicial accomplishment: the launching of a pilot program to promote the prompt resolution of family court matters. Berks, Lackawanna and Philadelphia counties also participated in the pilot program. The program was designed to ease and expedite matters by creating time limits on certain proceedings; outlining a specific framework for the scheduling of hearings and trials and authorizing local Domestic Relations Sections of Common Pleas Courts to facilitate agreed-on custody orders.

Pennsylvania’s Supreme Court amended administrative rules governing campaign speech-making for judicial candidates to address First Amendment concerns raised by the U. S. Supreme Court in a case from the state of Minnesota. The court’s thoughtful adjustment struck a careful balance between concerns with protecting the integrity in the judicial process and some of the more practical considerations attending campaigns.

Also of note during the year was the first systematic look at security issues in Pennsylvania’s Unified Judicial System. It began in earnest with the hiring of a new judicial security administrator who was charged with helping initiate a plan and assessment efforts with state and local court and county officials. The hiring dovetailed with the Judicial Council of Pennsylvania’s earlier work in directing an initial look at security concerns around the state.

Court-related fees were adjusted for the first time in a dozen years to provide a reliable funding source for the continued development and implementation of judicial automation and to boost the availability of civil legal services for indigent Pennsylvanians. The funding was overwhelmingly approved by the General Assembly and signed into law by the governor in the spirit of intergovernmental collaboration with the judicial branch of government. In part, the adjustment was made to fees on convictions in criminal courts and on civil court case filings.

The fee adjustment ensures continued work on the automation of Common Pleas criminal courts. Court automation has been shown to ensure uniform administration of justice in Pennsylvania’s 67 counties while making the administration of justice even more efficient by reducing costs, delays and labor-intensive paperwork.

New safety initiatives and collection procedures enhanced safety and yielded record revenue growth in Philadelphia Traffic Court in 2002. The dramatically improved collection rate benefited city as well as state treasuries.

A new judicial careers Web site was launched during the year to “court” jobseekers interested in opportunities within the judicial branch of government. Designed to complement existing information about the judiciary already on the Internet, the new Web site enhanced access to information about a variety of employment listings within the judicial branch – from technical to legal positions. It has proven to be both popular and successful as a recruiting tool.

The Supreme Court also issued new rules for the use of advanced communication technology in certain pre-trial proceedings during the year. The rules change established, for the first time, uniform statewide procedures to be used to conduct preliminary arraignments and arraignments. The changes ensure statewide consistency in the use of such video linkups while protecting the constitutional rights of defendants.

Another noteworthy action during the year was the creation of a new speakers’ bureau launched by the Pennsylvania Conference of Trial Judges with the assistance of the Judicial Services Department of the AOPC and the Pennsylvania Association of Court Management. The “Pillar of Justice” speakers bureau is designed to maintain public trust and confidence in the judiciary.

Finally, an historic law clerk placement program launched in Pennsylvania was broadened during the year to provide more experience and opportunities for minority and/or economically disadvantaged law students. The innovative program was designed and developed in Pennsylvania to maintain a national reservoir of talented and motivated law students from minority and economically disadvantaged backgrounds who have the skills needed after graduation from law school to serve as judicial law clerks in state and federal courts nationwide.

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,

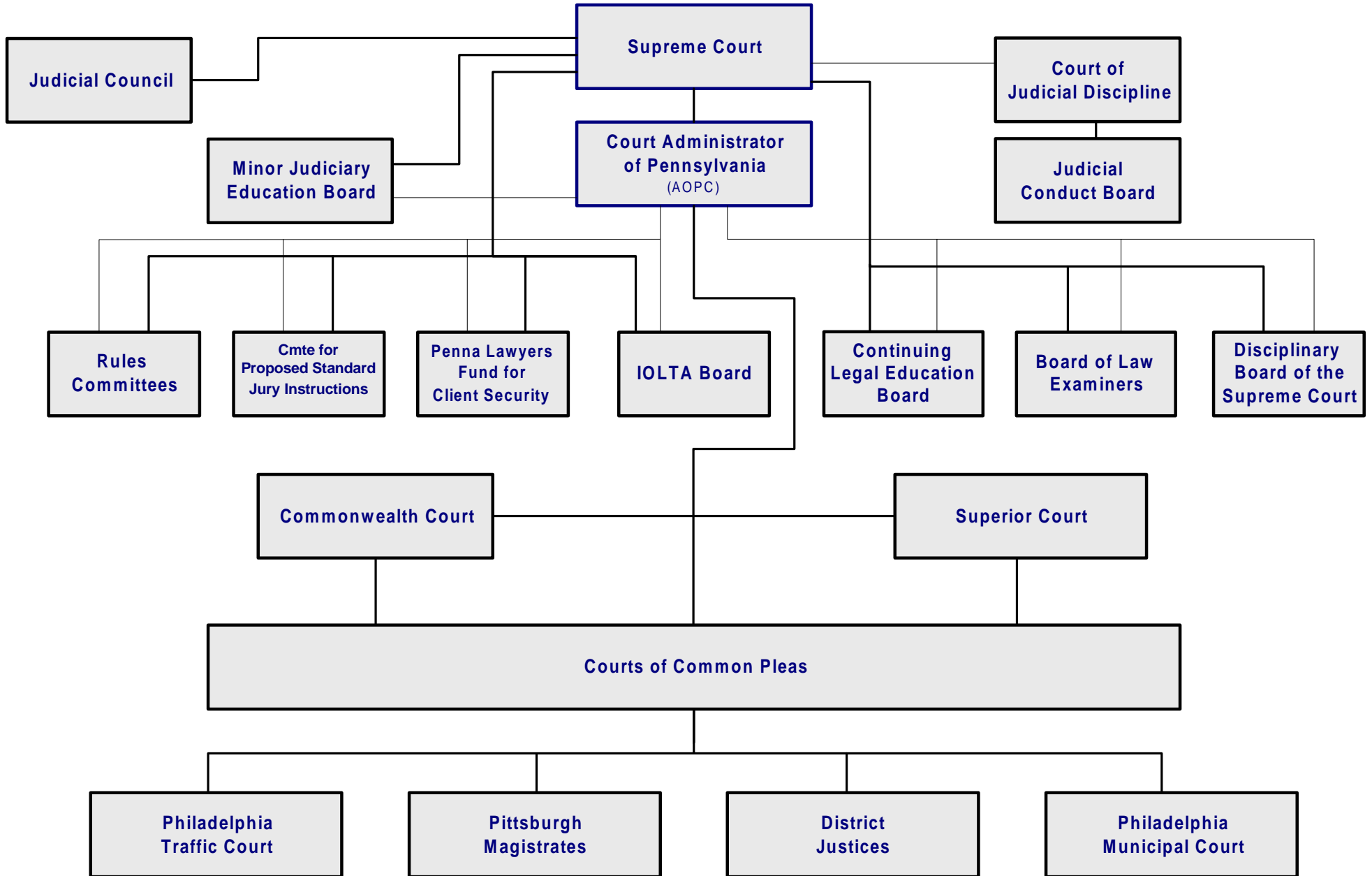


ZYGMONT A. PINES

Court Administrator of Pennsylvania

Preface
from the
Court
Administrator,
continued

Pennsylvania's Unified Judicial System



**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

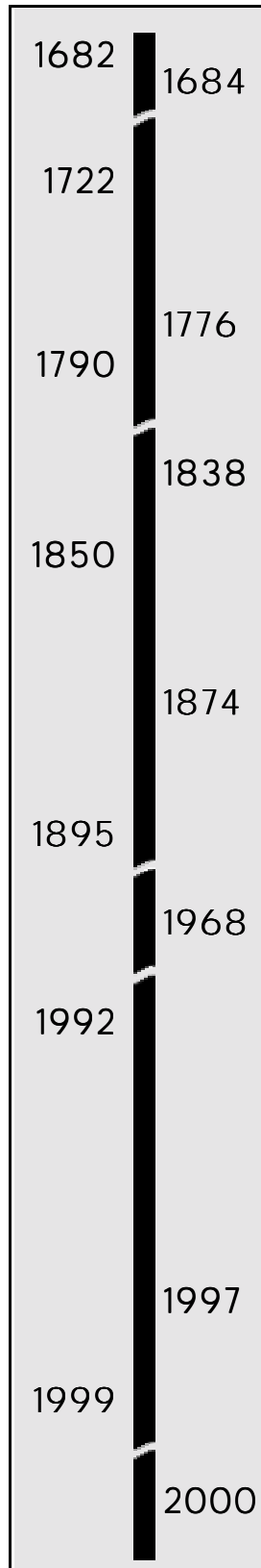


Chart 2.1.1

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. AOPC

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

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

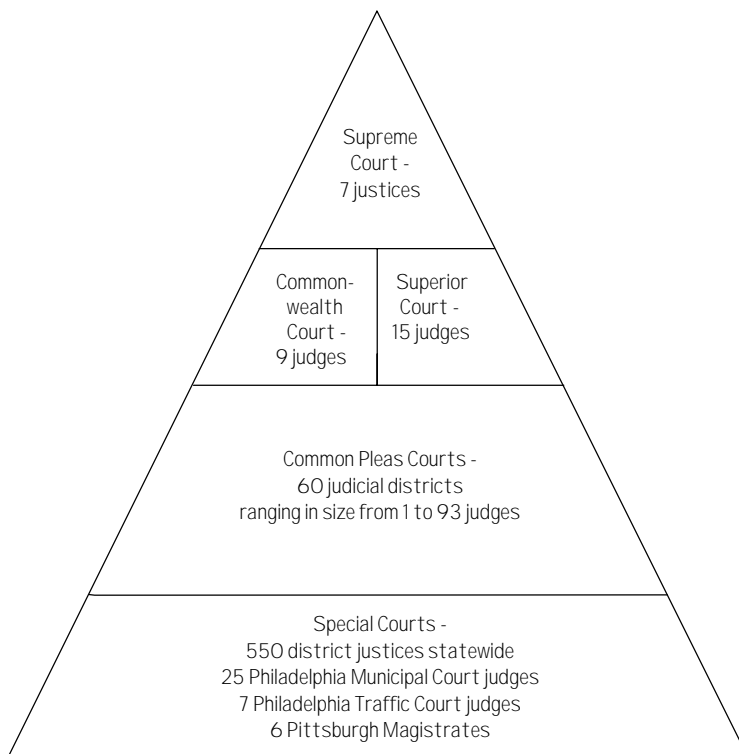


Figure 2.2.1

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 93.)

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, by statute, has from five to eight 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.

*Effective with Supreme Court amended order No. 192, Magisterial Docket No. 1 dated 4-8-03, appointments to Pittsburgh Magistrates Court have been suspended after 12-31-02 until further notice. This was in response to the Petition for Realignment submitted by the president judge of Allegheny County that the court be evaluated over a two-year period to determine the feasibility of phasing it out. Current magistrates will continue to serve until their terms expire. As of January 1, 2003, four members remained on the court. As of February 1, 2003, two members remain.

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 issues, 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 2002*, beginning on page 113. 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 December 31 of the year in which they reach the age of 75. Effective January 6, 2003, any senior jurist who began serving prior to January 1, 1999, must retire on December 31 of the year in which he/she turns 80.

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, 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 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 Department

The Administrative Office's Policy Research Department analyzes and evaluates the operations of the Unified Judicial System's (UJS) various components. During any given year, the department conducts a variety of studies, ranging from caseload management reviews of individual trial courts to statewide 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 detailed statewide survey of security in the district justice courts for the Judicial Council of Pennsylvania
- a District Justice Security Incident Reporting System. The AOPC's Information Technology Department developed the software for on-line reporting through the District Justice System (DJS) terminals
- analysis of medical malpractice litigation (and recommendations) in response to the governor's Plan for Medical Malpractice Liability Reform
- publication of "Dispatch and Delay: Post Conviction Relief Act Litigation in Non-Capital Cases" in the Spring 2003 issue of the *Duquesne Law Review*
- an analysis of trial court decisional delay based on Rule of Judicial Administration 703, specifically examining cases awaiting decision over twelve months
- design of interactive caseload statistical reporting on the UJS Web site. Customized Protection From Abuse statistical reports are now available on-line, with other case types to follow. The AOPC's Information Technology Department developed the software.
- expansion of the caseload statistical reporting to include more case types and procedures, such as uniform jury reporting criteria
- participation of staff in court committees and associations, including Court Security Facility Assessment Training, the Pennsylvania Association of Court Management and the Mid-Atlantic Association of Court Management
- provide on-site support and technical assistance to counties with regard to statistical reporting and analysis.

Within the Policy Research 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 2002 the department coordinated eight conferences:

- *New Judges Conference*
January 6-12, 2002
- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 21-24, 2002
- *Science and the Law*
April 10, 24, and May 1, 2002
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 2-5, 2002
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 25-28, 2002
- *Financial Statements*
September 18, 25 and October 2, 2002
- *Pennsylvania Association of Court Management Mid-Annual Conference*
November 3-5, 2002

- *Joint Family Law Conference*
December 2-4, 2002

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; 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, caseflow 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.

Common Pleas Case Management System (CPCMS)

In September of 2001, contracts were signed with Deloitte Consulting, Sybase and The Davison Group for the development and implementation of a statewide criminal case management system for the Courts of Common

Pleas. Work continued on that project throughout 2002

The majority of work for this calendar year involved detailed system design. Also, staff began activities directed toward the migration of data from county legacy systems to the statewide system. The initial testing and training materials were drafted. Some user testing began late this year.

The CPCMS will be primarily deployed in the county judicial chambers, court administration offices and in the clerks of courts offices. It will provide a comprehensive case management system, including docketing, accounting, chambers and forms and reports functionality. The system will allow for state-wide searches and sharing of case information. It will also include a data hub that will be used to transfer data to and from other state agencies, such as the state police for disposition reporting and the Department of Revenue for financial reporting.

Pennsylvania Appellate Court Case Management System (PACMS)

PACMS continues to provide an electronic case management system for the three appellate courts. In 2002, many enhancements to the system were deployed, including many additional forms and reports. Planning for electronic filing of Superior Court docketing statements began.

This system will eventually be linked to the CPCMS, and data from the Common Pleas system will be used to build cases in the appellate courts.

Administrative Support Application Project (ASAP)

Enhancements to the ASAP program were completed in December of 2002. The new system provides greater flexibility to meet user needs and to accommodate changes in procedures.

The new system is used by AOPC, the administrative staff of the three appellate courts and the First Judicial District.

District Justice System (DJS)

The District Justice System continues to provide case management and accounting functionality to approximately 3,500 users statewide. During this time period, the system was changed to accommodate major changes in the numbering of the criminal procedural rules.

Word training for all district courts was completed this year.

During this calendar year, the DJS trainers developed training workshops to be conducted throughout 2003, to provide ongoing instruction in many areas, including civil case processing, post disposition actions, OTN consolidation, accounting and Word.

Pennsylvania Board of Law Examiners System

The AOPC continued to work with the Board of Law Examiners' staff on development of a case management system. The application was completed and deployed in the BLE offices this year, and the newly developed system was successfully run concurrently with the BLE's old system for the July bar examination. AOPC staff will continue to enhance and maintain the system for the board.

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 Department of Human Resources

- monitors and ensures UJS compliance with state and federal employment statutes
- maintains all UJS fringe benefit programs and counsels judiciary personnel regarding their provisions and utilization

- administers the UJS employee leave accounting program and the UJS Unemployment Compensation and Workers Compensation programs
- formulates and administers the personnel policies and procedures that govern the personnel operations of the UJS
- assists managers in the recruiting, interviewing and hiring of new staff; 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 \$281.2 million in annual appropriations, including \$35.2 million in grants to counties
 - participating in the annual financial audit of the UJS
 - serving as the central clearinghouse for all financial transactions impacting the judiciary
 - overseeing the finances of the First Judicial District/AOPC Procurement Unit, including recommending investment and banking strategy. The procurement unit, created by and operating under an agreement between the Administrative Office and Philadelphia City government, was established to improve the procurement function in Philadelphia's three courts. Since the agreement was put into effect, the First Judicial District has realized significant savings through efficiencies in its procurement function
- undertaking special projects, as requested and upon its own initiative, to develop financial information regarding cost trends, comparative analyses and the like. Such information includes analyses of legislation for fiscal impact routinely requested by the both the legislative and executive branches.
 - responding to questions and providing information on the judiciary's financial operations as needed to the legislature, the executive branch, other judiciary employees and the public.
- In addition to these functions, the Finance Department has been participating on a "need" basis in the development of an updated automated 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

2002 Membership:

Honorable Joseph M. Augello, *Chair**
Honorable Joseph A. Hudock, *Chair***
Honorable Thomas A. Wallitsch, *Vice Chair+*
William P. Bresnahan, Esq.
Frederick N. Frank, Esq.
Honorable Jane Cutler Greenspan++
Charles E. Gutshall, Esq.
James C. Haggerty, Esq.++
Sarah V. Hart, Esq.
Bridget E. Montgomery, Esq.
Andrew M. Ominsky, Esq.
Sunah Park, Esq.
Dionysios G. Rassias, Esq.
Paul W. Roman, Esq.
Honorable Cynthia M. Rufe*
Alison Taylor, Esq.++

Staff:

Dean R. Phillips, Esq., *Counsel*
Rebecca M. Darr, Esq., *Deputy Counsel*

- * Term expired 6-30-02
- ** Appointed chair effective 7-1-02
- + Appointed vice chair effective 7-1-02
- ++ Effective 7-1-02

Legal Authorization:

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

Appellate

Court

Procedural

Rules

Committee

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

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.

2002 Activities

As a result of committee and subcommittee meetings and work sessions in 2002, the following recommendations were submitted to the Supreme Court and adopted:

amendment to Pa.R.A.P. 3102 (**Quorum and Action**) and adoption of new Pa.R.A.P. 3761 (**Enforcement Proceedings**). Adopted 1-28-02, effective immediately.

amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**). Adopted 3-26-02, effective 7-1-02.

amendments to Pa.R.A.P. 511 (**Cross Appeals**), 903 (**Time for Appeal**), 1113 (**Time for Petitioning for Allowance of Appeal**), 1512 (**Time for Petitioning for Review**), 2113 (**Reply Brief**), 2136 (**Briefs in Cases Involving Cross Appeals**), and 2185 (**Time for Serving and Filing Briefs**) as well as the Notes thereto. Adopted 10-18-02, effective 12-2-02.

The following recommendations were considered by the committee in 2002:

Internal Recommendation 29: Two alternative proposals to amend to Pa.R.A.P. 1925 (**Opinion in Support of Order**).

Internal Recommendation 36: Proposed adoption of Pa.R.A.P. 120 (**Entry of Appearance**) and 1703 (**Contents of Application for Stay**), and proposed amendments to the Notes to Pa.R.A.P. 121, 907, 1112, 1311 and 1514 to add reference to proposed rules 120.

Internal Recommendation 46: Proposed adoption of Pa.R.A.P. 1702(d) (**Stay Ancillary to Appeal**) and 3316 (**Review of Stay of Execution Orders in Capital Cases**).

Internal Recommendation 47: Proposed adoption of Pa.R.A.P. 1316 (**Incorrect Use of Petition for Permission to Appeal or Petition for Review**).

Internal Recommendation 50: Proposed amendments to Pa.R.A.P. 1501-1561 (Chapter 15. **Judicial Review of Governmental Determinations**).

Internal Recommendation 51: Proposed amendment to Pa.R.A.P. 1115 (**Content of the Petition for Allowance of Appeal**).

Internal Recommendation 52: Proposed amendments to Pa.R.A.P. 762 (**Release in Criminal Matters**) and 3331 (**Review of Special Prosecutions or Investigations**).

Internal Recommendation 53: Proposed amendment to Pa.R.A.P. 1931 (**Transmission of the Record**).

Internal Recommendation 54: Proposed amendment to Pa.R.A.P. 2117 (**Statement of the Case**).

Internal Recommendation 55: Coordination of actions/venue issue.

In the fall of 2002 the committee added its first part-time deputy counsel, Rebecca Darr, Esq. Ms. Darr also serves as deputy counsel to the Orphans' Court Procedural Rules Committee.

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.

2003 Plans

Among the subjects on the committee's agenda for 2003 are completion of the above-named recommendations.

Contact Person

Honorable Joseph A. Hudock, Chair
Superior Court of Pennsylvania
One Northgate Square
Greensburg, PA 15601
phone: (724) 832-6540

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

Rebecca M. Darr, Esq., Deputy Counsel
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
phone: (717) 795-2042
fax: (717) 795-2106
e-mail: rebecca.darr@pacourts.us

AOPC

**Board
of
Law
Examiners**

2002 Membership:

Lisa Pupo Lenihan, Esq., *Chair*
Gregory E. Dunlap, Esq., *Vice Chair*
Robert J. Coleman, Esq.
Michael W. King, Esq.
Patricia L. McGrail, Esq.
Gregory P. Miller, 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,
Suite 300
Mechanicsburg, PA 17055
(717) 795-7270
www.pabarexam.org

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 includes seven questions developed by the examiners and approved by the board, including one performance test (PT) question. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The PT question tests an applicant's ability to use fundamental lawyering skills in a realistic situation. Some of the tasks an applicant might be required to complete in responding to a question include 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. It is weighted at one and a half times an essay question and is combined with the scores for the remaining six questions. Applicants have 90 minutes to complete one PT question.

The PT question became effective with the July 2002 bar exam. Prior to this the board used a question from the Multistate Performance Test developed by the National Conference of Bar Examiners (NCBE).

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.

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 careers prior to taking the bar exam. Indeed, they are encouraged to take it while in law school, shortly after they have completed a course on professional responsibility or ethics. They do, however, have up to 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 PT question), the examiners' proposed analyses and the grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible.

The final draft of each question and analysis is forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the

questions and analyses along with copies of their own answers.

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

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 16 hearings were held in 2002.

2002 Activities

Office staff processed approximately 3,000 applications for permission to sit for the bar exam and approximately 200 applications for admission on motion and for character and fitness determination.

Statistics for 2002, including a comparison with 2001's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 35 details the percentage of those passing the bar since 1993 while Chart 3.2.3 on page 36 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 nine times in 2002 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.

Board of Law Examiners 100th Anniversary

In May 2002 the Pennsylvania Board of Law Examiners celebrated 100 years of distinguished service to the Supreme Court of Pennsylvania. A celebration was held in March 2002 in conjunction with the board's semi-annual meeting and included attendance by guests such as justices of the Supreme Court of Pennsylvania, past board members and representatives from the AOPC.

Filing Fees

The filing fees charged for processing applications in 2002 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.

Admission applications		approx. 3,000
Sitting for February exam		690
Change from 2001	29	4.39%
Persons passing February exam		324
Persons failing February exam		366
Passing Percentage		47%
2001 Passing Percentage		54%
Sitting for July exam		1,957
Change from 2001	129	7.06%
Persons passing July exam		1,392
Persons failing July exam		565
Passing percentage		71%
2001 Passing Percentage		72%

Table 3.2.1

Looking Ahead to 2003

Beginning with the administration of the February 2003 bar examination, applicants will, for the first time, be offered the option of providing answers to the written portions, (i.e., the essay and performance test) of the bar examination using their personal laptop computers under certain conditions. The implementation of Computer-Based Testing is a direct result of the board's continuing goal to enhance the bar admission process and use technological advancements in the field of testing.

The essay and PT questions will be provided in booklet format. A software program called SofTest®, developed by ExamSoft Worldwide, Inc. will be utilized, which prevents

a test-taker from accessing any file other than the word processing function provided by the software during the written portions of the exam.

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

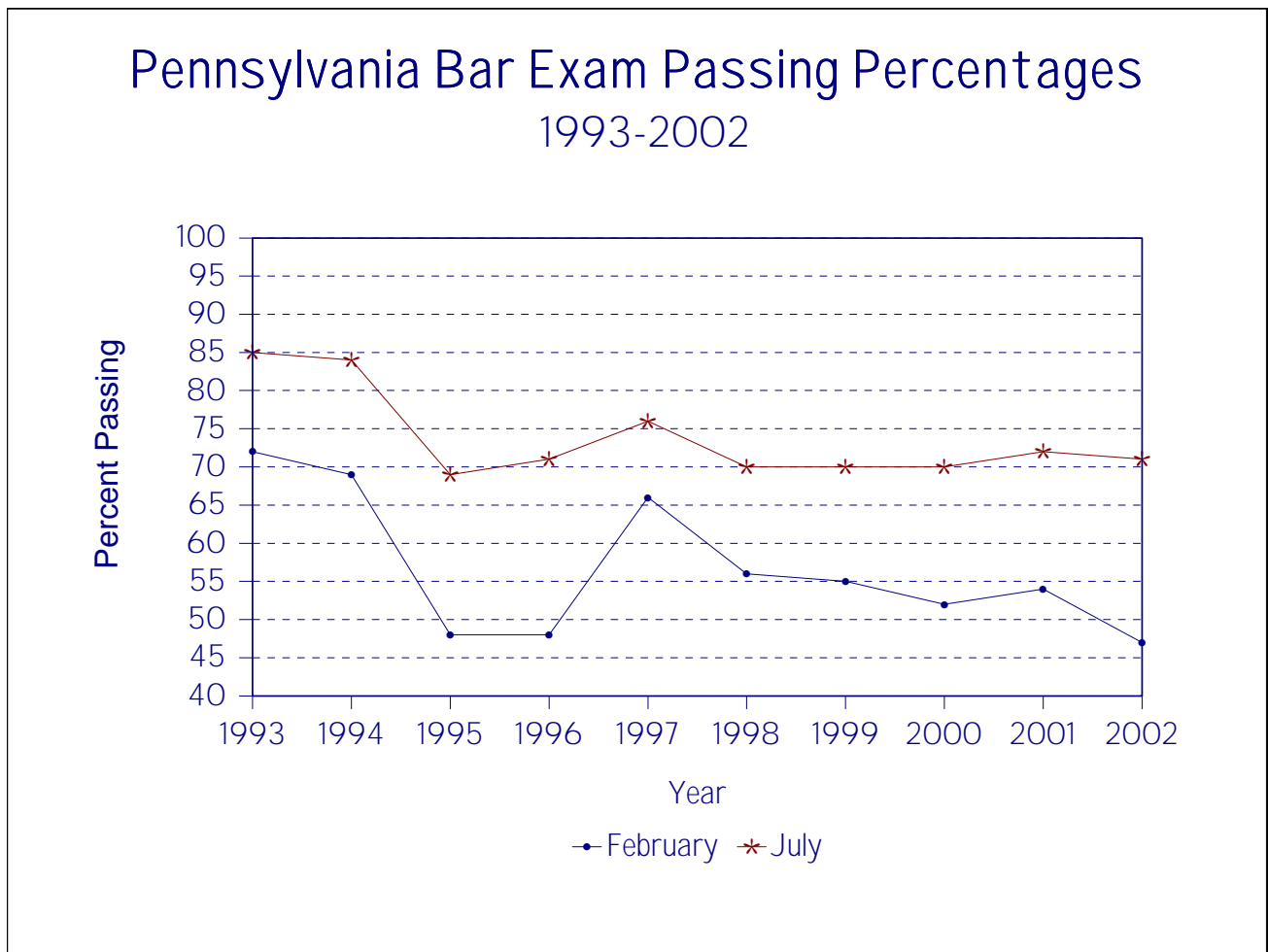


Table 3.2.2

Civil
Procedural
Rules
Committee

2002 Membership:

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.
Kevin H. Wright, Esq.

Staff:

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

* Resigned 3-7-03

Legal Authorization:

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

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

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.

2002 Activities

The Civil Procedural Rules Committee held four meetings in 2002 as follows:

March	Pittsburgh
June	Philadelphia
September	Pittsburgh
November	Philadelphia

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 also includes a list of the members of the committee as part of its home page.

2002 Amendments to the Rules of Civil Procedure

The Supreme Court acted on several committee recommendations in 2002, 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

Recommendation No. 166: Damages for Delay Rule 238 provides for damages for delay on 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 amends Rule 238(b)(1) to incorporate these requirements into the rule. Promulgated 7-29-02, effective immediately.

Recommendation No. 171: Form of Briefs, Preference on Trial List Provides for the revision of Rule 214 and rescission of Rule 215. Both rules were promulgated in 1938 to govern preferences on the trial list. Rule 214 set forth categories of cases given preferences by statutes that have since been repealed. Rule 215 prescribed a procedure for assigning preferences which is obsolete. Rule 214 remains as a general provision providing for a

trial preference to be granted upon cause shown. Promulgated 7-23-02, effective immediately.

Recommendation No. 175: Voluntary Nonsuit Changes the language in Rule 230 from “suffer” a nonsuit to “obtain” a nonsuit. In addition, the right of a plaintiff to “obtain” a voluntary nonsuit was made subject to the approval of the court “upon good cause shown.” Promulgated 10-3-02, effective 1-1-03.

Recommendation No. 176: Pre-Trial Practice in Eminent Domain Adds new Rule 212.4 to conform the time for serving the name of a valuation expert and his/her statement of valuation in eminent domain cases to that of Rule 212.1. The new rule places eminent domain cases on a footing which corresponds to jury trials generally and fosters the salutary principles underlying the pre-trial rules. Promulgated 10-8-02, effective 1-1-03.

Recommendation No. 178: Signing and Certification of Pleadings Rescission of existing Rule 1023 and adoption of new Rules 1023.1 through 1023.4. Recommendation No. 178 had its origin in a proposal by the Pennsylvania Bar Association to adopt rules governing the signing and certification of pleadings and other legal papers. The rules proposed by the bar association were based on Federal Rule of Civil Procedure 11 governing the same subject matter and were intended to supplant proposed legislation amending the Judicial Code by adding a chapter relating to frivolous litigation. Promulgated 4-22-02, effective 7-1-02.

Rule 237.1: Default Judgment Rule 237.1 requires that a ten-day notice be given prior to the filing of the *praecipe* for judgment of *non pros* or by default. The rule contemplates that the notice period be calculated forward from the date of mailing or delivery of the notice; however, a ruling in *Williams v. Wade*, 704 A.2d 132 (Pa. Super. 1997) determined that the notice period should be counted back from the date of the filing of the judgment. The amendment to Rule 237.1 adds new subdivision (a)(2.1) containing an express statement that the ten-day

period is to be calculated forward from the date of mailing or delivery in accordance with Rule 106. A note advises that the new subdivision “alters” the practice as set forth in *Williams* case. Promulgated 7-23-02, effective immediately.

Recommendations Published to Bench and Bar

The following recommendations, published to the bench and bar for comment in 2002 or previously, remain pending before the committee or the Supreme Court:

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.

Recommendation No. 167: Summary Judgment Proposed 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. 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 Proposal to eliminate the requirements in Rules 1012(a) and 1025 that an entry of appearance state an address within the Commonwealth and that a pleading or other legal paper be endorsed with an address within the Commonwealth. Rather, the proposed amendment provides that the address 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 revises 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. 172: Documentary Evidence at Trial of an Appeal from Compulsory Arbitration Proposed 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, however, be limited to cases in which the plaintiff stipulates to a limit on the damages recoverable to no more than \$15,000.

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.

Recommendation No. 177: Termination of Inactive Cases Previously, the termination of inactive cases within the scope of the Pennsylvania Rules of Civil Procedure was governed by Rule of Judicial Administration (R.J.A.) 1901 and local rules promulgated pursuant to it. In *Shope v. Eagle*, 551 Pa. 360, 710 A.2d 1104 (1998), however, the Supreme Court held that “prejudice to the defendant as a result of delay in prosecution is required before a case may be dismissed pursuant to local rules implementing Rule of Judicial Administration 1901.” New Rule of Civil Procedure 230.2 was proposed in response to the Shope decision and is tailored to the needs of civil actions, providing a complete procedure and a uniform statewide practice, preempting local rules.

In addition, R.J.A. 1901(b) was amended to accommodate the new rule of civil procedure.

Recommendation No. 179: Deceased Persons as Parties Proposes new Rule 2355 to fill a void as the rules of civil procedure previously made no mention of the death of a party to an action. The rule would alert the parties to the necessity of noting the death upon the record and of substituting as a party to the action the personal representative of the deceased party. The rule incorporates the familiar procedure of Rule 2352 governing substitution of a successor.

Recommendation No. 180: Consolidation of the Action in Equity with the Civil Action

Proposes to abolish the separate action in equity by amending the rules governing the civil action to include equitable relief. The “merger of law and equity” with respect to procedure is warranted in light of a climate in which many cases are not solely actions at law or actions in equity, but actions in which relief both equitable and legal in nature is sought.

Recommendation No. 181: Notice to Defend
Proposed amendment of Rule 1018.1 governing the Notice to Defend to clarify the language of the notice relating to the availability of free legal help. Conforming amendments were proposed to other rules of civil procedure containing identical or similar notices.

Recommendation No. 182: Venue in Medical Professional Liability Actions
Proposal that new Rule 1006(a.1) be adopted, incorporating the provisions of Section 5101.1(b) of the Judicial Code, which state that medical professional liability action may be brought against a health care provider for a medical professional liability claim only in the county in which the cause of action arose. Further revisions to Rule 1006 were recommended to clarify the procedure. Submitted to the Court without prior publication.

Recommendation No. 183: Certificate of Merit
Proposed amendment of the rules of civil

procedure to include a new chapter, Rules 1042.1 through 1042.8, governing certificates of merit. The purpose of the proposed rules is to lessen the possibility of the commencement of frivolous professional liability actions. Submitted to the Court without prior publication.

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
160	New Rule 1042.1 governing appeals from district justice courts	Pending with committee
166	Amendment of Rule 238 governing damages for delay	Promulgated 7-29-02, effective immediately
167	Amendment of Rule 1035.3 governing summary judgment	Pending with Court
168	Amendment of Rules 205.1, 1012 and 1025 regarding entry and withdrawal of appearance	Pending with Court
171	Amendment of Rule 214 and rescission of Rules 210 and 215 governing form of briefs and preference on the trial list	Promulgated 7-23-02, effective immediately
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 Court
173	Amendment of Rule 2177 governing representation of corporations and similar entities	Declined by Court
174	Promulgation and amendment of rules governing liens upon real property and revival of judgment liens	Pending with committee
175	Amendment of Rule 230 governing voluntary nonsuit	Promulgated 10-3-02, effective 1-1-03
176	Promulgation of New Rule 212.4 governing pre-trial procedure in eminent domain cases	Promulgated 10-8-02, effective 1-1-03
177	Promulgation of new Rule 230.2 and amendment of Rule of Judicial Administration 1901 governing termination of inactive cases	Pending with Court
178	Promulgation of new Rules 1023.1 <i>et seq.</i> governing signing and certification of pleadings and other legal papers; rescission of Rule 1023	Promulgated 4-22-02, effective 7-1-02

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
179	Promulgation of new Rule 2355 governing deceased persons as parties	Pending with Court
180	Merger of the action in equity with the civil action	Pending with committee
181	Amendment of Rule 1018.1 governing the notice to defend	Pending with Court
--	Amendment to Rule 237.1 regarding calculation of the ten-day period of notice be given prior to the filing of the <i>praecipe</i> for judgment of <i>non pros</i> or by default	Promulgated 7-23-02, effective immediately

Chart 3.3.1, cont'd.

2002 Membership:

Civil Instructions Committee

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

Civil Instructions Advisory Panel

Honorable James E. Beasley, *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., *Editor*

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Chair*
Honorable Robert E. Dauer, *Co-chair**
Honorable William H. Lamb, *Co-chair*
Honorable John N. Sawyer

Criminal Instructions Advisory Panel

Professor Bruce A. Antkowiak, *Editor*
Honorable Kevin A. Hess
Honorable J. Wesley Oler, Jr.

* Died 4-2-02

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

Civil Instructions

In 2001 and 2002 a working advisory committee reviewed every existing civil jury instruction. Substantial changes were made to many instructions; citations were updated; and, where appropriate, new instructions written. A

new edition of the Civil Jury Instructions, expanded to two volumes and including a companion CD-ROM, will be published in March 2003.

Criminal Instructions

With the retirement of Professor Arthur Murphy, the only editor ever for the Criminal Jury Instructions, a new editor has been appointed. Bruce A. Antkowiak is a professor at Duquesne University School of Law with 25 years of criminal law experience as a prosecutor and as defense counsel. Professor Antkowiak is currently recruiting additional Advisory Committee members with the goal of publishing a new edition of the Criminal Jury Instructions in early 2004.

PBI has initiated processes to publish new supplements or new editions of both the civil and criminal instructions at least every two years. The ultimate goal is to publish 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. AOPC

**Committee
on
Rules of
Evidence**

2002 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*
Terri L. Metil, *Administrative Assistant*

Legal Authorization:

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

5035 Ritter Road,
Suite 800
Mechanicsburg, PA 17055
(717) 795-2100

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

Committee members are appointed to three-year terms with a two-term limit. Membership in 2002 included 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 come from different geographical areas of Pennsylvania.

Committee staff includes an attorney and an office manager. The committee maintains its office at the AOPC facility in Mechanicsburg.

Publication

Prior to completing a rule proposal for submission to the Supreme Court, the committee

publishes an explanatory "Report" describing the committee's proposal. This process gives members of the bench, bar and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d (Pennsylvania Reporter Series)*, in various local bar publications and also on the Unified Judicial System's home page at www.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.

2002 Activities

The Committee on Rules of Evidence met three times in 2002, twice in Philadelphia and once in Pittsburgh.

Committee members continued in 2002 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.

2002 Committee Action

The committee submitted for publication two recommendations for evidence rule changes in 2002 as follows:

Amendment to Pa.R.E. 407 and Revision of Comment. These proposals were prepared in light of the decision of the Pennsylvania Supreme Court in *Duchess v. Langston Corp.*, 769 A.2d 1131, ruling that evidence of subsequent remedial measures is not admissible in **products liability cases**. (See Report at 33 Pa.B. 197 (January 11, 2003).)

Revision of Comment to Pa.R.E. 703. This revision is being proposed to alert the bench and bar that **Pa.R.E. 703 no longer is identical to F.R.E. 703**. (See Report at 33 Pa.B. 198 (January 11, 2003).)

Looking Ahead to 2003

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

Pennsylvania

Continuing

Legal

Education

Board

2002 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

5035 Ritter Road,
Suite 500
Mechanicsburg, PA 17055
(717) 795-2139
(800) 497-2253
e-mail pacleb@pacle.org
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 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 oversight of the certification of providers and courses, CLE program standards, adequacy of course availability, and course and provider accreditation standards.

Administration Committee

The Administration Committee includes 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 Cope-land 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.

2002 Board Actions and Operations Highlights

The board held four meetings in 2002.

Distance Learning Pilot Project

The Supreme Court approved a proposal by the board to begin a two-year distance learning pilot project. Beginning January 1, 2003, attorneys will have the option of completing up to three of their twelve required credits by participating in pre-approved Internet or computer-based courses. More information on the pilot project and standards for accreditation can be found on-line at www.pacle.org/distlearn.htm.

Bridge-the-Gap

The CLE Board welcomed the opportunity to work with the Disciplinary Board and

the Board of Law Examiners in an effort to administer the Bridge-the-Gap Program. The program is designed to provide information that will smooth the transition from law student to attorney. In May of 2002, the Supreme Court approved a rule change requiring newly admitted lawyers to complete the program as a condition of compliance prior to the first CLE deadline. The board is teaming with accredited CLE providers to ensure a wide offering schedule and consistent course availability to newly admitted lawyers.

Automated System for Accredited Providers

The CLE board's dynamic Internet software, the Automated System for Accredited Providers (ASAP), underwent a redesign process in 2002. The program allows for the paperless processing of provider courses, course attendance and course evaluations and continues to be developed and designed in a joint effort with providers of CLE. The user base for the program includes over 100 CLE providers.

ORACLE

The board continued to play a significant role in the development and leadership of ORACLE, the International Organization of Regulatory Administrators for CLE, which is the national organization for states requiring continuing legal education. Board administrator Dan Levering served as vice president of ORACLE in 2002 and will assume the presidency in 2003.

Other Accomplishments

The board's other accomplishments for 2002 include:

- provider course evaluation summary reports were again electronically provided to over 190 accredited providers

- a provider conference was conducted in the fall of 2002 with sessions on increasing CLE speaker effectiveness, electronic reporting and distance learning.
- the board continued to maintain and install up-to-date versions of its computer systems and software.
- contingency planning took the form of three disaster recovery exercises in 2002.

Attorney Compliance

Lawyer compliance with requirements of Pennsylvania CLE Rules remains very high. Chart 3.6.1 on page 55 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 2003

The board has prepared for an exciting and active 2003 year. In addition to the launch of distance learning and Bridge-the-Gap for CLE, a provider conference is scheduled for the fall and a dynamic Web site redesign project is planned. Automation initiatives and utilization of technology allow the board to significantly expand compliance assurance features to lawyers while maintaining high standards of CLE administration.

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	99.2%
93-94	17,300	17,179	121	99.3%
94-95	17,619	17,552	67	99.6%
95-96	17,873	17,768	105	99.4%
96-97	17,804	17,639	165	99.1%
97-98	17,665	17,523	142	99.2%
98-99	17,864	17,751	113	99.4%
99-00	18,132	18,018	114	99.4%
00-01	18,426	18,295	131	99.3%
01-02	18,480	18,342	138	99.2%
Group 2 (August)				
92-93	17,124	16,868	256	98.5%
93-94	17,289	17,134	155	99.1%
94-95	17,649	17,540	109	99.4%
95-96	17,595	17,507	87	99.5%
96-97	17,410	17,294	116	99.3%
97-98	17,613	17,511	102	99.5%
98-99	17,756	17,666	90	99.5%
99-00	18,087	17,974	113	99.4%
00-01	18,181	18,100	81	99.6%
01-02	18,143	18,011	132	99.3%
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%
01-02	18,479	18,366	113	99.4%

Table 3.6.1

2002 Membership

Joseph P. Conti, Esq., *Chair**
Honorable John J. Driscoll, *Chair***
Honorable Donna Jo McDaniel, *Vice Chair*+
Thomas R. Ceraso, Esq.
John L. Doherty, Esq.*
Ronald Eisenberg, Esq.
John L. Elash, Esq.++
Honorable Scott A. Evans
Philip B. Friedman, Esq.++
Paul S. Kuntz, Esq., *ex officio*
Alexander H. Lindsay, Jr., Esq.
Honorable Robert A. Mazzoni
Nicholas J. Nastasi, Esq.++
John W. Packel, Esq.*
Brian J. Preski, Esq.
Honorable John T. Robinson++
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*

- * Term expired 9-30-02
- ** Appointed chair effective 10-1-02
- + Appointed vice chair effective 10-1-02
- ++ Effective 10-1-02

Legal Authorization:

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

Criminal

Procedural

Rules

Committee

5035 Ritter Road, Suite 800
Mechanicsburg, PA 17055
(717) 795-2100
e-mail criminal.rules@pacourts.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's home page. The 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 2002 membership at various times included four Common Pleas Court judges, one district justice, the chief disciplinary

counsel for the Disciplinary Board of the Supreme Court, three to four prosecutors, one assistant public defender, four to six attorneys in private practice, the chief of staff to the majority leader of the House of Representatives 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.

2002 Activities

The committee held five two-day full-committee meetings and several subcommittee meetings in 2002. The meetings were held in Erie, Hershey, Philadelphia, Pittsburgh and Wilkes-Barre.

In 2002 the committee continued its work on

- development of procedures for the use of advanced communication technology in criminal cases
- overhaul of the procedures governing motions, answers, filing and service in an effort to attain more statewide uniformity in this area of criminal practice
- changes necessitated by the anticipated statewide automation of the criminal division of the Common Pleas Courts
- review of the rules affecting proceedings before the minor judiciary, both in summary cases (Chapter 4), particularly the issues concerning the electronic preparation and filing of citations, motions in summary cases, and the requirements for the continuous availability of issuing authorities, and in court cases (Chapter 5)
- monitoring local rules.

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 right to counsel, bail, discovery, jury procedures, sentencing and the Philadelphia Municipal Court.

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 in inter-related procedural and administrative matters.

Committee staff continued in 2002 to make presentations to the bench, bar and others involved in the criminal justice system concerning recent changes in Pennsylvania's criminal procedures. At these presentations, in addition to sharing information, the committee receives valuable input concerning Pennsylvania's criminal practice.

2002 Committee Action

The Supreme Court adopted ten committee recommendations for rule changes in 2002. A number of other recommendations remained pending with the Court. They are described below. A chart indicating the status of the proposals and recommendations pending in 2002 can be found on page 62.

Proposals Adopted by the Supreme Court

Recommendation No. 14, Criminal Rules 1999: Amendments to Rule 900, providing in capital cases that information concerning the PCRA and the procedures under Chapter 9 of the rules be sent by the Supreme Court prothonotary to the defendant, the defendant's attorney and the attorney for the Commonwealth. Correlative changes to appellate rule 2521 were adopted on the same date. Adopted March 26, 2002, effective July 1, 2002. Chief Justice Zappala filed a dissenting statement in which Justice Nigro joined. See Final Report at 32 *Pa.B.* 1841 (April 13, 2002), and 793 *A.2d*

No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 2000: Amendments to Rules 902 and 904 and a correlative Rule 120 Comment revision concerning verification of counsel and entry of appearance in **PCRA** cases. Adopted February 26, 2002, effective July 1, 2002. See Final Report at 32 *Pa.B.* 1393 (March 16, 2002), and 792 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 2001: Amendments governing **advanced communication technology (ACT)** for conducting preliminary arraignments and arraignments and for requesting and obtaining arrest and search warrants. Adopted May 10, 2002, effective September 1, 2002. See Final Report at 32 *Pa.B.* 2591 (May 25, 2002), and 796 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 2001: Amendments to Rule 131 permitting, in the president judge's discretion, establishment of **centralized courts** for summary trials. Adopted March 12, 2002, effective July 1, 2002. See Final Report at 32 *Pa.B.* 1630 (March 30, 2002), and 792 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 3, Criminal Rules 2001: Amendments to Rule 112 conforming to the **ACT-related** changes in Recommendation No. 1, Criminal Rules 2001. Adopted May 10, 2002, effective September 1, 2002. See Final Report at 32 *Pa.B.* 2591 (May 25, 2002), and 796 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 5, Criminal Rules 2001: Amendments to Rule 909 providing for extensions of time and sanctions for failure to comply with the dispositional time limits following **PCRA hearings** in death penalty cases. Adopted February 12, 2002, effective July 1, 2002. See Final Report at 32 *Pa.B.* 1174 (March 2, 2002) and 789 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 2001: Amendments to Rule 708 clarifying the 30-day appeal period following a motion to modify sentence in **probation and parole violation** cases. Adopted February 26, 2002, effective July 1, 2002. See Final Report at 32 *Pa.B.* 1394 (March 16, 2002), and 792 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 6, Criminal Rules 2002: Changes to Rules 221 and 222 conforming the numbers of **alternate jurors** with the 2000 amendments to 42 Pa.C.S. § 4545(a). Adopted September 20, 2002, effective January 1, 2003. See Final Report at 32 *Pa.B.* 5407 (November 2, 2002), and 808 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 2002: Amendments to Rule 1013 increasing the time for a **Municipal Court trial** from 120 to 180 days. Adopted August 8, 2002, effective January 1, 2003. See Final Report at 32 *Pa.B.* 4124 (August 24, 2002), and 803 *A.2d* No. 2 Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 9, Criminal Rules 2002: New Rule 117 prohibiting charging a fee for the use of **two-way, simultaneous audio-visual communication** in criminal proceedings. Adopted September 20, 2002, effective January 1, 2003. See Final Report at 32 *Pa.B.* 4815 (October 4, 2002), and 806 *A.2d* No. 4 and 807 *A.2d* No. 1 Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Recommendation No. 4, Criminal Rules 2000: Proposed amendments to Rules 122 (Assignment of Counsel) and 904 (Appointment of Counsel; In Forma Pauperis) clarifying that **appointed counsel** remains in the case through all avenues of direct appeal including the Supreme Court.

Recommendation No. 1, Criminal Rules 2002: Changes to Rule 461, permitting a defendant to waive the stay of the sentence in a **summary**

case; to Rule 462, clarifying that the case stays in the Court of Common Pleas following a trial *de novo* for the execution of sentence, including collection of any fine, restitution and costs; and to Rules 430, 453, and 461, making it clear that a warrant should be issued to bring in a defendant who has failed to appear to begin serving a summary sentence of imprisonment.

Recommendation No. 2, Criminal Rules 2002: Changes to Rules 400, 401, 403, 411, and 460 clarifying the procedures when a **parking citation** is electronically filed. Withdrawn July 2, 2002.

Recommendation No. 3, Criminal Rules 2002: New Rule 567 and correlative changes to Rules 573 and 1101 establishing procedures for the **examination of a defendant by a mental health expert** when the court determines the defendant intends to introduce evidence concerning his or her mental condition.

Recommendation No. 4, Criminal Rules 2002: New Rules 568 and 569 creating separate rules from Rule 573 for the **notice of alibi and insanity provisions** and making correlative and clarifying changes.

Recommendation No. 5, Criminal Rules 2002: Changes to the Rules 702 and 704 Comments adding cross-references to 18 Pa.C.S., § 1106 and 42 Pa.C.S., § 9728 to alert members of the bench and bar to the requirements of the statutes concerning consideration of preexisting orders when determining the amount of **restitution**.

Recommendation No. 7, Criminal Rules 2002: Changes to Rules 403, 453, and 505 concerning **multiple summary offenses** on one citation.

Recommendation No. 10, Criminal Rules 2002: New Rule 118 establishing the procedures for the use of and limitations on the use of **two-way simultaneous audiovisual communications** in court cases.

Recommendation No. 11, Criminal Rules 2002: Changes to Rules 401, 403, 405, 406, 411, and

460 providing for the electronic preparation and transmission of **citation information**.

Recommendation No. 12, Criminal Rules 2002: Changes to Rule 141 clarifying the procedures when a **summary contempt determination** is appealed for a *de novo* hearing in the Court of Common Pleas.

Recommendation No. 13, Criminal Rules 2002: Amendments to Rule 1013 expanding the time for a trial *de novo* in the Court of Common Pleas in **Municipal Court cases**.

Looking Ahead to 2003

The committee plans to continue its efforts on the following:

- studying the use of advanced communication technology in criminal proceedings
- working with the Common Pleas Court automation project, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- examining jury trial procedures and local rules procedures, 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@pacourts.us. AOPC

Status of Recommendations		
Recommendation	Subject	Status
14, 1999	Amendments to Rule 900 providing for notification of information concerning PCRA procedures under Chapter 900 in capital cases	Adopted 3-26-02, effective 7-1-02
1, 2000	Amendments to Rules 902 and 904, revision of Comment to Rule 120 concerning verification of counsel and entry of appearance in PCRA cases	Adopted 2-26-02, effective 7-1-02
4, 2000	Amendments to Rules 122 and 904, clarifying that appointed counsel remains in the case through all avenues of direct appeal	Submitted 12-28-00; remanded 7-31-01; resubmitted 10-22-01, 10-23-02; pending with Court
1, 2001	Amendments providing for use of advanced communication technology (ACT)	Adopted 5-10-02, effective 9-1-2
2, 2001	Amendment to Rule 131 permitting centralized courts for summary trials	Adopted 3-12-02, effective 7-1-02
3, 2001	Amendments to Rule 112 conforming to proposed ACT-related changes	Adopted 5-10-02, effective 9-1-02
5, 2001	Amendments to Rule 909 providing extensions of time and sanctions concerning the time for disposition following a hearing in PCRA death penalty cases	Adopted 2-12-02, effective 7-1-02
6, 2001	Amendments to Rule 909 adding cross-references to <i>Commonwealth v. Morris</i>	Submitted 7-26-01; remanded 6-26-02; pending with committee
7, 2001	Amendments to Rule 708 clarifying 30-day appeal period following motion to modify sentence in probation and parole violation cases	Adopted 2-26-02, effective 7-1-02
1, 2002	Amendments to Rules 430, 453, 461 and 462 relating to summary cases	Submitted 2-2-02; pending with Court

continued...

Table 3.7.1

Status of Recommendations, continued

Recommendation	Subject	Status
2, 2002	Amendments to Rules 400, 401, 403, 411 and 460, clarifying procedures when a parking citation is electronically filed	Submitted 2-8-02; withdrawn 7-5-02
3, 2002	New rule 567 and correlative changes to Rules 573 and 1101 establishing procedures for examination of a defendant by a mental health expert	Submitted 2-11-02; pending with Court
4, 2002	New Rules 568 and 569 creating separate rules for the notice of alibi and insanity provisions from Rule 573	Submitted 2-11-02; pending with Court
5, 2002	Revision of the Comments to Rules 702 and 704, adding cross-references regarding preexisting orders when determining restitution	Submitted 2-14-02; pending with Court
6, 2002	Amendments to Rules 221 and 222 regarding alternate jurors	Adopted 10-17-02, effective 1-1-03
7, 2002	Amendments to Rules 403, 453 and 505 regarding multiple summary offenses on one citation	Submitted 6-6-02; pending with Court
8, 2002	Amendment to Rule 1013 expanding the time for the trial <i>de novo</i> in the Court of Common Pleas in Municipal Court cases	Adopted 8-8-02, effective 1-1-03
9, 2002	New Rule 117 prohibiting charging a fee for use of two-way simultaneous audio-visual communication	Adopted 9-20-02, effective 1-1-03
10, 2002	New Rule 118 establishing procedures for use of two-way simultaneous audiovisual communications	Submitted 10-10-02; pending with Court
11, 2002	Amendments to Rules 401, 403, 405, 406, 411 and 460 providing for the electronic preparation and transmission of citation information	Submitted 10-10-02; pending with Court
12, 2002	Amendment to Rule 141 regarding summary contempt determinations	Submitted 10-10-02; pending with Court
13, 2002	Amendments to Rule 1013 regarding trials <i>de novo</i> in Municipal Court cases	Submitted 10-10-02; pending with court

Chart 3.7.1, cont'd.

**Disciplinary
Board
of the
Supreme
Court**

2002 Membership:

John E. Iole, Esq., Esq., *Chair*
Charles J. Cunningham, III, Esq., *Vice Chair*
Robert E. J. Curran, Esq.
Christine L. Donohue, Esq.
M. David Halpern, Esq.
C. Eugene McLaughlin
John W. Morris, Esq.
J. Michele Peck
Marvin J. Rudnitsky
Robert C. Saidis, Esq.
Mark C. Schultz, Esq.
Martin W. Sheerer, Esq.
Richard W. Stewart, Esq.
Louis N. Teti, Esq.
Lisa A. Watkins, Esq.
Donald E. Wright, Jr., 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
Two Lemoyne Drive
Lemoyne, PA 17043
(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 2002, 54,598 active attorneys were registered in Pennsylvania, an increase of 0.99% over 2001.

During 2002, 4,998 complaints were filed with the Disciplinary Board, an average of 416 per month and an increase of 5.49% from last year.

Of the 4,998 new complaints received plus 812 complaints active at the start of the year, 4,927, or 84.8%, were disposed of, including 3,088 dismissed as lacking substance. At the start of 2003, 883 active complaints remained.

2002 Activities

The board met seven times in 2002. The results of the executive sessions can be found in Table 3.8.1 on page 68. 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 70. Comparisons of cumulative actions taken and actions taken in 2002 can be found in Chart 3.8.3 on page 72.

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:

Pa.R.D.E. 218: Would give the office of disciplinary counsel 60 days to investigate and respond to **petitions for reinstatement** prior to referral to a hearing committee

Pa.R.D.E. 203, 207 and 208: Would provide that failure to comply with orders of the Court, the board, hearing committees or a special master as well as any inquiry from them or the office of disciplinary counsel shall be grounds for **discipline**; to require responses to inquiries and answers to petitions for discipline; and to state that the consequence of a failure to answer a petition for discipline will be to hold all factual allegations and disciplinary charges to be admitted.

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

Board Rule 85.10: Provides 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.

Board Rules 89.57, 89.58 and 89.72: Require the scheduling a **prehearing conference** in all cases, to be held not less than 30 days before a hearing.

Rule 402(c): Permits **chief disciplinary counsel** to independently contact qualified mental health agencies or programs dealing with alcoholism or substance abuse with a request that the agency or program contact the respondent-attorney.

Finance & Pension Committee

In February 2002 the board reviewed a new three-year projection prepared by its auditors, KPMG. Three separate forecasts were prepared with assumptions remaining unchanged except for the annual registration fee. The fee was presented at \$105, \$130 and \$155. The new projections supported the board's recommendation for a fee increase in 2001. Based on the forecast presenting the fee at \$130, which is the fee amount approved by the Supreme Court, however, it is anticipated that beginning in 2004, expenses will once again exceed income.

During the spring of 2002, the Finance & Pension Committee reviewed the board's salary administration policy and the issue of salary caps and pay ranges for board staff. It was decided that the board ask Michael A. Sponsler, senior compensation analyst with the Administrative Office of Pennsylvania Courts, to review the current pay levels for non-legal staff and make recommendations regarding those levels. A three-member ad hoc committee was appointed to review the recommendations made by Mr. Sponsler and report to the board.

Following review of the recommendations made by the ad hoc committee, the board adopted the open-band pay plan with self-adjusting salary cap of the Administrative Office of Pennsylvania Courts, to be effective July 1, 2003. The plan provides for 14 open pay bands in which board employees will be slotted.

Finally, the committee approved the budget for fiscal year 2002-03, monitored the monthly financial reports prepared by the office of the secretary and made recommendations to the board concerning investments and 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 and the refresher course for experienced members on August 8, 2002. One hundred thirty-six hearing committee members attended.

The Education Committee also designed the program for the board's retreat meeting in the fall of 2002. The first topic was "Ethics 2000." During that portion of the meeting, the board met with representatives of the Pennsylvania Bar Association Legal Ethics & Professional Responsibility Committee to review the committee's recommendations to the Pennsylvania Rules of Professional Conduct based on changes to the American Bar Association Model Rules of Professional Conduct adopted in 2002.

The second topic was "How We Do Business." For that topic the board reviewed the rules and procedures governing the operations of the office of disciplinary counsel and the office of the secretary and how the board exercises its oversight function of those two offices. In addition, the board reviewed delays in all stages of the disciplinary process and discussed ways to speed up the process and improve the system.

Hearing Committees

As of December 31, 2002, 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

In October 2001 the more than 150 unpublished Disciplinary Board reports and opinions were posted on the Unified Judicial System's Web site. During 2002 the board began exploring the possibility of establishing its own Web site with a goal of launching the site in the summer of 2003. Possible items for the new site include an attorney registration database for users to access admission and address information for Pennsylvania attorneys; complaint procedures and complaint forms, which could be downloaded for consumers; and forms and procedures for attorneys regarding annual registration and reinstatement. It is anticipated that the unpublished reports and opinions will remain on the Court's Web site with links from the new board site.

Publication of Non-Sanitized Board Reports

On December 14, 2002, the Supreme Court authorized the board to begin publishing non-sanitized board reports for those cases in which the Supreme Court issues a final order imposing public discipline. The new publication policy does not affect private discipline matters or board reports in public discipline matters decided by the Court prior to December 14, 2002.

Chief Disciplinary Counsel

In early September 2002, Attorney John L. Doherty retired as chief disciplinary counsel. During his ten years of service to the board, Mr. Doherty increased professionalism and

2002 Executive Session Results

Action	Total
Adjudications involving formal charges	45
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.]	29
Respondents appearing before board to receive private reprimands	34
Oral arguments before three-member panels of board members	11
Board referrals to Supreme Court, including report and recommendation for public discipline	34
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	22
Supreme Court orders reinstating previously disbarred or suspended attorneys*	5*
Disbarred attorneys reinstated	15.
Supreme Court denials for reinstatement	4+
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	54

*Action taken following hearing on petition for reinstatement
 +One after having been suspended and three after having been disbarred

Table 3.8.1

education on trial tactics for staff attorneys, structured new courtrooms in each of the district offices and increased office of disciplinary counsel visibility in the legal community. It was a decade of massive computerization -- from statewide automation and communication between the courts and the board offices to access of on-line legal information to aid in preparation of trial documents.

Mr. Doherty's successor as chief disciplinary counsel is attorney Paul J. Killion from Harrisburg. Mr. Killion has a varied background, having worked for the United States Attorney's Office for the middle district of

Pennsylvania, the United States Department of Justice, the Attorney General's Office in the Commonwealth of Pennsylvania and as a private practitioner.

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: 1993-2002

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	54	2,759
Private Reprimand	30	41	48	31	46	43	26	29	35	32	689
Probation	5	5	7	3	8	5	7	3	10	8	73
Public Censure	0	1	6	3	3	7	4	0	2	2	93
Suspension	12	23	26	37	33	24	23	30	27	29*	503
Disbarment	20	32	35	41	40	33	29	32	31	42+	704
TOTAL	152	177	196	185	236	200	137	139	2,705	167	4,821
Reinstatement Cases											
Petitions Granted	29	24	44	31	35	33	45	35	55	64#	747
Petitions Denied	1	0	1	0	2	1	4	2	3	4▲	44
TOTAL	30	24	45	31	37	34	49	37	58	68	791

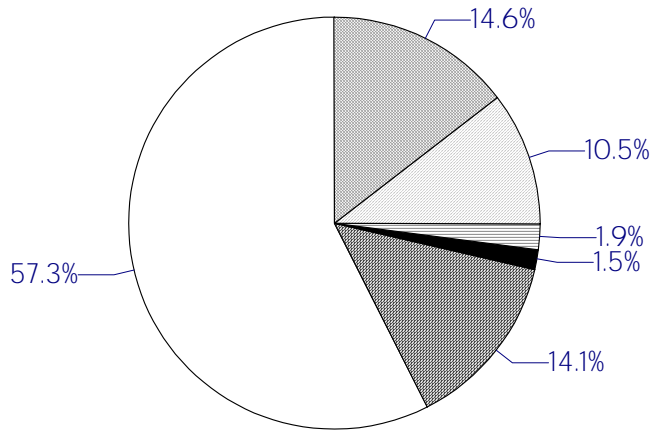
* This figure does not include eleven temporary suspensions (Rule 214 Pa.R.D.E.) and three temporary suspensions (Rule 208(f) Pa.R.D.E.).

+ This figure includes 22 disbarments on consent (Rule 215 Pa.R.D.E.).

This figure includes reinstatement to active status of 54 at attorneys who had been inactive three or more years, five reinstatements after suspensions and five reinstatement after disbarment.

▲ This figure includes one reinstatement denied after suspension and three reinstatements denied after disbarment

Disciplinary Board Actions Comparison 1973-2002



2002

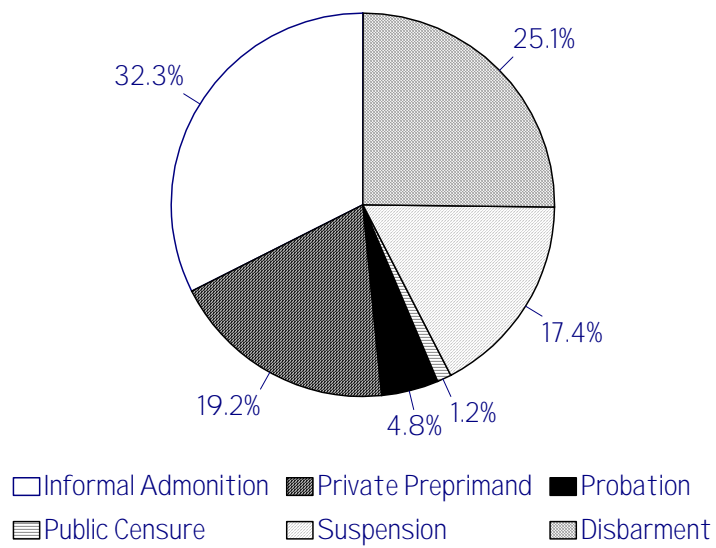


Table 3.8.3

2002 Membership:

David S. Rasner, Esq., *Chair*#
Honorable Jeannine Turgeon, *Chair*##
Robert C. Capristo, Esq.
Mark M. Dalton
Honorable Myrna P. Field**
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Kathleen R. Mulligan++
Honorable Eugene F. Scanlon, Jr.+
Honorable Esther R. Sylvester*
Leslee Silverman Tabas, Esq.
Joanne Ross Wilder, Esq.#

* Term expired 3-25-02
** Effective 3-26-02
+ Effective 4-6-02
++ Term expired 4-25-02
Term expired 9-1-02
Appointed chair effective 9-1-02

Staff:

Patricia A. Miles, Esq., *Counsel*
Terri L. Metil, *Administrative Assistant*

Legal Authorization:

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

**Domestic
Relations
Procedural
Rules
Committee**

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2037
fax (717) 795-2175
e-mail patricia.miles@
pacourts.us

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.

In 2002 the Domestic Relations Procedural Rules Committee had as members at various times five 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.

2002 Activities

The committee met four times in 2002 as follows:

February	Philadelphia
May	Wilkes-Barre
September	Gettysburg
November	Philadelphia

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.

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. To this end, throughout 2002 committee members and staff spoke at conferences and seminars to inform lawyers, court personnel and others of recent and proposed changes in the procedural rules related to family law matters. These included the Pennsylvania Bar Association Family Law Section's summer and winter meetings, a Pennsylvania Bar Institute continuing legal education seminar, the Domestic Relations Section Director's Conference and the Domestic Relations Association of Pennsylvania Conference.

2002 Recommendations

The following recommendations were promulgated or pending with either the Supreme Court or the committee in 2002. 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 77.

Recommendation 55: Proposed new **family court rules** to establish and streamline family court practice. New Rule 1931 was promulgated as a pilot project in four counties. The major provisions allow the domestic relations sections to provide forms and information about filing for an agreed-upon custody order and require unified docketing, that common actions be consolidated, that trials be completed within a ten-day period when possible, that decisions be rendered within 30 days of the completion of the trial and continuing education for family court personnel. Promulgated December 17, 2002; suspended in all jurisdictions except Philadelphia, Allegheny, Berks and Lackawanna Counties.

Recommendation 57: Has two major provisions:

Rule 1910.19 -- Support Modification/Termination. The Department of Public Welfare

(DPW) requested this rule to authorize the court to close certain cases administratively after due notice and the opportunity for the obligee to object. The amendments require that an emancipation inquiry and notice be sent to the obligee, with a copy to the obligor, within a year of a child's turning 18. The obligee must respond within 30 days. If the obligee does not respond or does not indicate a reason for continuing the order past the child's 18th birthday or graduation, (e.g., the child's special needs or an agreement between the parties), the charging order may be terminated or modified. Termination would not affect arrears and the court has the authority to continue the order as arrears only. If other children are in the home or the obligee asserts that the charging order should continue, then the domestic relations section may schedule a conference to determine if the order should be modified on the basis of one of the children's emancipation.

Rule 1930.4 -- Service of Original Process in Domestic Relations Matters. Amendments 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. Women Against Abuse related to the committee that many defendants evade service and thus effectively discontinue the action because plaintiffs with limited resources give up trying to effectuate service. As amended, the rule permits the court to order service by mail or other means if the defendant cannot be personally served within 48 hours after the petition is filed.

Promulgated October 11, 2002, effective immediately.

Recommendation 58: Has a variety of provisions as follows:

Rule 1905 -- Final Protection From Abuse Order. Amendments to provide a clearer interpretation of federal firearms restrictions in domestic abuse cases. The separate Brady Indicator has been deleted and the form order

includes a notice to the defendant that federal firearms restrictions may apply.

Rule 1910.2 and Rule 1910.2-1 -- Venue and Intrastate Procedures. The DPW, in cooperation with the Domestic Relations Association of Pennsylvania Board of Directors contacted the committee to request that state-wide rules be implemented to govern intrastate cases. New Rule 1910.2-1 addresses procedures under the Intrastate Family Support Act.

Rule 1910.16-6(c) -- Unreimbursed Medical Expenses. The comment to this rule has been expanded to clarify that, while not mandatory, reasonable psychological expenses may be allocated between the parties.

Rule 1910.16-7 -- Priority of Support Payments. New subdivision (d) to Rule 1910.16-7 added to clarify the priority of payments for all funds received. The order of priorities is current child support; medical, child care or other child support-related expenses; current spousal support or alimony *pendente lite*; child support arrears; spousal support or alimony *pendente lite* arrears; and court costs.

Rule 1915.3 -- Custody Actions Brought by Grandparents. In *R. M. v. Baxter*, 777 A.2d 446 (Pa. 2001), the Supreme Court of Pennsylvania held that grandparents have legal standing to bring a custody action under 23 Pa. C. S., §5313(b). While standing may be automatic, for the grandparent to prevail, however, he or she still must prove the elements listed in §5313(b), that the grandparent has genuine care and concern for the child, that the grandparent's relationship with the child began with the consent of a parent or an order of court and that the grandparent has assumed the role and responsibilities of a parent for a period of twelve months or if the child is dependent or at risk. The amendment to Rule 1915.3 requires that if a grandparent is initiating a custody action under the statute, he or she must plead, at paragraph seven of the form complaint, the necessary elements listed in §5313(b).

Rule 1920.74 -- Form Motion for Appointment of Master. The form Motion for Appointment of Master previously required an averment that discovery has been completed. Sometimes, however, it is preferable to have a master appointed earlier in the process to deal with discovery issues that arise. The amendment to the form, therefore, requires only a statement as to the status of discovery. A new note recognizes that it is within the discretion of the court to determine at which point in the case to appoint a master and that a master can be appointed to deal with discovery issues.

In addition, the form previously required an averment that the “defendant” has or has not appeared in the action. As either a plaintiff or a defendant may move for the appointment of a master, the word “defendant” has been replaced with the term “non-moving party.”

The form also now includes a place for the name, address and telephone number of the parties’ counsel or any party who is not represented by counsel.

Promulgated October 31, 2002, effective immediately.

Recommendation 59: Technical amendments submitted to the Court without publication.

Rule 1910.27 -- Form of Support Order. Amendment to the section of the form notifying parties that an order may be entered against either of them without regard to which party initiated the action, to delete reference to a “hearing officer.” The change was requested by DPW/PACSES to reflect the different procedures throughout the Commonwealth.

Rule 1930.6 -- Paternity Actions. Corrects the venue provisions to provide that a civil action for paternity may be brought only in the county in which the defendant (mother) or child(ren) reside.

Promulgated June 24, 2002, effective immediately.

Recommendation 61: Has two provisions:

Rule 1910.16-5 (b)--Spousal Support/Alimony Pendente Lite. Proposed amendment to allow the court to deviate not only from the guideline amount, but also the duration of an award of alimony *pendente lite* on the basis of the length of the marriage. The current comment to the rule reflects that this was the intention of the 1998 amendments, but the rule did not specifically include the provision.

Rule 1910.16-6 -- Unreimbursed Medical Expenses. Proposed amendment deletes the phrase “which are recurring and can be reasonably predicted by the court at the time of the establishment or modification of the support order” that now refers to the amount of unreimbursed expenses over \$250 per year. The committee understands that in practice the amount over \$250 has been apportioned without proof that the expense is recurring or reasonably predictable. The suggestion for this amendment came from the Rules Committee of the Allegheny County Family Law Section.

Published for comment summer 2002, submitted to Supreme Court November 2002.

Recommendation 62: Technical amendments submitted to the Court without publication.

Rule 1910.28 -- Order for Earnings and Health Insurance Coverage Information. Amendments to make the response time a uniform 15 days for both earnings and insurance information, as requested by DPW/PACSES.

Rule 1916-4 -- Formula. DPW/PACSES also requested that the formula at Rule 1910.16-4 be amended to include lines for the calculations required when a child is receiving social security derivative benefits and to add a line in the calculation for spousal support only to reflect additional expenses such as mortgage and health insurance.

Promulgated September 24, 2002, effective immediately.

Plans for 2003

Pursuant to state and federal laws, the Commonwealth must review the child support guidelines every four years. Included in that review is research into available economic data relating to household expenditures, in particular the costs of raising a child. In late 2002 the Domestic Relations Procedural Rules Committee was planning to begin another mandated review of the guidelines in cooperation with the Department of Public Welfare Bureau of Child Support Enforcement and with the assistance of Jane Venohr, Ph.D.; Policy Studies, Inc. The committee will continue its ongoing review of

the support guidelines as required by 23 Pa.C.S., §4322 and may recommend other amendments or new rules as may be necessary and appropriate.

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) 795-2175; e-mail patricia.miles@pacourts.us. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
55	New Family Court Rules to establish and streamline family court practice	Promulgated 12-17-02; suspended in all jurisdictions except Philadelphia, Allegheny, Berks and Lackawanna Counties
57	Support modification/termination and service in protection from abuse	Promulgated 10-11-02, effective immediately
58	Various provisions relating to federal firearms restrictions in domestic abuse cases, intrastate cases, unreimbursed medical expenses, priority of support, custody actions brought by grandparents, Motion for Appointment of Master forms	Promulgated 10-31-02, effective immediately
59	Technical amendments regarding form of support orders and paternity actions	Promulgated 6-24-02, effective immediately
61	Spousal support/alimony <i>pendente lite</i> and unreimbursed medical expenses	Submitted 11-02, pending before Court
62	Technical amendments regarding order for earning and health insurance coverage information and calculating formulas	Promulgated 9-24-02, effective immediately

Chart 3.9.1

2002 Membership:

Gerald A. McHugh, Jr., Esq., *Chairman*
Robert C. Burd*
Lewis F. Gould, Jr., Esq.**
Kenneth M. Jarin, Esq.
David E. Lehman, Esq.
M. Mark Mendel, 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*

- * Term expired 9-1-02
- ** Effective 9-1-02
- # Effective 9-24-02

Legal Authorization:

Supreme Court Order No. 252 (Disciplinary Docket No. 3, July 17, 1996)
Rule 1.15, Pennsylvania Rules of Professional Conduct

**Interest
on
Lawyers
Trust
Account
Board**

115 State Street
P. O. Box 1025
Harrisburg, PA 17108
(717) 238-2001
fax (717) 238-2003
e-mail paiolta@popd.ix.
netcom.com

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.

Effective November 1, 2002, IOLTA began receiving income from a second major

source. The Access to Justice Act, part of Act 122 of 2002, provides for a \$10 surcharge to be placed on all civil filings and on criminal filings where a conviction or guilty plea is obtained. A percentage of this surcharge is placed into the newly established Access to Justice Account for use by the IOLTA Board. (Unless reviewed by the legislature, the act is scheduled to expire November 1, 2007, under a sunset provision in the statute.)

The IOLTA Board also receives a small amount of funding from voluntary lawyer contributions. These contributions are used to increase organized *pro bono* representation in Pennsylvania.

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. 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 to the U.S. Constitution, 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, 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. Shortly after, the program filed a Petition for Writ of Certiorari, which is currently pending before the U.S. Supreme Court.

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.

This case was appealed to the United States Supreme Court, which heard oral argument during its 2002-03 session.

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 semiannually 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 2002 were:

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

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

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.
- Act 122 funds are used to supplement the funding of organizations who provide civil legal services to eligible clients and victims of abuse.

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.

2002 Activities

Grants totaling \$5,453,735 were awarded to 35 nonprofit organizations that facilitate and/or provide civil legal assistance to the indigent and disadvantaged residents of Pennsylvania. The largest grant, nearly \$4.4 million was awarded to Pennsylvania Legal Services, which is an administrative and support organization that oversees a statewide system of legal aid programs (the Pennsylvania Legal Aid Network) that is staffed by professional poverty law lawyers. That grant sought to provide general and specialized civil legal assistance to

nearly 17,000 indigent persons in all 67 of Pennsylvania's counties.

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**

2002 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

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175

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 2002 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.

2002 Activities

The committee held six meetings in 2002, in Philadelphia, Hershey, Mechanicsburg, Harrisburg and Gettysburg. Committee work included developing procedures in the areas of petitions, discovery and motions, transfer, consent decree, summons, preservation of testimony and evidence, general provisions, business of courts, venue and jurisdiction, counsel, records, masters, adjudicatory hearing, dispositional hearing, and post-disposition.

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 2003

The committee plans to finalize its initial set of juvenile court rules. This set will cover delinquency proceedings from commencement of proceedings to post-dispositional procedures. When the rules are finally sent to the Supreme Court for consideration, the committee will consider rules for dependency proceedings.

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**

2002 Membership:

Honorable Fred A. Pierantoni, III, *Chairman**
Honorable Thomas E. Martin, Jr., *Chairman***
Honorable Linda Baumunk*
Honorable Robert. S. Blasi+
Aileen Bowers, Esq., *ex officio*
Honorable Kenneth E. Deatelhauser*
Honorable M. Kay DuBree+
Honorable Robert V. Manlove+
Honorable Timothy Patrick O'Reilly
Honorable Henry J. Schireson+
Honorable Christine A. Sereni-Massinger*
Honorable Carla M. Swearingen
Honorable Alberta Thompson*

* Term expired 4-1-02

** Appointed chair effective 4-1-02

+ Effective 4-1-02

Staff:

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

Legal Authorization:

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

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175
minorcourt.rules@
pacourts.us

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 submitting a recommendation to the Supreme Court, the committee publishes the proposal and an explanatory "Report" that describes the proposal and gives members of the bench, bar and public an opportunity to comment on it. The proposals and reports are published in the *Pennsylvania Bulletin* and 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 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. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available on this page.

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 2002 the committee membership included both attorney and non-attorney district justices, a Common Pleas Court judge, a Philadelphia Municipal 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 also 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.

2002 Activities

The committee held four meetings in 2002, in Hershey, Mechanicsburg, Pittsburgh and Kennett Square. At each meeting the committee conferred with AOPC staff on issues relating to the District Justice Automated System (DJS), 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 2002, descriptions of which follow.

Continuing Work

- 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. Proposal and Report published at 32 *Pa.B.* 2318 (May 11, 2002).
- Working with the Administrative Office of Pennsylvania Courts on the design of certain "manual" forms, (i.e., forms not produced by the DJS), including the Notice of Appeal, Writ of Certiorari and Statement of Objection forms.
- 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.
- 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.

- Consideration of issues related to the procedures for appeal from judgments rendered by district justices. The committee is broadening the scope of its work.

New Issues

- Review of the Note to Rule 314 after it was reported to the committee that confusion may exist among the district justice courts as to what costs, if any, are to be charged when a civil complaint is reinstated pursuant to Rule 314E. Proposal and Report published at 32 *Pa.B.* 4032 (August 17, 2002).
- Review of Rule 420 when, in the course of designing and revising forms relating to other rule changes, it was brought to the committee's attention that the language in Rule 420B(2) was causing confusion about the relief a district justice may grant in connection with an objection to levy. Proposal and Report at 32 *Pa.B.* 5046 (October 12, 2002).
- Review of Rule 111 at the request of the Special Court Judges Association of Pennsylvania and in response to the passage of Act 2002-86. Act 86, *inter alia*, amended 42 Pa.C.S., §1512, to provide for the use of a facsimile or preprinted seal in lieu of an original seal on documents signed by a district justice. Proposal and Report published at 32 *Pa.B.* 5875 (November 30, 2002).
- Review of the Act of June 29, 2002 (P.L. 663, No. 100), which amended the Right-to-Know Law. Section 5 of the new act provides for bringing "an action in the local magisterial district" when a non-commonwealth agency has denied a request to provide public records. The committee noted that this provision essentially creates a new form of action in the district justice courts; however, the act provides no guidance as to how these actions are to be filed or how they are to proceed in the district justice courts. The committee believed, therefore, that new

procedural rules and the design of new forms would be necessary to implement the provision and to give district justices sufficient procedural guidance in handling these actions.

Section 5 of the act also provides that “[a] requester is entitled to a reasoned decision containing findings of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached.” Because district justices do not routinely issue written decisions or opinions, the committee believed that implementation of this provision also would require new procedural rules and the design of new forms.

In the meantime, on December 12, 2002, the Supreme Court of Pennsylvania issued an order directing that proceedings under the act that would otherwise be filed before district justices “are hereby ASSIGNED TO AND SHALL BE COMMENCED IN the courts of common pleas, pending promulgation of necessary rules of practice and procedure to govern actions in local magisterial districts as provided for in said statute.” (Supreme Court of Pennsylvania Order No. 141, Magisterial Docket No. 1, Book No. 2 (December 12, 2002).) This temporary reassignment of these proceedings was intended to give the committee and the Court sufficient time to formulate and consider procedural rules while still making the relief available to requestors.

At the end of 2002, the committee was actively working on a proposal regarding this issue and planned to publish the proposal in early 2003.

- Proposal to clarify the definition of “attorney of record,” to establish procedures for an attorney to become the attorney of record in a matter and to create consistency in the

rules as to how various notices are to be sent to parties and their attorneys.

- Proposal to create a standardized civil case cover sheet to provide general procedural information to parties at the time a civil complaint is served. The committee learned that many district justices use such a cover sheet, but there is no standard format or content among the district justice courts.

In preparation for this project, the committee surveyed the Commonwealth’s district justices to gather samples of cover sheets currently in use. The committee received more than 115 responses to the survey. It will continue to work on this project into 2003.

- At the request of the Supreme Court, the committee reviewed and commented on the proposal to amend Rule 17, Supervision of District Justice Courts by President Judges, prepared by the Special Courts Administration Subcommittee of the Intergovernmental Task Force to Study the District Justice System.

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.

2002 Committee Action

The Supreme Court adopted seven committee recommendations in 2002. A chart indicating the status of the recommendations pending in 2002 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 2, Minor Court Rules 2001: Amendments to notes to Rules 314 and 504 to provide clarification regarding **dismissal and reinstatement of complaints** in civil and landlord-tenant matters. Approved in part and remanded in part. (Remanded portion resubmitted as Recommendation No. 1, Minor Court Rules 2002, discussed below.) Approved portion adopted 2-12-02, effective immediately. See Order and Final Report at 32 *Pa.B.* 1176 (March 2, 2002).

Recommendation No. 3, Minor Court Rules 2001: 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. Adopted 4-5-02, effective 1-1-03. See Order and Final Report at 32 *Pa.B.* 2199 (May 4, 2002))

Recommendation No. 4, Minor Court Rules 2001: Amendment to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession after a *supersedeas* is terminated or a stay is lifted and to establish time limits for requesting the issuance or reissuance of orders for possession in cases arising from **residential leases**. Adopted 4-5-02, effective 7-1-02. (See Order and Final Report at 32 *Pa.B.* 2207 (May 4, 2002).)

Recommendation No. 5, Minor Court Rules 2001: Amendment to Rule 305 to remove the implication in the rule that parties can obtain **legal advice** from district justices or court staff. Adopted 4-5-02, effective 7-1-02. (See Order and Final Report at 32 *Pa.B.* 2206 (May 4, 2002).)

Recommendation No. 1 Minor Court Rules 2002: Amendment to Rule 512 and revision of the note to Rule 514 to clarify that the plaintiff/landlord in a landlord-tenant case must appear

and give testimony, and that a district justice may not enter a default judgment in a **landlord-tenant case**. (See Recommendation No. 2 Minor Court Rules 2001, above.) Adopted 11-25-02, effective 7-1-03. (See Order and Final Report at 32 *Pa.B.* 6080 (December 14, 2002).)

Recommendation No. 2 Minor Court Rules 2002: Adoption of new Rule 212 to provide for the **design of forms**. Adopted 11-25-02, effective 1-1-03. (See Order and Final Report at 32 *Pa.B.* 6080 (December 14, 2002).)

Recommendation No. 3 Minor Court Rules 2002: Amendment to Rule 206 to clarify that a party who has been allowed to proceed *in forma pauperis* pursuant to Rule 206 is not required to pay service costs. Adopted 11-25-02, effective 1-1-03. (See Order and Final Report at 32 *Pa.B.* 6078 (December 14, 2002).)

Looking Ahead to 2003

The committee's top priority at the end of 2002 is to finalize its proposal to implement the provisions of the amended Right-to-Know Law regarding hearings before district justices. Also, the committee will place a high priority on its proposal to implement Act 2002-86 regarding the facsimile seal. Finally, it plans to continue considering proposals relating to appellate procedure and will also continue consideration of a standardized civil case cover sheet.

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@pacourts.us. AOPC

Recommendation	Status of Recommendations Subject	Status
2, 2001	Amendments to notes to Rules 314 and 504 to provide clarification regarding dismissal and reinstatement of complaints in civil and landlord-tenant matters	Submitted 5-22-01; approved in part and remanded in part. (Remanded portion resubmitted as Recommendation No. 1, 2002.) Approved portion adopted 2-12-02, effective immediately
3, 2001	Renumbering of Rule 325; adoption of new Rules 211, 341 and 342; and amendments 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	Submitted 12-20-01; adopted 4-5-02, effective 1-1-03
4, 2001	Amendments to Rules 403, 515, 516 and 519 to provide for the issuance and reissuance of orders of execution and orders for possession after a <i>supersedeas</i> is terminated or a stay is lifted 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; adopted 4-5-02, effective 7-1-02
5, 2001	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; adopted 4-5-02, effective 7-1-02
1, 2002	Amendment to Rule 512 and revision of note to Rule 514 to clarify that the plaintiff/landlord in a landlord-tenant case must appear and give testimony and that a district justice may not enter a default judgment in a landlord-tenant case (See Recommendation No. 2, 2001.)	Submitted 5-31-02; adopted 11-25-02, effective 7-1-03
2, 2002	Adoption of new Rule 212 to provide for the design of forms	Submitted 5-31-02; adopted 11-25-02, effective 1-1-03
3, 2002	Amendment to Rule 206 to clarify that a party who has been allowed to proceed <i>in forma pauperis</i> pursuant to Rule 206 is not required to pay service costs	Submitted 5-31-02; adopted 11-25-02, effective 1-1-03

Table 3.12.1

Minor

Judiciary

Education

Board

2002 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, Jr.

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.

2002 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
- legal writing & research
- civil update
- Pennsylvania dog law & related issues
- Pennsylvania's Right to Know
- use & abuse of power

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

- domestic violence
- crimes code
- search & seizure
- Pennsylvania Coalition Against Rape
- use & abuse of power

The orientation course for new district justices included:

- sexual assault
- ethics
- district justice practices
- National Alliance for the Mentally Ill
- office administration
- 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:

- use & abuse of power
- Philadelphia Traffic Court Procedures
- Pennsylvania Motor Vehicle Code review and update

The Minor Judiciary Education Board provided continuing education to 623 district justices and senior district justices, continuing

legal education credits to 115 attorney district justices; and certification classes to 88 prospective district justices and an additional 15 students who were not certified. The board also certified one prospective Philadelphia Bail Commissioner and one prospective Philadelphia Traffic Court judge.

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

Orphans'

Court

Procedural

Rules

Committee

2002 Membership:

Honorable John M. Cascio, *Chair*
Mary Jane Barrett, Esq.**
Richard E. Flannery, Esq.*
Kenneth E. Lewis, Esq.
Edward S. McKenna, Esq.
Honorable Joseph D. O'Keefe
Honorable Eunice L. Ross
Carolyn Crandall Thompson, Esq., *ex officio*

Staff:

Dean R. Phillips, Esq., *Counsel*
Rebecca M. Darr, Esq., *Deputy Counsel*

* Effective 5-31-02

** Effective 10-28-03

Legal Authorization:

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

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

History/Background

The Orphans' Court Procedural Rules Committee was established under Article V, § 10(c) of the 1968 Pennsylvania Constitution and 42 Pa. C.S., § 1772. It responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules as necessary. The committee also responds to questions and comments received from the judiciary, lawyers, the public and various agencies.

2002 Activities

As a result of meetings and work sessions in 2002, the committee has

- undertaken a statewide standardized forms project for orphans' court practice in the Commonwealth
- begun discussions and research regarding the possibility of electronic filing of orphans' court documents
- begun a comprehensive review of the adoption rules
- discussed citation practice in the orphans' court
- monitored the 2001 amendments to Rule 7.1, making exceptions optional with the aggrieved party and the 2001 amendment to Pa.R.A.P. 342 regarding appeals from orders determining an interest in realty, personalty or individual rights.

In the fall of 2002, the committee added its first part-time deputy counsel, Rebecca Darr,

Esq. Ms. Darr also serves as deputy counsel to the Appellate Court Procedural Rules Committee.

2003 Plans

Among the subjects of the committee's agenda for 2003 are

- completion of the above-named projects
- implementation of a Web site on the home page of the Unified Judicial System. Included on this site will be recent and proposed amendments and new rules regulating the practice and procedure of the orphans' courts of this Commonwealth.

Contact Persons

Questions about the committee and its work may be directed to either of the following individuals:

Honorable John M. Cascio, Chair
Court of Common Pleas of Somerset County
Somerset County Courthouse
111 East Union Street
Somerset, PA 15501
phone: (814) 445-1486

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

Rebecca M. Darr, Esq., Deputy Counsel
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
phone: (717) 795-2042
fax: (717) 795-2106
e-mail: rebecca.darr@pacourts.us.

AOPC

Pennsylvania

Lawyers

Fund

for

Client

Security

2002 Membership:

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

Staff:

Kathryn J. Peifer, *Executive Director*
Lisa A. Watkins, Esq., *Counsel*
Susan L. Erdman, *Administrative Assistant*

* Appointed to the Supreme Court 1-27-03

** Appointed chair effective 2-03

+ Appointed vice chair effective 2-03

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.

2002 Claims Statistics

Statistics for the 2002-03 fiscal year can be found in Table 3.15.1.

The fund received 297 claims alleging a loss of \$5,089,790 during FY 2002-03. Chart 3.15.2 on page 102 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 103 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 104 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2002-03.

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 2002-03 cost the fund \$2,504,378, or 86.25%, of its total award dollars, settling 74 claims. Of this amount \$1,332,525 went to 31 former clients of one attorney.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
2002-03		
Awarded	171	\$2,903,591
Rejected	45	3,517,544
Discontinued	<u>16</u>	<u>212,075</u>
Total	151	\$6,633,210
Pending	214	\$4,209,163

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 \$206,468 to 19 claimants fitting this category were made in 2002-03, 7.11% of the total dollars awarded. Of this, \$128,500 were paid to 14 former clients of one attorney.

Non-performance - The acceptance of unearned fees or retainers represented the third highest payment category in 2002-03 with awards to 77 claimants totaling \$117,745, 4.06% of the total dollars awarded. Of this amount, 41 former clients of one attorney received \$53,087.

Since the fund does not arbitrate fee disputes, for an award to be considered when the attorney performed any services of value, the claimant typically must first file a complaint with the local bar association's fee dispute committee. If the committee determines that all or a portion of the fees or retainer paid were not earned, and the attorney does not return the fee, the board will consider this type of claim and categorize the award as non-performance by the attorney.

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

2002 Activities

The board met in St. Davids, Pittsburgh and Philadelphia in FY 2002-03. 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 \$112,018 in restitution payments during FY 2002-03.

Mandatory Overdraft Notification

Pennsylvania Rule of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 2002-03 the fund received 313 overdraft notices, 280 of which were reviewed and dismissed and 39 of which were referred to the Office of Disciplinary Counsel. No 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, 2000-03)
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, 2002)
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, 2003)

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 2002-03 \$240,000 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 ranked among the top five funds in the United States in terms of claims received and processed, as determined by the American Bar Association Survey of Client Protection Funds for the years 1999-2001. The funds in California, Florida, 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, Esq. She

may be reached at 4909 Louise Drive, Suite 101; Mechanicsburg, PA 17055; (800) 962-4618 or (717) 691-7503. AOPC

Categories of Claims

Amounts Awarded - 2002-03

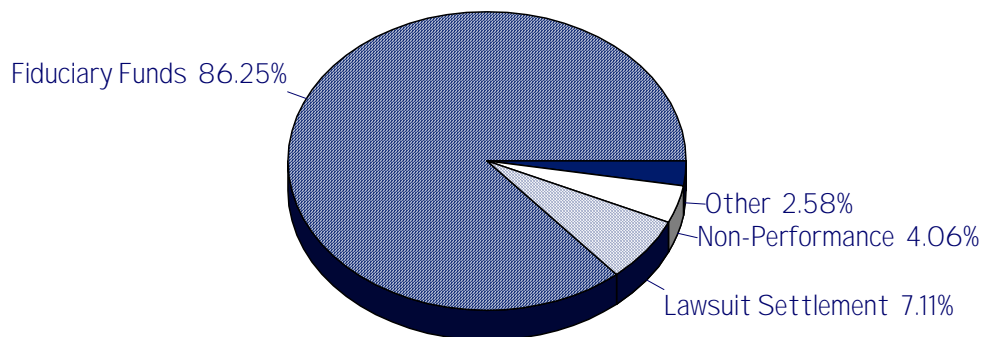


Table 3.15.2

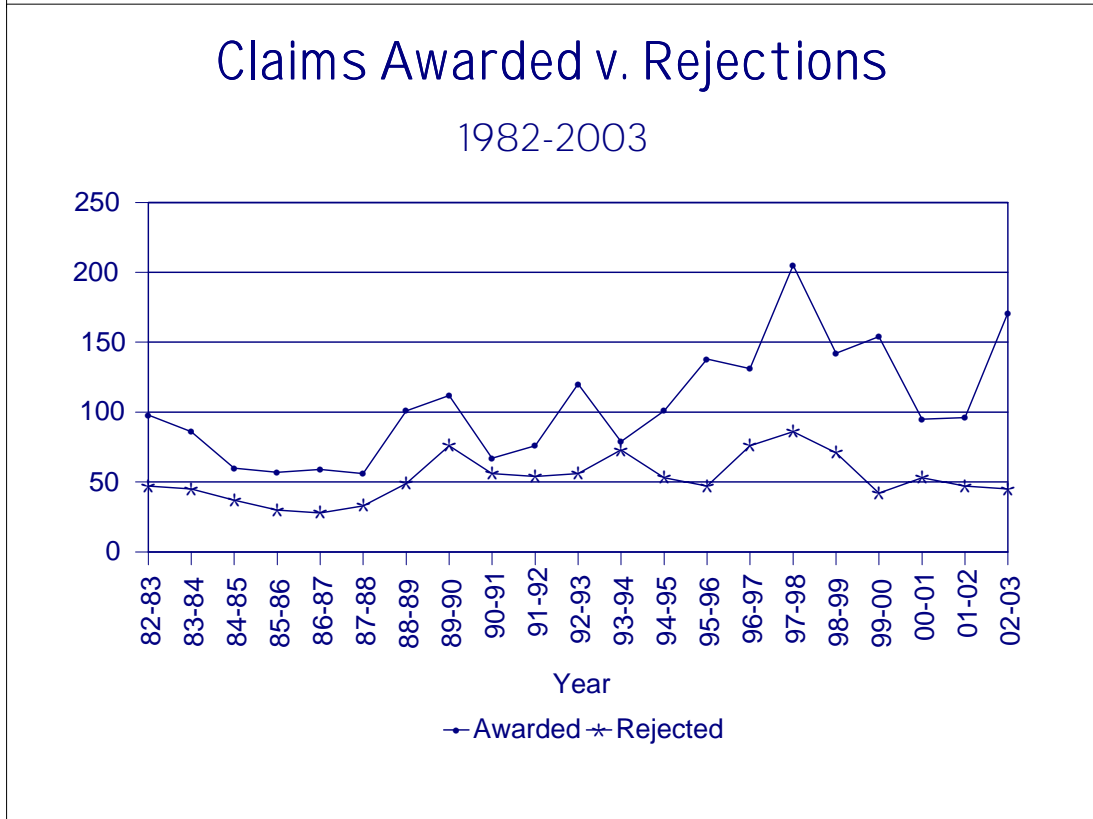
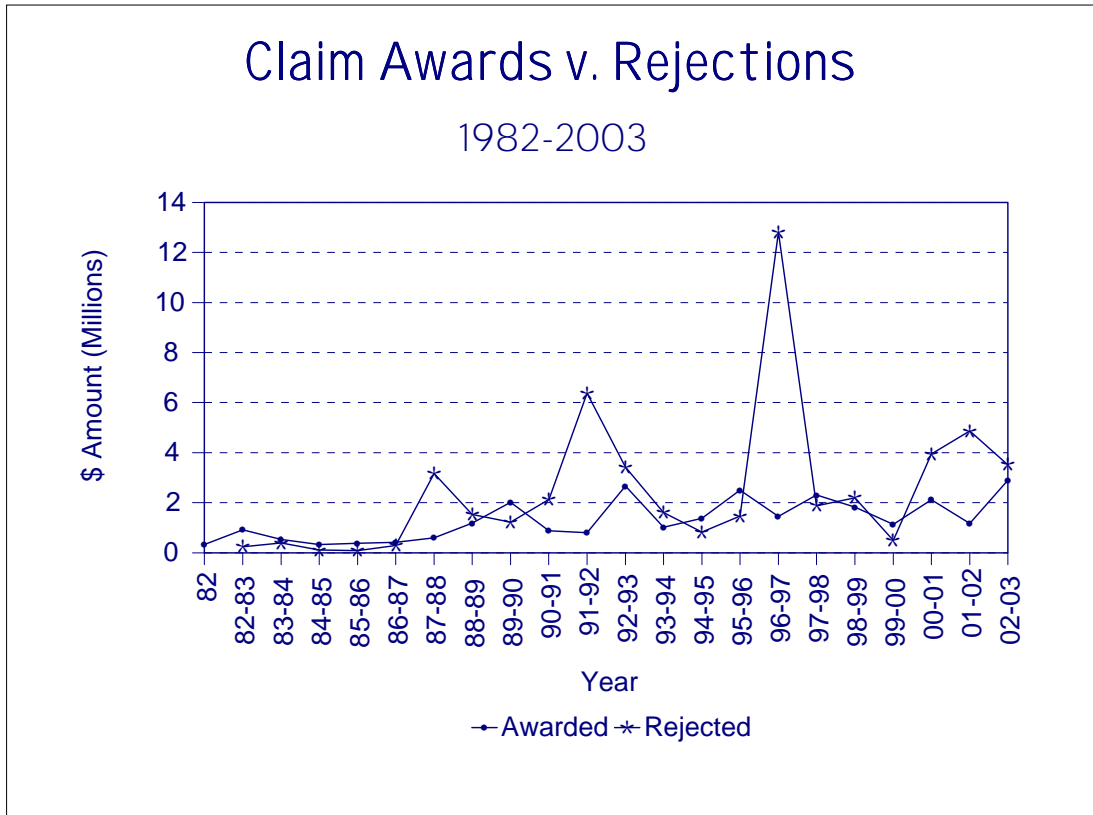
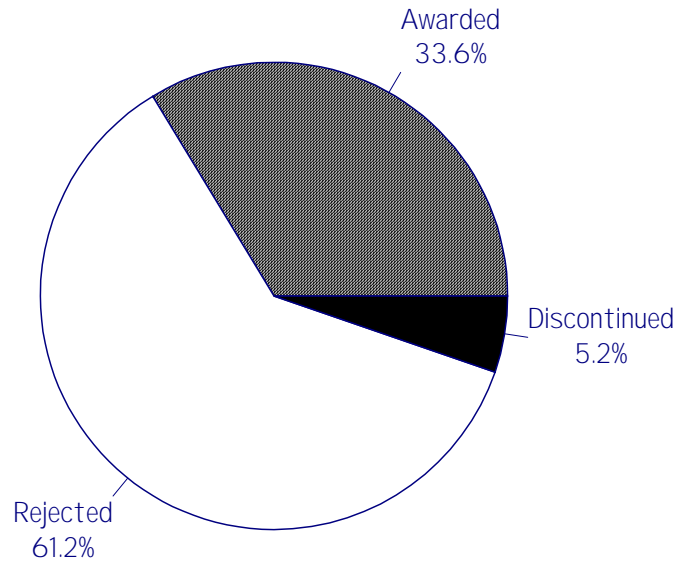


Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2003

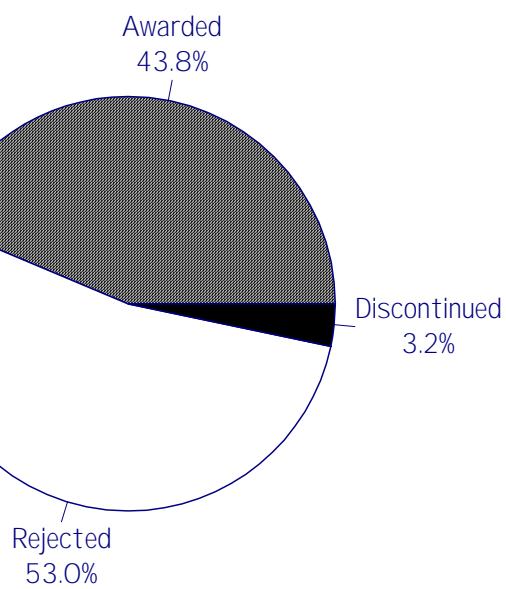


Table 3.15.4

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 107 provides a break-down of these state-funded expenditures for fiscal year 2002-03.

Of the total state government expenditures for fiscal year 2002-03, *administrative costs for the judiciary accounted for approximately one-half of one percent.* Table 4.2 on page 109 shows the distribution of expenditures across the three branches of government. (With the county reimbursement grant discussed below, the judiciary accounts for approximately 0.61% of total state government expenditures.)

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 reimbursement rate per judge, which was \$70,000 for FY 2002-03.

Court
Finances -
Fiscal
Year
2002-2003

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(F). Act 88 of 2001 served as the enabling legislation for the Senior Judge Support Reimbursement Grant. This grant was also funded in FY 2002-03.

Table 4.3 on page 110 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2002-03.

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, but was not granted in FY 2002-03.

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 112, which lists fees collected by the appellate courts, the Minor Judiciary Education Board and the Pennsylvania Board of Law Examiners. Appropriated by the General Assembly, these fees are used to support state-funded court operations.

Although exact figures are not available, the court system raises millions of dollars in revenue for local municipalities. Depending on the police department (local or state) from which a citation is issued, a portion of fines collected is disbursed to local political subdivisions after adjudication within the Unified Judicial System. Some examples of these fines include traffic violations under the vehicle code, violations of local ordinances and certain violations of summary offenses.

Counties also receive court-collected fines, fees and costs. Fees are generated in connection with the commencement of actions or the filing of liens, appeals and accounts, etc. On an annual basis, the collections amount to tens of millions of dollars. The monies are collected by courts at all levels of the system.

Finally, a portion of the revenues collected by the courts is earmarked for the state. Some of these funds are program specific, e.g., Pennsylvania's Emergency Medical Fund and the Crime Victims' Compensation Board. Others are used, through Act 64 of 1987 and Act 59 of 1990, as amended by Act 122 of 2002, to provide funding for the statewide Judicial Computer System. Still other monies collected, such as motor vehicle fines, revert to 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

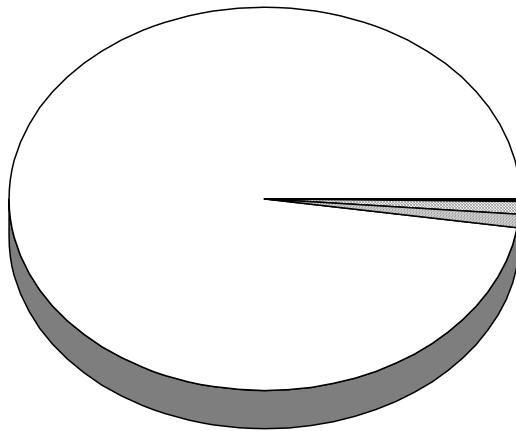
APPROPRIATIONS	
APPROPRIATION	2002-03 (thousands)
Supreme Court	\$12,226
Justices' Expenses	180
Civil Procedural Rules Committee*	403
Criminal Procedural Rules Committee*	409
Domestic Relations Procedural Rules Committee	167
Judicial Council*	179
Juvenile Court Procedural Rules Committee	167
Appellate Court/Orphans' Court Procedural Rules Committees*	175
Committee on Rules of Evidence*	163
Committee on Racial/Gender Bias	199
Minor Court Rules Committee*	171
Superior Court	24,493
Judges' Expenses	237
Commonwealth Court	15,219
Judges' Expenses	143
Court Administrator*	7,482
District Court Administrators*	13,621
Court Management Education	150
Statewide Judicial Computer System**	44,649
Integrated Criminal Justice System	3,140
Courts of Common Pleas	61,042
Common Pleas Senior Judges	3,798
Common Pleas Judicial Education	727
Ethics Committee of the Pennsylvania Conference of State Trial Judges	40
District Justices*	49,131
District Justice Education	576
Philadelphia Traffic Court*	679
Philadelphia Municipal Court*	4,655
Philadelphia Law Clerks	39
Domestic Violence	204
Juror Cost Reimbursement	1,369
County Court Reimbursement	31,356
Senior Judge Support Reimbursement*	2,500

Table 4.1

APPROPRIATIONS, continued	
APPROPRIATION	2002-03 (thousands)
Judicial Conduct Board	1,046
Court of Judicial Discipline	426
TOTAL	\$281,161
<p>* As authorized by Act 7-A of 2002, funds were transferred from other judiciary appropriations and deposited into the Judicial Computer System restricted receipt account in the following amounts: Civil Procedural Rules - \$70,000; Criminal Procedural Rules - \$10,000; Judicial Council - \$65,000; Appellate/Orphans' Court Rules - \$40,000; Rules of Evidence - \$20,000; Minor Court Rules - \$23,000; Court Administrator - \$400,000; District Court Administrators - \$915,000; District Justices - \$1,797,000; Philadelphia Traffic Court - \$49,000; Philadelphia Municipal Court - \$196,000; and Senior Judge Support Reimbursement - \$917,000, for a total of \$4,495,000. 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 2002-03 \$44,649,000 appropriation was drawn from the restricted receipt account, consisting of \$41,169,000 of Act 64/Act 59 funds and \$3,480,000 in fiscal year 2001-02 funds transferred to the restricted receipt account from other judiciary appropriations in accordance with Act 6-A of 2001. An additional \$46,480 was derived from fees charged to users for information generated by the District Justice System, and \$103,000 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 2002-03 was \$44,798,480.</p>	

Table 4.1, cont'd.

Pennsylvania Government FY 2002-03 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.83%
- ▨ Legislative Branch - .56%
- ▩ Judicial Branch - .53%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The governor's budget showed FY 2002-03 funds available to the judiciary as \$282,004,000. Actual total available funds available were \$282,176,000. The state total operating expenditures shown here were adjusted upward to reflect this difference.

Source: FY 2003-04 Governor's Recommended Budget

Table 4.2

**COUNTY REIMBURSEMENTS FOR COURTS
FY 2002-03**

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Adams	\$0.00	\$210,000.00	\$1,392.00	\$211,392.00
Allegheny	124,341.76	2,870,000.00	437,152.00	3,431,493.76
Armstrong	1,243.49	140,000.00	350.00	141,593.49
Beaver	10,108.45	420,000.00	27,760.00	457,868.45
Bedford	0.00	140,000.00	0.00	140,000.00
Berks	12,096.77	770,000.00	78,876.00	860,972.77
Blair	3,221.52	280,000.00	8,568.00	291,789.52
Bradford	0.00	140,000.00	0.00	140,000.00
Bucks	18,125.10	770,000.00	39,708.00	827,833.10
Butler	12,926.53	350,000.00	62,664.00	425,590.53
Cambria	0.00	350,000.00	0.00	350,000.00
Cameron	0.00	10,500.00	320.00	10,820.00
Carbon	1,178.18	140,000.00	634.00	141,812.18
Centre	2,455.37	210,000.00	0.00	212,455.37
Chester	14,991.08	770,000.00	44,942.00	829,933.08
Clarion	4,219.40	70,000.00	8,776.00	82,995.40
Clearfield	587.53	140,000.00	0.00	140,587.53
Clinton	1,018.59	140,000.00	0.00	141,018.59
Columbia	305.84	109,200.00	602.00	110,107.84
Crawford	8,739.47	140,000.00	5,608.00	154,347.47
Cumberland	16,431.55	350,000.00	0.00	367,431.55
Dauphin	54,091.84	560,000.00	17,424.00	631,515.84
Delaware	28,724.67	1,260,000.00	39,896.00	1,328,620.67
Elk	303.38	59,500.00	5,050.00	64,853.38
Erie	17,054.88	560,000.00	0.00	577,054.88
Fayette	11,956.38	350,000.00	450.00	362,406.38
Forest	0.00	7,000.00	242.00	7,242.00
Franklin	1,083.19	252,000.00	0.00	253,083.19
Fulton	0.00	28,000.00	0.00	28,000.00
Greene	0.00	140,000.00	0.00	140,000.00
Huntingdon	2,801.29	70,000.00	0.00	72,801.29
Indiana	3,469.49	140,000.00	0.00	143,469.49
Jefferson	1,429.22	70,000.00	5,978.00	77,407.22
Juniata	0.00	47,600.00	0.00	47,600.00
Lackawanna	16,120.38	420,000.00	108,860.00	544,980.38
Lancaster	23,431.19	770,000.00	4,720.00	798,151.19
Lawrence	8,187.45	210,000.00	0.00	218,187.45
Lebanon	2,274.22	280,000.00	0.00	282,274.22
Lehigh	28,871.68	630,000.00	19,576.00	678,447.68

Table 4.3

COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2002-03

COUNTY	JUROR COST	COUNTY COURT	SENIOR JUDGE	TOTAL
Luzerne	26,230.09	630,000.00	64,664.00	720,894.09
Lycoming	0.00	350,000.00	0.00	350,000.00
McKean	340.66	70,000.00	4,470.00	74,810.66
Mercer	10,708.91	210,000.00	912.00	221,620.91
Mifflin	839.16	70,000.00	1,508.00	72,347.16
Monroe	6,222.05	350,000.00	2,996.00	359,218.05
Montgomery	30,220.81	1,260,000.00	87,488.00	1,377,708.81
Montour	0.00	30,800.00	0.00	30,800.00
Northampton	11,636.19	490,000.00	45,980.00	547,616.90
Northumberland	5,559.39	140,000.00	10,864.00	156,423.39
Perry	549.08	92,400.00	0.00	92,949.08
Philadelphia	748,000.00	10,075,327.00	267,320.00	11,090,647.00
Pike	333.31	70,000.00	4,780.00	75,113.31
Potter	631.38	70,000.00	0.00	70,631.38
Schuylkill	5,025.21	350,000.00	6,120.00	361,145.21
Snyder	9,593.50	65,800.00	0.00	75,393.50
Somerset	4,953.20	210,000.00	0.00	214,953.20
Sullivan	0.00	13,300.00	0.00	13,300.00
Susquehanna	954.90	70,000.00	0.00	70,954.90
Tioga	308.14	70,000.00	444.00	70,752.14
Union	8,652.83	74,200.00	0.00	82,852.83
Venango	6,123.11	140,000.00	12,628.00	158,751.11
Warren	5,178.54	63,000.00	3,022.00	71,200.54
Washington	15,188.76	350,000.00	56,678.00	421,866.76
Wayne	66.53	70,000.00	0.00	70,066.53
Westmoreland	9,583.38	770,000.00	29,608.00	809,191.38
Wyoming	1,161.86	56,700.00	0.00	57,861.86
York	29,149.12	770,000.00	63,936.00	863,085.12
Transfer to JCS	0.00	0.00	917,000.00	917,000.00
TOTAL	\$1,369,000.00	\$31,355,327.00	\$2,499,996.00	\$35,224,293.00

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 2002-03, 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 2002-03**

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. 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 2002-03 the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2002.

Table 4.3, cont'd.

FEES THAT SUPPORT STATE OPERATIONS

APPROPRIATION	2002-03 (thousands)
Supreme Court	\$357
PA Board of Law Examiners	1,513
Judicial Computer System*	149
Superior Court	245
Commonwealth Court	218
District Justice Education	32
Court Management Education	9
Court Administrator	5
TOTAL	\$2,468

*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$103,000 to support the "Jen/Dave" functions during FY 2002-03. 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

Zappala, Stephen A.*
Chief Justice

Cappy, Ralph J.**
Chief Justice

Castille, Ronald D.
Nigro, Russell M.
Newman, Sandra Schultz

Saylor, Thomas G.
Eakin, J. Michael
Lamb, William H.+

* Retired 12-31-02

** Appointed chief justice effective 1-1-03

+ Appointed 1-27-03

Superior Court Judges

Complement 15

Vacancy 1

Del Sole, Joseph A.
President Judge

McEwen, Stephen J., Jr.**
Johnson, Justin M.
Hudock, Joseph A.
Ford Elliott, Kate
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.*

* Appointed 6-28-02

** Retired 12-31-02

Commonwealth Court Judges

Complement 9

Colins, James Gardner
President Judge

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

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

Appellate

Court

Judges

(As of 7-31-03)

**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.
McEwen, Stephen J., Jr.*
Montemuro, Frank J., Jr.
Olszewski, Peter Paul
Popovich, Zoran

Tamilia, Patrick R.

* Effective 1-1-03
** Retired 1-6-03

**Commonwealth
Court Senior
Judges**

Doyle, Joseph T.*
Flaherty, James J.
Juliante, Jessamine S.#
Kelley, James R.
McCloskey, Joseph F. ▲

Mirarchi, Charles P., Jr.##
Morgan, Warren G.++
Narick, Emil E.**
Ross, Eunice L.+

* Removed from list 12-02
** Allegheny County senior
Common Pleas judge assigned
to Commonwealth Court;
retired 1-6-03
+ 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

ADAMS COUNTY (51)

Complement 3

Kuhn, John D.
Bigham, Robert G.
George, Michael A.

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.+

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.
Lutty, Paul F., Jr.
Machen, Donald E.

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

O'Brien, W. Terrence
O'Reilly, Timothy Patrick
O'Toole, Lawrence J.

Penkower, Alan S.
Rangos, Jill E.##

Sasinoski, Kevin G.
Strassburger, Eugene B., III
Todd, Randal B.
Ward, Christine A.##
Wecht, David N.##

Wettick, R. Stanton, Jr.
Zavarella, Paul R.*
Zottola, John A.

- * Died 3-30-02
- ** Administrative judge term expired 4-16-02
- + Appointed administrative judge effective 4-16-02
- ++ Appointed to U. S. District Court; resigned 9-11-02
- # Resigned 9-23-02
- ## Appointed 2-11-03
- ▲ Resigned 4-9-03

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

BEAVER COUNTY (36)

Complement 6
Vacancy 1

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

Steege, Peter O.

- * Resigned 12-31-02
- ** Appointed president judge effective 1-1-03

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

Common

Pleas

Judges

As of 7-31-03)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BERKS COUNTY (23)

Complement 12

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.

BLAIR COUNTY (24)

Complement 4

Peoples, Thomas G., Jr.
Carpenter, Hiram A., III
Kopriva, Jolene Grubb
Milliron, Daniel J.*

* Appointed 6-24-02

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 11

McAndrews, R. Barry
Biehn, Kenneth G.
Goldberg, Mitchell S.**
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

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

** Appointed 2-11-03

BUTLER COUNTY (50)

Complement 5

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

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

Webb, Richard W.
Nanovic, Roger N.

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.

Ott, Paula Francisco
Platt, Katherine B.L.
Sánchez, Juan R.
Sarcione, Anthony A.
Shenkin, Robert J.

Streitel, Phyllis R.

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

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

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

DELAWARE COUNTY (32)

Complement 18

Vacancy 1

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.

* Retired 12-31-02

ELK-CAMERON COUNTIES (59)

Complement 1

*Roof, Vernon D.**
*Masson, Richard A.***

* Died 6-2-02
 ** Appointed 2-11-03

ERIE COUNTY (06)

Complement 9

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.

FAYETTE COUNTY (14)

Complement 5*

*Franks, William J.***
 Capuzzi, Conrad B.
 Leskinen, Steve P.
 Solomon, Gerald R.
 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 returned to five on 1-1-03.
 ** Retired 12-31-02

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

Foradora, John H.

LACKAWANNA COUNTY (45)

Complement 7

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

Minora, Carmen D.
Nealon, Terrence R.

LANCASTER COUNTY (02)

Complement 12

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.

LAWRENCE COUNTY (53)

Complement 4

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

LEBANON COUNTY (52)

Complement 4

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

LEHIGH COUNTY (31)

Complement 9

Vacancy 1

*Gardner, James Knoll**
*Platt, William H.***
Black, Alan M.
Brenner, Lawrence J.
Ford, William E.
McGinley, Carol K.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.

* President judge term expired
1-6-02; appointed to U. S.
District Court; resigned
11-26-02

** Elected president judge
effective 1-7-02

LUZERNE COUNTY (11)

Complement 9

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

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

* President judge term expired
1-6-02

** Elected president judge
effective 1-7-02

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

*Smyth, Joseph A., Jr.**
*Corso, S. Gerald***
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.

Branca, Thomas C.
Carpenter, William R.
Daniele, Rhonda Lee
DelRicci, Thomas M.
Dickman, Toby L.

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

**MONTGOMERY COUNTY,
continued**

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.

- * President judge term expired
1-6-02
- ** Elected president judge
effective 1-7-02
- + Resigned 1-9-02
- ++ Appointed 6-28-02

**NORTHAMPTON
COUNTY (03)**

Complement 7
Vacancy 1

Freedberg, Robert A.
Baratta, Stephen G.
McFadden, F. P. Kimberly
Moran, William F.
Panella, Jack A.

Smith, Edward G.

**NORTHUMBERLAND
COUNTY (08)**

Complement 3

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

**PERRY-JUNIATA
COUNTIES (41)**

Complement 2

Quigley, Keith B.
Rehkamp, C. Joseph

**PHILADELPHIA
COUNTY (01)**

Complement 93
Vacancy 3

*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.

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.

Dumas, Lori A.▲▲
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
Lachman, Marlene

Lazarus, Anne E.
Lerner, Benjamin
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.
Minehart, Jeffrey B.▲▲
Moss, Bradley K.▲▲
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.

**PHILDELPHIA COUNTY,
continued**

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 Milton
Zaleski, Jerome A.

- * Administrative judge term expired 2-12-02
- ** Appointed administrative judge effective 2-12-02
- + Appointed to U. S. District Court; resigned 5-3-02
- ++ Appointed 6-28-02
- # Resigned 7-8-02
- ## Resigned 11-8-02
- ▲ Retired 12-31-02
- ▲▲ Appointed 2-11-03

PIKE COUNTY (60)

Complement 1
Vacancy 1

*Thomson, Harold A., Jr.**

- * Resigned 1-3-03

POTTER COUNTY (55)

Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)

Complement 6

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

Stine, D. Michael

**SNYDER-UNION
COUNTIES (17)**

Complement 2

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

SOMERSET COUNTY (16)

Complement 3

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

Millin, Paul H.
Morgan, William F.

WASHINGTON COUNTY (27)

Complement 5

Vacancy 1

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

- * Retired 12-31-02
- ** Appointed president judge effective 1-1-03

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

Vacancy 1

*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.

* Retired 12-31-02

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.

ALLEGHENY COUNTY

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

McGregor, James R.
McLean, James H.
Novak, Raymond A.*
O'Malley, Michael J.
Ridge, Joseph H.+

Ross, George H.++
Watson, J. Warren
Zeleznik, Richard G.

* Effective 1-7-02
** Died 4-2-02
+ Died 12-26-02
++ Retired 1-6-03

ARMSTRONG COUNTY

House, Roy A., Jr.*

* Resigned 6-10-03

BEAVER COUNTY

Mannix, Thomas C.
Reed, Robert C.*
Rowley, James E.
Salmon, J. Quint**

* Effective 1-1-03
** Retired 1-6-03

BEDFORD COUNTY

Van Horn, Ellis W., Jr.*

* Retired 1-6-03

BERKS COUNTY

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

* Retired 1-6-03

BUCKS COUNTY

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

* Removed from list 1-10-02
** Retired 1-6-03

BUTLER COUNTY

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

* Retired 1-6-03

CARBON COUNTY

Lavelle, John P.

CHESTER COUNTY

Endy, Alexander**
Wood, Lawrence E.*

* Effective 1-7-02
** Retired 1-6-03

CLARION COUNTY

Alexander, Charles R.

(As of 7-31-03)

CLINTON COUNTY

Brown, Carson V.

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
** Retired 1-6-03

DELAWARE COUNTY

Prescott, Rita E.**
Wright, Robert A.**
Toal, William R., Jr.*

* Effective 1-1-03
** Retired 1-6-03

ERIE COUNTY

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

* Resigned 12-7-02
** Retired 1-6-03

FAYETTE COUNTY

Franks, William J.*

* Effective 1-1-03

FRANKLIN-FULTON COUNTIES

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker

JEFFERSON COUNTY

Henry, William L.
Snyder, Edwin L.

LACKAWANNA COUNTY

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

* Retired 1-6-03

LANCASTER COUNTY

Bucher, Wilson**
Eckman, D. Richard*

* Died 8-16-02
** Retired 1-6-03

LEHIGH COUNTY

Backenstoe, John E.
Diefenderfer, James N.

LUZERNE COUNTY

Cappellini, Gifford S.
Podcasy, Bernard J.*

* Removed from list 8-12-02

LYCOMING COUNTY

Greevy, Charles F., Jr.*

* Retired 1-6-03

MONROE COUNTY

Marsh, James R.*

* Died 2-12-03

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
** Retired 1-6-03

NORTHAMPTON COUNTY

Franciosa, Michael V.
Grifo, Richard D.*
Hogan, James C.

* Retired 1-6-03

NORTHUMBERLAND COUNTY

Feudale, Barry F.
Ranck, Samuel C.

PHILADELPHIA COUNTY

Bonavitacola, Alex
Bruno, Joseph C.
Carson, Curtis C.++

**PHILADELPHIA COUNTY,
continued**

Chiovero, John J.
Cipriani, Nicholas A.++

DeFino, Anthony J.
Goodheart, Bernard J.
Gutowicz, Theodore S.++
Ivanoski, Leonard A.
Jackson, Ricardo C.*

Jelin, Sheldon C.+
Kafriksen, Arthur S.**
Levin, Stephen E.
Lineberger, James A.
O'Brien, Frank X.

Poserina, John J., Jr.+
Richette, Lisa A.
Russell, Edward E.+
Savitt, David N.

* Effective 5-16-02
** Effective 11-12-02
+ Effective 1-1-03
++ Retired 1-6-03

PIKE COUNTY

Thomson, Harold A., Jr.*

* Effective 1-4-03

SCHUYLKILL COUNTY

Rubright, Wilbur H.*

* Retired 1-6-03

SOMERSET COUNTY

Shaulis, Norman A.*

* Retired 1-6-03

TIOGA COUNTY

Kemp, Robert M.

VENANGO COUNTY

Breene, William E.*

* Retired 1-6-03

**WARREN-FOREST
COUNTIES**

Wolfe, Robert L.

WASHINGTON COUNTY

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

* Effective 1-1-03

WESTMORELAND COUNTY

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

* Effective 4-9-02

YORK COUNTY

Cassimatis, Emanuel A.
Erb, Joseph E.
Horn, Richard H.*
Miller, John T.

* Effective 1-1-03

Philadelphia Municipal Court Judges

Complement 25

Prezenza, Louis J.

Administrative Judge
McCaffery, Seamus P.*

Anderson, Linda F.
Blasi, Robert S.
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.

* Resigned administrative judge
position effective 3-7-03

Philadelphia Traffic Court Judges

Complement 7

Kelly, Francis E.

Administrative Judge
Perri, Fortunato N., Sr.*

Adams, Willie J.
DeAngelis, Bernice A.
Reda, Dominic C., Jr.**
Howlett, Joseph A.
Tynes, Thomasine

* Administrative judge position
abolished effective 11-24-02
** Appointed 3-25-03

Pittsburgh Magistrates Court

Complement 2*

Simmons, William T.+
Chief Magistrate

Butler, Daniel E.**
Coles, Louis
Harrington, Moira
McLaughlin, Irene M.+
Watson, Wrenna**

* Per Supreme Court amended
order No. 192, Magisterial
Docket No. 1 dated 4-8-03,
appointments to Pittsburgh
Magistrates Court are sus-
pended after 12-31-02 until
further notice. Current magis-
trates will continue to serve
until their terms expire. This is
in response to the petition
made by the president judge of
Allegheny County that the
court be evaluated over a two-
year period to determine the
feasibility of phasing it out.

** Term expired 12-31-02

+ Term expired 1-31-03

Philadelphia and Pittsburgh Special Courts Judges

(7-31-03)

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 L.

Mekel, Edward G.
Rose, Myer Charles*

* Retired 1-6-03

**Traffic Court
Senior Judges**

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

* Retired 1-6-03

(As of 7-31-03)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)

Complement 54

Barner, Robert L.
Barton, David J.
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.
Conroy, Eileen M.
Cooper, Kevin E.
Costa, Ronald N., Sr.
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.

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.

Wright, Geoffrey G.++
Wyda, Robert C.
Zielmanski, Eugene L.
Zoller, Richard H.
Zucco, Linda I.

Zyra, Gary M.

* Appointed 4-24-02
** Resigned 4-30-02
+ Resigned 5-1-02
++ Appointed 11-16-02

ARMSTRONG COUNTY (33)

Complement 4

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

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

District

Justices

(As of 7-31-03)

(Judicial Districts in parentheses)

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.

BLAIR COUNTY (24)

Complement 7

Dole, Elizabeth A.
Garman, Kenneth L.
Jones, Patrick T.
Kelly, Todd F.
Miller, Fred B.*

Moran, Joseph L.
Ormsby, Craig E.

* Appointed 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.
Burns, Michael J.**
Cappuccio, Charles A.+
Daly, Philip J.
Dietrich, Ruth C.
DuBree, M. Kay
Falcone, Joseph P.
Gaffney, Robert E.
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.

* Resigned 7-31-02

** Appointed 10-2-02

+ Died 3-29-03

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.
Creany, Frederick S.
Decort, Galen F.
Grecek, Leonard J.

Musulini, Michael J.
Nileski, Charity L.
Pavlovich, Max F.
Zanghi, Mary Ann
Zungali, Michael

CARBON COUNTY (56)

Complement 4

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

CENTRE COUNTY (49)

Complement 5

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

* Resigned 6-29-02

** Appointed 9-24-02

CHESTER COUNTY (15)

Complement 17

Anthony, John F.
Arnold, Rita A.
Blackburn, Jeremy
Bruno, Mark A.
Cabry, Michael J., III

**CHESTER COUNTY,
continued**

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., Jr.
Scott, Stanley

Smith, Larry E.
Winther, J. Peter

CLARION COUNTY (18)
Complement 4

George, Daniel P.
Lapinto, Anthony A.
Long, Amy L.
Quinn, Duane L.*

* 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
Vacancy 1

Dwyer, Kevin R.*
Maggs, John W.
Sanders, Joseph L., III

* Resigned 6-2-03

**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.
Shulenberger, 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.
Wenner, William C.**
Yanich, Bernard B.
Zozos, George A.

* Retired 12-31-02
** Confired 5-5-03

**DELAWARE
COUNTY (32)**
Complement 35*
Vacancy 4*

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.

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
McKeon, Laurence J.

Micozzie, Kelly A.
Miller, Kenneth N.
Murphy, David J.
Nilon, James F., Jr.
Perfetti, John J.

Puppio, Andrea E.++
Quinn, Joseph T.F.#

**DELAWARE COUNTY,
continued**

Sandone, Steven A.
Seaton, Spencer B., Jr.
Sereni-Massinger,
Christine A.+

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

* As a result of the decennial realignment of district justice offices, two courts have been added to Delaware County; however, the offices will remain vacant until district justices are elected in the 2003 primary election.

** Resigned 9-9-02
+ Resigned 9-30-02
++ Appointed 11-13-02
Retired 12-31-02

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

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

ERIE COUNTY (06)
Complement 15

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.
Shimek, John J., III**

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

Weindorf, Arthur J.*

* Resigned 1-31-02
** Appointed 9-24-02

FAYETTE COUNTY (14)
Complement 13

Abraham, Randy S.
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.

**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, Susanne V.
Thachik, George M.

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, Terrence V.
Giglio, Theodore J.
Golden, Thomas J.

LACKAWANNA COUNTY,
continued

Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.
Russell, Robert G.

Toczydlowski, 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.
Warmkessel, Patricia E.

* Forfeited office 1-14-02 due to
disbarment

LUZERNE COUNTY (11)
Complement 18

Amesbury, William Henry
Barilla, Andrew, Jr.
Dotzel, Michael G.
Feissner, Gerald L.
Halesey, Joseph A.
Hasay, John E.
Holly, Karen M.**
Hopkins, John J.

Kane, Martin R.
Maffei, Carmen John*

Malast, Diana
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.

* Resigned 2-17-02
** Appointed 9-24-02

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.
Lukens, Deborah A.

Maruszczak, William I.
Murray, John S., III

Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.
Richman, Michael C.
Saraceni, Robert A.

Schireson, Henry J.
Silverman, Stephen H.
Skerchock, Dorothy
Valentine, Katleen M.
Zaffarano, Patricia A.

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.
Zaun, William F.
Zemgulis, Sandra J.

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.

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.

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*
 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

WAYNE COUNTY (22)

Complement 4

Edwards, Ronald J.
 Farrell, Jane E.
 Laabs, Dorothy C.*
 Laabs, Mitchell J.**
 Lewis, Bonnie P.

* Resigned 9-21-02
 ** Appointed 11-26-02

WESTMORELAND COUNTY (10)

Complement 19

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
 Kistler, Helen M.**

Mahady, Michael R.
 Mansour, Mark S.
 McCutcheon, Bernice A.
 Medich, Martha
 Pallone, Frank J., Jr.
 Peck-Yokopec, Cheryl J.
 Thiel, Denise Snyder
 Weimer, Douglas R., Jr.

* Resigned 3-1-02
 ** Appointed 11-13-02

WYOMING-SULLIVAN COUNTIES (44)

Complement 4

Baumunk, Linda M.
 Robinson, Patricia A.
 Shurtleff, Russell D.
 Smith, Carl W., Jr.

YORK COUNTY (19)

Complement 18

Dubs, Mervin L.
 Edie, Nancy L.
 Garber, Daniel B.
 Gross, Scott J.
 Haskell, Ronald J., Jr.
 Heilman, Vera J.
 Kessler, Harold D.
 Leppo, Kim S.
 Martin, Richard E., II
 Meisenhelter, Douglas F.
 Miner, James S.
 Naylor, Alan G.
 Nixon, Barbara H.
 Olwert, John R.*
 Shoemaker, Gerald E.
 Teyral, JoAnn L.
 Thomas, Richard T.
 Williams, Linda Lou**

* Appointed 9-24-02
 ** Appointed 11-13-02

**Senior
District
Justices**

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.#
Terrick, Richard J.
Tibbs, Edward A.**
Tucker, Robert E.

- * Effective 1-7-02
- ** Effective 5-16-02
- + Died 7-12-02
- ++ Removed from list 8-22-02
- # Retired 1-6-03

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.**
Wenger, George L.*

- * Retired 1-6-03
- ** Resigned 2-16-03

BLAIR COUNTY

Greene, John B., Jr.

BRADFORD COUNTY

Wood, Fordham F., Jr.*

- * Resigned 9-6-02

BUCKS COUNTY

Groman, Oliver A.

BUTLER COUNTY

Wise, Frank C.

CAMBRIA COUNTY

Coleman, Alfred B.
Rozum, Julia Ann*

- * 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

CLARION COUNTY

Heasley, Norman E.

CLINTON COUNTY

Dwyer, Kevin R.*

* Effective 6-3-03

CUMBERLAND COUNTY

Farner, Glenn R.

DAUPHIN COUNTY

Cross-Shaffner, Mary E.**
Magaro, Samuel J.*
Rathfon, William P.
Williams, Edward R.

* Effective 1-1-03

** Retired 1-6-03

DELAWARE COUNTY

Boyden, Kenneth J.D.*
Dittert, William J., Jr.*
Harkin, Edward C.
LaRosa, Barbara
McDevitt, Leonard M.

Quinn, Joseph T. F.**
Sellers, Nicholas
Shaffer, Robert M.
Truscello, Anthony M.

* Removed from list 4-02

** Effective 1-1-03

ERIE COUNTY

Smith, Charles F.
Stuck, Ronald E.

FAYETTE COUNTY

Blair, Lawrence

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Bertugli, Emil*
Watson, John C.

* Retired 1-6-03

INDIANA COUNTY

Cravotta, Angelo C.*
DeGrutolla, Delores
Steffee, Michael K.

* Removed from list 3-02

JEFFERSON COUNTY

Lester, Guy M.

LACKAWANNA COUNTY

Grunik, Ferdinand A.**
Pieski, John E.*
Polizzi, Michael S.**

* Removed from list 8-21-02

** Removed from list 8-26-02

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.

* Removed from list 3-15-02

LEHIGH COUNTY

Hausman, Joan K.
Maura, Joseph J.

LUZERNE COUNTY

Harvey, Leonard D.*
Hendrzak, Bernard J.

* Retired 1-6-03

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.

* Retired 1-6-03

PIKE COUNTY

Quinn, Gudrun K.*

* Removed from list 4-02

WASHINGTON COUNTY

Lilley, June B.*
Mark, Walter A.

* Removed from list 4-02

WAYNE COUNTY

Laabs, Dorothy C.*

* Effective 11-18-02

WESTMORELAND COUNTY

Caruso, Angelo
DelBene, Frank, Jr.*
Giannini, Michael P.**
Scott, Robert E.

* Effective 3-4-02

** Retired 1-6-03

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dixon, Harold C.*
Estep, Roger A.
Hodge, James D.

Lafean, John W.
Stambaugh, Quentin R.

* Resigned 5-13-03

District Court Administrators

Administrator

Betty Davis Overman
Raymond L. Billotte
Martha J. Davidson
Joseph Cabraja
Laurie J. Staub

Dale G. Derr
Michael D. Reighard
Mary Lou Vanderpool
G. Thomas Wiley
Candace Y. Fry

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

David S. Meholic
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
Melissa K. Fultz

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

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
Susan A. Davis
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. Meholic
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
Edward J. Rutter
H. Gordon Roberts

Kathleen L. Hubbard
Kevin H. Way, Esq.
Joanne L. Bly
Peter A. Morin
Melissa K. Fultz

Deborah A. Krom
Michael J. Morris, Esq.
Joseph A. Blass
Debra C. French
Brandy L. Scott, Esq.

Court

Administrators

(As of 6-30-03)

**Court
Administrators,
continued**

**District Court
Administrators**

Administrator

Robin L. Lehman
Joseph A. Cairone
Colleen McCarthy
Patricia Ann Fluty
Lois A. Wallauer

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Nancy L. Clemens
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

Robin L. Lehman

Colleen McCarthy
Patricia Ann Fluty
Bruce D. Heffner

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Nancy L. Clemens
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.
*Court Administrator of
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*

Susan B. Davis
*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*

Paula E. Gormley
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

David M. Donaldson, Esq.
Chief of Litigation

A. Taylor Williams, Esq.
Assistant Chief of Litigation

Mary Butler, Esq.
Staff Attorney

Geri Romanello St. Joseph, 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

1515 Market Street
Suite 1414
Philadelphia, PA 19102
215-560-6300

(As of 6-30-03)

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Darryl Walker, Esq.
Staff Attorney

David Lane
*Assistant for
Intergovernmental Affairs*

Arthur J. Heinz
*Communications/
Legislative Coordinator*

Gina L. Earle
Communications Assistant

Steven F. Angle
Payroll Manager

William L. Hollenbach
*Manager of Administrative
Services*

Frank P. Lalley
*Judicial Security
Administrator*

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. Arris
*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		

Glossary

Following is a glossary of terms commonly used in the judicial system.

A

abatement of action A suit that has been quashed and ended.

abeyance Incomplete or undetermined state of affairs.

abscond To run away or hide from the jurisdiction of the court in order to avoid legal proceedings.

abstract of record Abbreviated, but complete history of a case as found in the record.

abstract of title Concise chronological history of all official records and recorded documents affecting title to a parcel of land.

Accelerated Rehabilitative Disposition (ARD) Voluntary program established by Pennsylvania's Supreme Court in 1972 for first-time, non-violent offenders whereby offenders undergo a probation supervision program for two years without conviction. If the program is successfully completed, charges against the offender are dismissed.

accessory Person who aids or contributes in commission of a crime, usually by convincing someone to commit a crime or by helping the suspect escape or hide evidence. Usually not present during the crime. Compare **accomplice**.

accomplice Person who knowingly and voluntarily participates with another in a criminal act through aiding, abetting, advising or encouraging offender. See **aid and abet**. Compare **accessory**.

accord and satisfaction Method of discharging a claim whereby parties agree to give and accept something in settlement of claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.

acknowledgment Short declaration at end of a legal paper showing paper was duly executed and acknowledged.

acquittal Verdict after a criminal trial that **defendant** is not guilty of charged crime. Compare **guilty**.

- action** A judicial proceeding. An action **in personam** is against a person. An action **in rem** is against a thing, usually where property is involved.
- actus reus** (ACK tus REE us) Proof that a criminal act has occurred. See **elements of a crime**.
- ad litem** (add LYE dem) For the purposes of the lawsuit. E.g., a **guardian ad litem** is appointed to prosecute or defend a suit on behalf of an incapacitated person or a minor.
- additur** (ADD ih tur) Increase by judge in amount of damages awarded by jury.
- adjudication** Pronouncing judgment or decree; the judgment given.
- administrator** One who administers estate of person who dies without a will. See **personal representative**. Compare **executor**.
- admissible evidence** Evidence which can be legally introduced in a trial.
- adversary proceeding** Proceeding having opposing parties; contested. Differs from **ex parte** proceeding.
- adversary system** Trial method used in U.S. and some other countries, based on belief that truth can best be determined by giving opposing parties full opportunity to present and establish evidence and to test by cross-examination evidence presented by adversaries under established rules of procedure before an impartial judge and/or jury.
- advocate** Person who assists, pleads defends or prosecutes on behalf of another.
- affiant** Person who makes and signs an **affidavit**.
- affidavit** Voluntary written statement of facts given under oath. In criminal cases affidavits are often used by police officers seeking to obtain search or arrest warrants. In civil cases affidavits of witnesses are often used to support motions for summary judgment.
- affirm** Act of appellate court to uphold decision of a lower court.
- affirmative defense** Without denying charge, defendant raises extenuating or **mitigating circumstances** such as insanity, self-defense or entrapment to avoid civil or criminal responsibility.
- aggravated assault** See **assault**.
- aggravating circumstances** Circumstances occurring in commission of an offense which occur above and beyond the offense itself and which serve to increase the offense's guilt or enormity or add to its consequences. May increase sentence of individual convicted of the offense. Compare **mitigating circumstances**.
- aggrieved party** Party whose rights have been adversely affected by a court's or another person's actions.
- aid and abet** To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.
- alibi** Proof offered by defendant that he/she was at some other place at time of crime and thus could not have committed crime charged.
- allegation** Statement by a party in an **action** that the party intends to prove.
- alleged** Claimed as true.
- allocatur** (AL lo CAH tur) "It is allowed." Petition to **appeal**.
- allocution** In criminal cases, convicted defendant's statement to the sentencing judge or jury before sentencing. Victim's allocution is a crime victim's address to the court before sentencing.
- alternative dispute resolution (ADR)** Settling a dispute without a full, formal trial. Methods include **mediation, conciliation, arbitration** and **settlement**, among others.
- amicus curiae** (uh ME kus KYU ree EYE) Friend of the court. One not a party to a case who, having strong interest in the outcome, offers information on a point of law or some other aspect of the case.
- answer** Defendant's response to plaintiff's **allegations** as stated in a **complaint**. Item-by-item, paragraph-by-paragraph response to points made in complaint. Part of the **pleadings**.
- appeal** Request to have a decision made by a lower court reviewed by a higher court.
- appearance** Coming into court. Formal act by which a defendant submits to the jurisdiction of a court. Compare **arraignment**.
- appellant** Party who initiates an appeal.
- appellate court** Court having jurisdiction to review decisions of lower courts or administrative agencies.

appellee Party against whom an appeal is taken. Also called a respondent.

arbitration Form of **alternative dispute resolution** in which parties bring a dispute to a neutral third party and agree to abide by the decision reached. Decisions usually cannot be appealed.

arraignment Proceeding in which an accused person appears before a judge to hear the criminal charges filed against him/her and to enter a plea of guilty or not guilty. Compare **preliminary hearing** and **initial appearance**. See also **appearance**.

array A panel of potential jurors or the jurors empaneled for a trial.

arrest To take into custody by legal authority.

arrest of judgment Act of delaying the effect of a **judgment** already entered.

assault Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force which would give victim reason to fear or expect immediate bodily harm. Aggravated assault must include another act which is also criminal, e.g., an attempt to cause serious bodily injury, commit another crime or use a deadly weapon. Compare **battery**.

at issue Point in a lawsuit when complaining party has stated a claim and other side has responded with a denial. Contested points are said to be “at issue.”

attachment Legal seizure and holding of a person’s property pending outcome of a lawsuit. Also, arrest of person guilty of **contempt of court**.

attempt Effort to commit a crime, carried beyond preparation, but not executed.

attest To bear witness. To affirm to be true.

attorney-at-law **Advocate**, counsel or official agent employed in preparing, managing and trying cases in the courts. Generally shortened to attorney. Also called lawyer.

attorney-in-fact Private person, not necessarily an attorney, authorized by another to act in his place and stead, either for a particular purpose or for transaction of business in general that is not of a legal nature. Authority is conferred by an instrument in writing called a letter of attorney or, more commonly, **power of attorney**.

attorney of record Principal attorney in a lawsuit who signs all formal documents relating to suit.

averment A verification of fact, especially an **allegation** in a pleading.

B

backlog Number of pending cases exceeding the capacity of a court.

bail Money or other security (such as a **bail bond**) given to a court to temporarily secure a person’s release from **custody** and assure his/her appearance in court. May be forfeited should individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the district justice, magistrate, Philadelphia bail commissioner or judge with jurisdiction over the case in question authorized by law to set, modify, revoke or deny bail.

bail bond (often referred to simply as bond) Obligation, signed by accused, to secure his/her presence at trial

bailiff Court attendant who keeps order in the courtroom and has custody of the jury.

bankruptcy Statutes and judicial proceedings involving persons or businesses who cannot pay debts and seek the assistance of the court in getting a fresh start.

bar Historically, partition separating general public from space occupied by judges, lawyers and other participants in a trial. More commonly, the whole body of lawyers. A “case at bar” is a case currently being considered.

bar examination State examination taken by prospective lawyers in order to be admitted to practice law.

battered child syndrome Medical and psychological condition of a child who has suffered continuing injuries not inflicted accidentally and thus are presumed to have been inflicted by someone close to the child.

battered woman syndrome Medical and psychological condition of a woman who has been physically, sexually and/or emotionally

abused by a spouse or lover. Also called battered wife syndrome or battered spouse syndrome.

battery Physical contact intended to harm someone. Threat to use force is **assault**; use of it is battery, which usually includes an assault. Aggravated battery is unlawful use of force with unusual or serious consequences, e.g., use of a dangerous weapon.

bench Seat occupied by the judge or the court itself.

bench trial Trial with no jury, in which the judge decides the facts.

bench ruling Oral ruling from a judge on the bench.

bench warrant Arrest warrant issued directly by a judge.

beneficiary Someone named to receive benefits from a legal device such as a will, trust or insurance policy.

bequeath To give someone a gift through a will.

bequest Gift made in a will.

best evidence Primary evidence; best evidence available. Evidence short of this is “secondary.” E.g., an original letter is the best evidence; a photocopy is secondary evidence.

beyond a reasonable doubt Standard in a criminal case requiring the jury to be satisfied “to a moral certainty” that every element of a crime has been proven by the prosecution. Does not require state to establish absolute certainty by eliminating all doubt, but does require that evidence be so conclusive that all **reasonable doubts** are removed from the mind of the ordinary person.

bifurcation Dividing the issues in a case so that one issue can be decided before the others. E.g., a divorce will often be granted before custody, support and marital property issues are resolved.

bill Formal written declaration, petition, complaint or statement. E.g., a declaration of wrong a complainant has suffered is a bill of complaint. Also, a draft of a new or amended law presented to a legislature for action.

bill of evidence Transcript of testimony heard at trial.

bill of particulars Statement detailing charge/s made against defendant.

billable hour Unit of time used by attorneys to account for work completed for clients and chargeable to clients. Usually broken into tenths or quarters of hours.

bind over To hold a person for trial on bond (**bail**) or in jail. If the judicial official conducting the preliminary hearing finds **probable cause** to believe accused committed a crime, he/she will “bind over” accused, normally by setting **bail** for the accused’s appearance at trial.

binding instruction Instruction in which jury is told that if it finds certain conditions to be true, to find for the plaintiff or defendant, as the case may be. Compare **directed verdict**.

black letter laws Informal term encompassing basic principles of law generally accepted by courts or present in statutes of a particular jurisdiction.

blood alcohol content (BAC) Concentration of alcohol in one’s bloodstream. Federal law requires that all states adopt a maximum BAC of 0.08% for one to be considered legally drunk.

blue sky laws State statutes regulating sale of securities.

bond See **bail bond**.

booking Process of photographing, fingerprinting and recording identifying data of a suspect following arrest.

breach of contract Legally inexcusable failure to perform contractual obligation.

Breathalyzer Device used to measure **blood alcohol content** via a person’s breath.

brief Written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and applicable law.

burden of proof Necessity or duty to prove a fact in a dispute. Not the same as standard of proof. Burden of proof deals with which side must establish a point or points; standard of proof indicates degree to which point must be proven.

burglary Breaking into and entering a building with intent to commit a felony.

C

calendar List of cases scheduled for hearing in court.

- call to the bar** To admit someone to practice law.
- calling the docket** Public calling of the **docket** or list of **causes** at commencement of a court term.
- calumny** (KAL uhm nee) Maliciously accusing someone falsely in order to damage that person's reputation.
- capital crime** Crime punishable by death.
- capital punishment** See **death penalty**.
- caption** Heading on a legal document listing parties, court, case number and related information.
- case at bar** See **bar**.
- caselaw** Collection of reported cases that form the body of law within a jurisdiction. Also known as **jurisprudence**.
- caseload** Total number of cases filed in a given court or before a given judicial officer for a given period of time.
- cause** Lawsuit, litigation or **action**.
- cause of action** Facts that give rise to a lawsuit.
- caveat** (KA vee OTT) Warning; note of caution.
- cease and desist order** Order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.
- censure** An official reprimand, particularly of a public official.
- certiorari** (SIR she oh RARE ee) Writ issued by appellate court directing lower court to deliver record of a case for review. Often referred to as "granting cert."
- challenge** Objection, such as when an attorney objects at **voir dire** hearing to seating of a particular individual on a jury. May be **challenge for cause** or **peremptory challenge**. See also **challenge to the array**.
- challenge to the array** Questioning the qualifications of an entire jury panel, usually on the grounds of some legal fault in composition of the panel, e.g., racial discrimination.
- challenge for cause** Objection to seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. Judge has discretion to deny challenge. Also known as challenge to the poll. Compare **peremptory challenge**.
- change of venire** (veh NI ree; popularly pronounced veh NEER) Bringing in a jury from another county to hear a trial, usually because of concerns that pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venue**.
- change of venue** Moving a lawsuit to another place for trial, usually because pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venire**.
- character evidence** Testimony of witnesses who know the general character and reputation of a person in the community in which that person lives.
- charge** Formal complaint issued accusing an individual of a crime. Compare **indictment** and **information**. Also, judge's instruction to the jury concerning law which applies to the facts of a case. Also called **instruction**. Compare **binding instruction** and **directed verdict**.
- circuit court** Court whose jurisdiction extends over several counties or districts and which holds sessions in all of those areas. Pennsylvania's appellate courts are circuit courts, holding sessions in various locations throughout the Commonwealth.
- circumstantial evidence** Evidence which suggests something by implication, from which an inference can be drawn, e.g., physical evidence, such as fingerprints. Also called indirect evidence. Compare **direct evidence**.
- citation** Reference to source of legal authority. Also, writ issued by a court commanding a person to appear at a specified place and time and do something specified or to give just cause why he/she should not. Also, direction to appear in court, as when a driver receives a citation for a moving or parking violation.
- civil actions** Noncriminal cases in which one private party sues another for redress of private or civil rights.
- civil procedure** Entire process by which a civil case is tried.
- class action** Lawsuit brought by one or more persons on behalf of a larger group.
- clear and convincing evidence** Evidence indicating that which is to be proven is highly probable or reasonably certain. Greater than **preponderance of evidence**, which is generally the standard applied in civil trials, but

- less than the evidence **beyond a reasonable doubt** required in criminal trials.
- clemency** (also called executive clemency) Act of grace or mercy by president or governor to ease consequences of criminal act, accusation or conviction. May take form of **commutation** or **pardon**.
- clerk of courts** In Pennsylvania an officer appointed or elected to oversee court matters of a criminal nature such as the filing of motions or petitions. Compare **prothonotary**.
- closing argument** In a trial, closing statements by counsel to the judge or jury after evidence has been presented.
- code** Complete, systematic collection of laws.
- codicil** (KOD I sill) Addition to a will.
- cognovit actionem** (KOG NO vit ACK she OH nem) "He has confessed the action." Written confession by defendant of plaintiff's claim. Usually upon condition. Authorizes plaintiff's attorney to sign **judgment** and issue execution.
- cognovit judgment** See **confession of judgment**.
- commit** To send a person to prison, an asylum or reformatory pursuant to court order.
- common law** Law arising from tradition and judicial decisions rather than laws passed by the legislature. Originated in England and has been followed as law in most American jurisdictions. Compare **statute**.
- Common Pleas Court** See **Court of Common Pleas**.
- community service** Sentencing option whereby offender performs volunteer work for government, non-profit or community-based organizations.
- commutation** Form of **clemency** reducing one's sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which negligence of plaintiff determines amount plaintiff may recover from defendant. Compare **contributory negligence**.
- complainant** See **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies action court is asked to take.
- conciliation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps reach a solution. Nonbinding. Similar to **mediation**, but may be less formal.
- concur** To agree, act together or consent. Compare concurring opinion under **opinion**.
- concurrent sentence** Two or more sentences served at same time rather than one after another. Three five-year terms served concurrently add up to no more than five years in prison. See also **consecutive sentence**.
- condemnation** Legal process by which government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, act of judicially pronouncing someone **guilty**. Usually called **conviction**.
- confession of judgment** Act of a debtor in permitting **judgment** to be entered against him/her by a creditor. Also known as cognovit judgment.
- consecutive sentences** Successive sentences, one beginning at the expiration of another. Three five-year terms served consecutively impose a 15-year sentence. Also called cumulative sentence. See also **concurrent sentence**.
- consent decree** Disposition in juvenile court in which proceedings are suspended and child is continued under supervision in his/her own home under terms and conditions negotiated with probation services and agreed to by all parties concerned. Also, a court decree to which all parties agree.
- consent judgment** See **judgment**.
- conservatorship** See **guardianship**.
- consideration** Inducement for which a party enters into a contract.
- conspiracy** Two or more people joining together to commit an unlawful act.
- contempt of court** Willful disobedience of judge's command or official court order.
- contingency fee** Fee for an attorney's services paid only if attorney is successful or suit is favorably settled out of court. Fee is usually a percentage of the amount client recovers.
- continuance** Postponement of a legal proceeding to a later date.
- contributory negligence** Legal doctrine that says if plaintiff in a civil action for negligence was also negligent, he/she cannot recover

- damages from defendant for defendant's negligence. Most jurisdictions have abandoned this doctrine in favor of **comparative negligence**.
- controlled substance** A drug whose possession and use is controlled by law.
- conviction** Act of judicially declaring a criminal defendant **guilty**. Also called condemnation.
- copyright** Exclusive right of the author of a literary or artistic work to control how his/her work is used. Many jurisdictions have expanded this right to include computer programs and other electronic data.
- corporal punishment** Physical punishment, e.g., spanking, caning or branding.
- corpus delicti** (COR pus di LICK ty) Material substance (body) upon which a crime has been committed, i.e., the physical evidence a crime has been committed, e.g., the body of a homicide victim or broken windows in a vandalized building.
- corroborating evidence** Supplementary evidence that strengthens or confirms initial evidence.
- counsel** Another name for attorney. Also, advice given by an attorney to a client.
- count** Each offense listed in a **complaint, information** or **indictment**.
- counterclaim** Claim made by defendant against plaintiff in a civil lawsuit, especially in opposition to the plaintiff's claim.
- court administrator** Officer who oversees administrative, nonjudicial activities of a court.
- Court of Common Pleas** Intermediate original court in some states, including Pennsylvania, that usually has civil and criminal jurisdiction. In Pennsylvania Common Pleas Courts also hear appeals from certain state and most local government agencies and from the minor courts. May also be referred to as trial courts or county courts.
- court costs** Fees and costs legally charged by the court for expenses of the litigation, e.g., filing fees, jury fees, reporter fees. Also, an amount of money that may be awarded to the successful party, recoverable from the losing party, as reimbursement for the cost of the litigation.
- court order** A court or judge's written command.
- court of record** Court whose proceedings are permanently recorded and which has power to fine or imprison for contempt.
- court reporter** Person who records and transcribes verbatim reports of all proceedings in court. Also called a stenographer.
- court-martial** Military court set up to try military personnel accused of crimes.
- crime** Type of behavior defined by law as deserving punishment. Crimes are classified as either **misdemeanors** or **felonies**.
- crime of passion** Crime committed during an intensely emotionally-charged moment.
- Crimes Code** Short title for Title 18 of *Purdon's Pennsylvania Statutes*, "Crimes and Offenses."
- criminal history record information** Information collected by criminal justice agencies on individuals with arrest records. Includes descriptions and notations of arrests, detentions, indictments or other formal criminal charges, dispositions, sentencing, correctional supervision and release. Also called a prior record or rap sheet.
- criminal insanity** Mental condition which renders a person unable to determine right from wrong. Defendants criminally insane cannot be convicted as criminal conduct involves conscious intent to do wrong.
- criminal summons** Order commanding accused to appear in court. May be issued in lieu of an arrest warrant for misdemeanors when the issuing official believes the accused will appear without being placed under bail.
- cross-claim** Claim by codefendants or coplaintiffs against each other.
- cross-examination** Questioning of witness by opponent in a trial. Compare **direct examination**.
- cruel and unusual punishment** Punishment that is considered barbaric, tortuous, degrading and out of proportion to the crime committed. Prohibited by the Eighth Amendment to the U.S. Constitution, although not specifically defined.
- cumulative sentence** See **consecutive sentence**.
- custody** Responsibility for care of a person, often a minor child whose parents are divorced. Legal custody is the right to make decisions regarding child's care and upbringing. Physical

custody is the right to have child live with the individual to whom physical custody has been granted. Joint custody is custody shared by both parents. Sole custody is when one parent has lone control over a child. Also, being held under control by law enforcement officials. Being in custody is being under **arrest**. See also **protective custody**.

D

- damages** Money awarded by court to a person for injury or loss suffered by the unlawful act or negligence of another. Compensatory or actual damages are awarded for amount actually loss, as in payment of hospital bills. Punitive damages are awarded above and beyond actual damages to punish the guilty party and deter any future similar actions.
- de facto** In fact. Exercising power as if legally constituted. Compare **de jure**.
- de jure** (dee JOOR ee) By right; by the law. Exercising power in accordance with the law. Compare **de facto**.
- de novo** (deh NO vo) Anew. A "trial de novo" is a new trial of a case.
- death penalty** Sentence of death for being convicted of committing certain serious crimes such as murder. Also called capital punishment.
- decedent** Person who has died.
- decision** Judgment reached or given by a court.
- declaratory judgment** Judgment in a civil case that declares rights and responsibilities of the parties or interpretation of the law without awarding damages or requiring action. E.g., a court may be asked to issue a declaratory judgment on the constitutionality of a statute or whether an insurance policy covers a given activity. Usually requested by plaintiffs in order to avoid future legal difficulties.
- decree** Order of the court. A final decree fully and finally disposes of litigation. An interlocutory decree settles preliminary or subordinate points or pleas, but not entire case.
- defamation** Harming the reputation of another by making false statements to a third party, thus exposing the individual to ridicule, hatred, contempt or condemnation. May be criminal or civil. Includes **libel** and **slander**.
- default** Failure to fulfill a legal or contractual obligation.
- default judgment** Judgment entered against a defendant who does not respond to a claim or does not appear at trial.
- defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.
- demurrer** (dih MUR rer) Motion still used in Pennsylvania to dismiss a civil case because the complaint is legally insufficient. In most states this is now called a **motion to dismiss**.
- deponent** One whose **deposition** is being taken.
- depose** To testify, bear witness. Also, to examine a witness via **deposition**.
- deposition** Sworn testimony of a witness taken under oath outside of court. Also, the session at which such testimony is recorded.
- descent and distribution statutes** State laws that provide for distribution of estate property when a person dies without a will. Also known as intestacy laws. Compare **intestate succession**.
- direct evidence** Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from **circumstantial**, or indirect, evidence.
- direct examination** First questioning of a witness by the party who called him/her. Compare **cross-examination**.
- directed verdict** Instruction by judge to jury to return a specific verdict, usually because one party failed to prove its case. Compare **binding instruction**.
- disbarment** Form of disciplining a lawyer whereby he/she loses, permanently or temporarily, the right to practice law.
- discharge** Dismissal of a case. Also, vacating of a court order. Also, dismissal of a juror, jury or witness from any further responsibilities in a case.
- disclaim** To renounce one's legal rights or claims.
- discovery** Pretrial process by which one party reveals, at other party's request, relevant information about the litigation.

dismissal Termination of a lawsuit. "Dismissal without prejudice" permits the suit to be filed again at a later time. "Dismissal with prejudice" prevents the lawsuit from being refiled.

disorderly conduct Conduct that bothers others or disturbs the peace, such as loitering, public drunkenness, parties that are too loud.

disposition Court's final determination of a lawsuit or criminal charge.

dissent Disagreement by one or more appellate court judges with the decision the majority.

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

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

docket List of cases to be heard by court. Also, log containing brief entries of court proceedings.

domicile Place where a person has his/her permanent, legal home. A person may have several residences, but only one domicile.

double jeopardy Putting a person on trial more than once for the same crime. Forbidden by the Fifth Amendment to the U.S. Constitution.

due process of law Right of all persons to receive guarantees and safeguards of law and judicial process. Includes such constitutional rights as adequate notice; assistance of counsel; and rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

prove **beyond reasonable doubt** in order to obtain **conviction**. Elements that must be proven are (1) that a crime actually occurred (**actus reus**), (2) that the accused intended the crime to happen (**mens rea**), (3) a timely relationship between the first two factors.

embezzlement Fraudulently taking property or money entrusted to one individual by another.

eminent domain Power of the government to take private property for public use, after paying owner reasonable compensation. See **condemnation**.

en banc All judges of a court sitting together. Appellate courts often hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

encumbrance A claim against property.

enjoin To require a person, via an **injunction**, to perform or abstain from performing some specific act.

entrapment Defense to criminal charges, alleging that agents of the government induced a person to commit a crime he/she otherwise would not have committed.

equal protection of the law Guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons or classes of persons be treated equally by the law.

equitable action Action which seeks just, fair, nonmonetary remedy, e.g., an **injunction**.

equitable distribution Fair distribution of marital property in a divorce. May not mean equal distribution.

equity Generally, **justice** or fairness; body of principles that determine what is just or fair. Historically, refers to a system of law developed in England in reaction to the legal inability of common law courts to consider or provide remedy for every injury. The king established a court of chancery to do justice between parties in cases where common law would give inadequate redress. Compare **justice**.

escheat (iss SHEET) Process by which the property of one who has died goes to the state if no heir can be found.

esquire Title used after an attorney's name.

estate All properties owned by an individual when he/she dies.

E

electronic monitoring Type of sentencing or arrest wherein an individual is required to wear an electronic device which transmits the individual's whereabouts to a receiver that is monitored for violations. Usually used in connection with **house arrest**.

elements of a crime Specific factors that define a crime, which the prosecution must

estate tax Tax paid on an estate as it passes to the heirs.

estoppel Principle that prevents someone from claiming or denying something in court that contradicts what has already been established as fact.

evidence Information presented in court to prove or disprove **alleged** facts. See also specific types, including **admissible, best, character, circumstantial, clear and convincing, corroborating, direct, expert, hearsay, irrelevant, material, opinion, prima facie, real, relevant, state's** and **substantive evidence**. Compare **rebuttal, testimony, preponderance of evidence, corpus delicti, exhibit** and **weight of evidence**.

ex delicto (ex dee LICK toh) Arising from a tort; breach of duty.

ex officio By virtue of an office or position.

ex parte (ex PART ee) On behalf of only one party, without notice to any other party. E.g., a request for a search warrant is an **ex parte proceeding** since person subject to the search is not notified of proceeding.

ex parte proceeding Proceeding in which only one side is represented. Differs from **adversary system** or **proceeding**.

ex post facto (ex post FAC toh) After the fact. E.g., ex post facto laws permit conviction and punishment for a lawful act performed before law was changed and act was made illegal. The U.S. Constitution prohibits these.

examination Questioning of witness under oath. See **direct examination** and **cross-examination**.

exclusionary rule Rule preventing illegally obtained evidence from being used in any trial. See **suppress**.

exculpate To free from blame or accusation, particularly in matters of small importance. Compare **exonerate**.

execute (a judgment or decree) To put final judgment of court into effect.

executor Personal representative, named in a will, who administers an estate. Compare **administrator**.

exempt property Certain property protected by law from creditors.

exhibit Document or other article introduced as evidence in court.

exonerate Removal of a charge, duty or responsibility. Also, to clear completely from accusation or blame and any attendant suspicion of guilt. Compare **exculpate**.

expert evidence Testimony relating to scientific, technical or professional matters given by persons particularly qualified by reason of special training, skill or familiarity with the subject.

expert witness Person with special knowledge in a particular field who may testify and give opinion on meanings of facts related to that knowledge. See also **opinion evidence**.

expungement Official and formal removal of conviction from a criminal record.

extenuating circumstances See **mitigating circumstances**.

extortion Illegally obtaining money or property by force, threat, intimidation, or undue or illegal power.

extradition Process by which one state or nation surrenders to another state or nation a person accused or convicted of a crime in the requesting state/nation.

F

fair comment Term used in **libel** law applying to statements relating to matters of public concern made by a writer in honest belief that they are true, even though they are not.

false arrest Arresting an individual without proper legal authority.

false pretenses Purposely misrepresenting a fact or condition in order to obtain another's money or goods.

family court Court having jurisdiction over family matters such as child abuse and neglect, support, paternity and custody.

felony Serious crime punishable by imprisonment for more than a year or death and/or substantial fines. Compare **misdemeanor**.

fiduciary (fih DOO she AIR ee) Person having a legal relationship of trust and confidence with another and a duty to act primarily for the other's benefit, e.g., **guardian, trustee** or **executor**.

file To submit a paper to the clerk of court/court administrator to be entered into the official files or records of a case. Also, to begin a lawsuit.

finding Formal conclusion by judge, jury or regulatory agency on issues of fact.

fine Money penalty imposed in criminal or civil actions.

first appearance See **initial appearance**.

forcible entry and detainer Summary proceeding for restoring possession of land to one who has been wrongfully deprived of it.

forgery Falsely and fraudulently making or altering a document, e.g., a check.

fraud Intentional deception to deprive another person of property or to injure that person in some other way.

frivolous lawsuit Lawsuit having no legal merit. Often filed to harass defendant.

G

garnishment Legal proceeding in which a debtor's money is seized to pay the debtor's creditors, such as when one's wages are garnished.

good faith Honest belief; absence of **malice** and intent to defraud.

good time Reduction in time served in prison as reward for good behavior.

grand jury Group of citizens, usually numbering 23, assembled to determine whether enough evidence exists to charge an individual with a felony. May issue **indictment**, charging the suspect, or may have power to issue **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

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

guardian ad litem (add LYE dem) Person appointed by court to look after interests of a minor or incapacitated person involved in legal proceedings.

guardianship Legal right given to a person to care for an individual or his/her property when that individual is deemed incapable of doing so for him/herself. Also called conservatorship.

guilty Plea made by accused in confessing crime with which charged. Also, verdict reached when jury convicts defendant of crime with which charged. Compare **acquittal**.

H

habeas corpus (HAY be us KOR pus) Writ that orders a person to be brought before a judge, usually to determine whether that individual is being legally detained or imprisoned.

harmless error Error committed during trial which was not serious enough to affect outcome of trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to witness by a third party. Generally inadmissible in court.

holographic will Will written by testator in his/her own handwriting, usually unwitnessed.

homicide Killing of one human being by another.

hostile witness Witness biased against the examining party or who does not want to testify. May be asked **leading questions**.

house arrest Sentence or type of arrest whereby an individual is confined to his/her residence except for preapproved trips, such as medical appointments, work, community service obligations, etc. Often used in connection with **electronic monitoring**.

hung jury Jury unable to reach a verdict.

hypothetical question Imaginary situation, incorporating facts previously established, upon which an **expert witness** is permitted to give an opinion. Most often asked of medical experts in personal injury suits.

I

immediate cause Last event in a series of events which causes another event, particularly an injury, to occur. May or may not also be the **proximate cause**. An event may have

more than one proximate cause, but only one immediate cause.

immunity Agreement by court not to prosecute an individual in exchange for that individual providing criminal evidence.

impeach To attack the credibility of a witness. Also, to charge with a crime or misconduct; in particular, to charge a public official with a violation of the public trust. Also, to challenge the authenticity or accuracy of a document.

impunity Exemption from punishment.

in camera In the judge's private chambers, or in private. A hearing in camera takes place in the judge's office, outside of the presence of jury and public.

in forma pauperis (in FORM uh PAH per us) In the manner of a pauper. Permission given to an **indigent** or poverty-stricken individual to sue without payment of court fees.

in limine (LIM ih nee) Motion requesting that court exclude certain evidence that might prejudice jury.

in perpetuity Forever.

in personam (per SO nam) Procedural term used to designate proceedings or actions involving the personal rights and interests of the parties. Compare **in rem**.

in propria persona (PRO pree uh per SO nuh) See **pro se**.

in rem Procedural term used to designate proceedings or actions in determining the status of a thing or the rights of persons with respect to that thing. Compare **in personam**.

inadmissible That which under rules of evidence cannot be admitted as evidence.

incarcerate To confine in jail.

incompetent Person lacking the capacity, legal qualification or fitness to manage personal affairs or to discharge a required duty.

indemnity Liability or loss shifted from one person held legally responsible to another.

indeterminate sentence Sentence with specified minimum and maximum length, e.g., one to five years in prison. Also, a maximum sentence which may be reduced by a parole board, via statutory authorization, after minimum term has been served.

indictment Formal written accusation by a **grand jury** charging a person with a crime. Compare **charge**, **information**, **presentment**.

indigent Poor person. An individual who can demonstrate his/her indigence to the court may be assigned a court-appointed attorney or may not have to pay filing fees and court costs. See also **in forma pauperis**.

indirect evidence See **circumstantial evidence**.

inferior court Court of special, limited or statutory jurisdiction. May also denote any court subordinate to chief appellate court. See **limited jurisdiction**.

information Formal accusation of a crime filed by a prosecutor without a grand jury indictment. Compare **charge** and **indictment**.

infraction Violation of law usually not punishable by imprisonment, e.g., minor traffic offenses.

initial appearance First appearance in court of a person who has been arrested, to hear charges read, be advised of rights and have bail determined. Person generally comes before judge within hours of arrest. Also called first appearance. Compare **arraignment** and **preliminary hearing**.

injunction Court order preventing or requiring a specific action. See **preliminary injunction** and **permanent injunction**.

instructions Judge's directions/guidelines to jury regarding law which applies to the facts of a case. Also called **charge**. Compare **binding instruction** and **directed verdict**.

intangible assets Nonphysical items such as patents, trademarks, copyrights and good will.

integrated bar State bar association to which a lawyer must belong in order to practice in that state.

inter alia (IN ter AY lee uh or AH lee uh) Among other things.

inter alios (IN ter AY lee us or AH lee us) Among other persons.

inter vivos gift (IN ter VEE VOHS) Gift made during giver's life.

inter vivos trust See **living trust**.

interlocutory appeal Appeal made before the trial court's final ruling on the entire case.

interlocutory decree See **decree**.

interlocutory order Any order given before the final order is issued. Usually cannot be appealed until case is fully resolved.

intermediate punishment Set of sentencing options more severe than probation, but not as severe as incarceration. Includes, among other options, **electronic monitoring**, intensive supervision, and residential drug and alcohol treatment. May or may not involve housing of offender.

interpleader Suit filed by a party holding property who does not know to whom the property should go, to determine who should receive the property.

interrogatories Written questions submitted to another party in a lawsuit for which written answers must be provided. Part of **discovery** process.

intervention Action by which a third party who may be affected by a lawsuit is permitted to become a party to the suit. Compare **third party claim**.

intestacy laws (in TES ta see) See **descent and distribution statutes**.

intestate One who dies without leaving a will.

intestate succession Process by which 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 lawsuit. Compare **misjoinder** and **nonjoinder**.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at 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**.

joint custody See **custody**.

judge Elected or appointed public official with authority to hear and decide cases in a court of law. A judge pro tem is a temporary or visiting judge. Compare **justice** and **magistrate**.

judgment Final disposition of a lawsuit. See **consent judgment**, **declaratory judgment**, **default judgment**, **summary judgment** and **non obstante veredicto**.

judicatory Relating to judgment.

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

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 Of law.

Juris Doctor Doctor of Law. Law degree bestowed on those who have successfully graduated from law school.

jurisdiction Court's authority to hear and/or decide a case. Also, territory in which a court is authorized to hear cases.

jurisprudence Study of law and legal system. See also **caselaw**.

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

jury Group of people selected according to law and sworn to decide questions of fact and render a decision about these matters. See **grand jury** and **petit jury**.

jury commissioner Court officer responsible for choosing the panel of potential jurors for a particular court term.

jury instructions See **instructions**.

justice Fair administration of laws. Compare **equity**. Also, an appellate court judge. Compare **judge** and **magistrate**.

justice of the peace Local judicial officer who has **limited jurisdiction**, usually involving minor offenses and civil matters, and with authority to perform civil functions such as marriages. Pennsylvania used justices of the peace prior to the Constitution of 1968.

justiciable (jus TISH ee uh b'l) Of issues and claims which may be properly examined in court.

juvenile Person who has not yet reached age (usually 18) at which he/she can be treated as adult for purposes of criminal law.

juvenile court Court having jurisdiction over cases involving children under a specific age, usually 18.

juvenile delinquent A minor guilty of criminal or anti-social behavior for which he/she may not be punished as an adult.

K

kidnapping Unlawfully taking and carrying away a person by force, against his/her will.

King's Bench power Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

knowingly Willfully or intentionally with respect to a material element of an offense.

L

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 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.

legal custody See **custody**.

leniency Recommendation by prosecutor to judge for a sentence less than maximum allowed.

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 or special courts. See **inferior court**.

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**.

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge. Compare **judge** and **justice**.

mala in se (MAL uh in see) "Evil in itself." Behavior universally regarded as criminal, e.g., murder. Also called *malum in se*. Compare **mala prohibita**.

mala prohibita (MAL uh PRO HIB ih duh) "Prohibited evil." Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance Unlawful act. Often used to describe misconduct by public officials. Compare **misfeasance** and **nonfeasance**.

malice Intent to commit a wrongful act without just cause or excuse.

malice aforethought Mental state required to prove murder.

malicious prosecution Action instituted with 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.

mandatory sentence Sentence set by law, allowing for little or no discretion by the sentencing judge.

manslaughter Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed, resulting in fatal collision. Compare **murder**.

master Official appointed by a court to assist with proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present 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 the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.

minor courts See **limited jurisdiction**.

Miranda rule Requirement that police advise a suspect in custody of 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.

mischarge Erroneous jury instruction that could be grounds for verdict reversal.

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**.

misjoinder Erroneously joining parties in a lawsuit. Compare **joinder** and **nonjoinder**.

mistrial Trial terminated before verdict is reached, either because of some procedural error, serious misconduct during proceedings or **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.

Multistate Bar Examination (MBE) Multiple-choice bar exam given by every state's bar association. Its 200 questions are not state-specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

municipal court Court whose jurisdiction is confined to the city or community in which it is erected. Usually 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**.

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 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**.

nonjoinder Neglecting to add a party to a lawsuit who should be added. Compare **joinder** and **misjoinder**.

nonsuit Plaintiff's voluntary withdrawal of a suit without decision on merits or court's

N

negligence Failure to use that degree of care which a reasonable person would use under

dismissal of a case because plaintiff has failed to make out a legal case or to bring forward sufficient evidence.

notary public Licensed public officer who has authority to certify documents, administer oaths, take acknowledgement and deposition and perform other specified functions, depending on the state.

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nugatory Useless; invalid.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with 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.

obiter dictum (OH bih der DICK tum) "Something said in passing." Remarks or observations of a judge, made in passing during pronouncement of judicial opinion, but not necessary to the pronouncement. Often called dictum or dicta.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requests 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.

onus probandi (OH nus pruh BAN die) **Burden of proof**. Often shortened to onus.

opening statement Statements made at the start of a trial by attorneys for each side,

outlining each's legal position and the facts each intends to establish during the trial.

opinion Court's written decision of a case. A majority or plurality opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. A 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.

orphans' court Court that oversees estates, adoptions, appointments of guardians. Also called probate court.

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 an 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**.
- physical custody** See **custody**.
- plaintiff** Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.
- plea** Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).
- 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.
- Post-Conviction Relief Act** Process by which someone who has been convicted of a crime may request a court to vacate or correct a conviction or sentence.
- pour-over will** Will that leaves some or all estate assets to 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.
- prejudice** Preconceived bias. Judgment decided before facts are given.
- 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**.
- presentencing 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 record** See **criminal history record information**.
- 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.
- privileged communication** Communication protected by law from publication. Includes certain communications between attorneys and clients, clergymen and confessors, doctors and patients, and husbands and wives as well as issues of national security and foreign policy and journalists protecting sources.
- pro bono publico** "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."
- pro hac vice** (pro hack VEE chay) "For this time only." Usually refers to an attorney who is not licensed in a particular jurisdiction who has been granted permission to try a particular case in that jurisdiction.
- pro se** (pro see) An individual who represents himself/herself in court. Also called "in propria persona" or "pro persona."
- probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.
- probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.
- probate court** See **orphans' court**.
- 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 judicial business before a court or judicial officer.
- process** Summons to appear in court or notification to a defendant that a suit has been filed against him/her.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.
- protective custody** Confinement of an individual by law enforcement officials to protect that individual from a dangerous person or situation.
- protective order** Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.
- prothonotary** In Pennsylvania an officer elected or appointed to oversee court matters of a civil nature, including maintaining all official court documents and records. Compare **clerk of courts**.
- proximate cause** Act legally sufficient to result in liability. Also, act without which an

action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

public domain Government-owned land. Also, publications, inventions, etc., not protected by **copyright**.

punishment Penalty, such as a fine, imprisonment or probation, imposed on one who has broken the law. See also **death penalty** and **cruel and unusual punishment**.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish 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 die) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in an incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an

individual is **guilty** of 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.

recovery To obtain judgment in one's favor. Also, to obtain damages or other relief in a lawsuit or other legal proceeding.

recusal Process by which a judge excuses 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 the 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.

remit To send a case back to a lower court.

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**; followed by defendant's **rejoinder**.

reprieve Temporary postponement of a **sentence**, particularly of a death sentence.

reprimand Disciplinary action against an attorney that declares his/her actions improper, but does not prevent him/her from practicing law. May be public or private.

respondent See **appellee**.

rest When one side finishes presenting evidence in a trial.

restitution Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.

restraining order Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.

retainer Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.

return Report to judge of action taken in executing a 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.

right to counsel Guarantee in the Sixth Amendment of the U.S. Constitution of a criminal

defendant's right to court-appointed counsel if the defendant cannot afford to hire counsel.

robbery Felonious taking of another's property in that person's presence by force or fear. Differs from **larceny**.

rule of court Rules governing how a given court operates.

rules of evidence Standards governing whether evidence is admissible.

S

sanction Penalty for failure to comply with rule, order or law.

scofflaw One who habitually ignores the law or does not answer court summonses.

satisfaction See **accord and satisfaction**.

search warrant Written order issued by a judge that permits a law enforcement officer to search a specific area for specific items.

secondary evidence See **best evidence**.

self-defense Use of force to protect one's self, family or property from harm or threatened harm by another.

self-incrimination, privilege against Right of people to refuse to give testimony against themselves. Guaranteed by 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 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. See **concurrent sentences, consecutive sentences, death penalty, house arrest, indeterminate sentence, mandatory sentence** and **suspended sentence**.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. 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**.

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

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.

sole custody See **custody**.

sovereign immunity Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.

special courts See **limited jurisdiction**.

specific performance **Remedy** requiring 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 judice (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. Also, the act of ordering a witness to appear and testify.

subpoena duces tecum (suh PEE nuh DOO sess TEE kum) Court order commanding a witness to bring certain documents or records to court.

subrogation Substituting one person in place of another in asserting a lawful claim, demand or right.

substantive evidence Evidence presented to prove a fact in issue.

substantive law Law which creates, defines and regulates rights. Compare **procedural law**.

summary Quickly executed.

summary judgment Judgment made when there are no disputes of the facts of a case and one party is entitled to prevail as a matter of law.

summary offense In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

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.

swindle To obtain money or property by fraud or deceit.

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**.

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

theft See **larceny**.

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**.

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.

trustee Person or institution that manages a trust.

turncoat witness Witness whose testimony was expected to be favorable, but who later becomes a hostile witness.

U

undue More than necessary; excessive.

undue prejudice Harmful bias that results when judge or jury are exposed to convincing but

inadmissible evidence or evidence that so arouses emotions that clear, impartial consideration is lost.

unlawful detainer Detention of real property without 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.

victimless crime Crime considered to have no direct victims, usually because it involves consenting adults, e.g., drug possession.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which witness

relinquishes right against self-incrimination, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

warrant Writ directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. See also **bench warrant** and **search warrant**.

weight of evidence Persuasiveness of some evidence as compared to other.

white-collar crime Nonviolent crimes involving dishonest business practices, e.g., **fraud**, **embezzlement**, insider trading on the stock market.

will Legal document that sets forth how an individual wants his/her property disposed of when he/she dies.

willfully Intentionally, as distinguished from accidentally, carelessly or inadvertently, but not necessarily maliciously.

with prejudice Judge's decision in a case whereby any future action on the claim is barred in any court.

without prejudice Without loss of rights.

witness One who testifies to what he/she has seen, heard or otherwise experienced. See also **expert witness**, **hostile witness**, and **turncoat witness**.

work release Sentence under which 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 court officer to enforce a court judgment or decree. AOPC