

**Report of the
Administrative Office of
Pennsylvania Courts
2005**

Supreme Court of Pennsylvania

*Chief Justice Ralph J. Cappy
Justice Ronald D. Castille
Justice Sandra Schultz Newman
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice Max Baer
Justice Cynthia A. Baldwin*

*'05 in Brief
(listed chronologically)*

Pennsylvania's minor court jurists, formerly called district judges, become known as magisterial district judges

Chief Justice Ralph J. Cappy forms the Interbranch Commission for Gender, Racial and Ethnic Fairness to promote the equal application of the law for all citizens of the Commonwealth of Pennsylvania

Supreme Court adopts Rules of Juvenile Procedure to establish for the first time uniform statewide procedures in juvenile courts that apply to all phases of delinquency cases that enter the state court system

Justice Max Baer participates in "Changing Lives by Changing Systems: National Judicial Leadership Summit for the Protection of Children," to work toward reforming the way abused and neglected children's cases proceed through the courts

Supreme Court issues order authorizing disciplinary proceedings to be open to public review

Pennsylvania begins development of a statewide education program for trial court judges who hear capital murder cases. The program, developed with the Nevada-based National Judicial College, will be among the first of its kind in the nation.

Kate Ford Elliott is elected president judge of Superior Court, becoming the first woman in Pennsylvania to lead an appellate court

Supreme Court adopts new civil rules to provide a more efficient means to resolve disputes between credit card companies and card holders

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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 (AOPC) for 2005. This general reference document reflects the hard work and dedicated service of the boards and committees of the Supreme Court of Pennsylvania and the AOPC.

This report outlines many of the programs and services that provide the framework of the Commonwealth's state court system. It also serves to highlight noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

Of particular note in 2005 are the Supreme Court's many administrative accomplishments that came through the significant involvement of judges and court administrators from across the Commonwealth, along with members of the bar, legislature, executive branch and public.

Changes in court procedures, new educational initiatives and the creation of more options for communities and their trial courts to help nonviolent criminal offenders avoid repeating their crimes and become productive members of society were among the year's highlights. It also was a year in which the state's 550-plus district justices became known as magisterial district judges. The name change was made to better reflect the nature of their office as judges and eliminate confusion by the public as to their important role in the judicial system.

Medical malpractice liability cases was a topic that commanded considerable attention during the year among all three branches of government. Court rule changes of note during the year included an amendment to the Rules of Civil Procedure to clarify Certificate of Merit requirements in medical malpractice liability cases.

The state's Rules of Civil Procedure require a plaintiff to file a certificate of merit attesting that a licensed professional believes the actions fell outside acceptable standards. The change addressed questions raised by some attorneys who have interpreted the rule to mean that a certificate of merit was required for each licensed professional involved in the alleged misconduct.

Later in 2005 the AOPC published medical malpractice data that showed a continued annual decline in case filings and an updated

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listing of previously disclosed statistics for four prior years. Many believe the decline was a result of court rules changes regarding where cases are filed and the previously mentioned Certificate of Merit requirements.

All judicial districts must track medical malpractice cases and file an annual report that lists filings and verdict amounts. A Rule of Judicial Administration that codifies the reporting requirements was issued -- Pa.R.J.A. 1904 -- and statistical collection and analysis methods continue to be enhanced to ensure the accuracy of med-mal data.

Other rule changes in 2005 let Pennsylvania's lawyer disciplinary process come under public review, following years of keeping such information private. The Supreme Court amended the Pennsylvania Rules of Disciplinary Enforcement by authorizing disciplinary proceedings to be open to public review once formal charges -- otherwise known as a Petition of Discipline -- are filed, and after the respondent-attorney has either filed an answer or the time to answer the petition has elapsed. Pennsylvania joined 40 other jurisdictions across the country that allow public access to lawyer disciplinary proceedings.

Also during the year, the Supreme Court approved long-distance learning options for lawyers to meet their continuing legal educational requirements. The change provided lawyers with the option of completing four hours of instruction per compliance year by participating in pre-approved, interactive, Internet or computer-based CLE programs. Educational activities of this nature allowed for courses to be taken on a schedule convenient to the learner and expanded the availability of subject matter. Over the years technological advances in the delivery and exchange of information have enhanced educational options for lawyers.

Pennsylvania also played a role in coming to the aid of other state court systems in the southeastern U.S. that were debilitated by Hurricane Katrina. The Supreme Court authorized eligible licensed attorneys from Louisiana, Mississippi and Alabama who were displaced by Hurricane Katrina to conduct their practices in Pennsylvania for up to nine months. The attorneys' practice was limited to furnishing legal services to their clients about matters arising in the state where the attorneys are licensed.

Enhancing Judicial Education

The AOPC implemented a new Judicial Education Department in 2005, and Dr. Stephen Feiler was appointed director. The move addressed Chief Justice Ralph J. Cappy's priority to help the

Pennsylvania Conference of State Trial Judges (PCSTJ) standardize and augment judicial education offerings.

Initial department objectives included putting into place the systems necessary to provide administrative and organizational support to the PCSTJ, which previously relied upon judges to volunteer during their spare time. The new department provided a framework to bring together a staff to devote their full professional attention to judicial education.

Improving Decision-Making in Death Penalty Cases

The year also saw the development of a statewide education program for judges who try death penalty cases. Pennsylvania was selected as one of five pilot states for a program to be developed with the Nevada-based National Judicial College to augment legal education specifically for judges who try defendants facing the death penalty. Pennsylvania is using the broad-based curriculum provided by the college to develop a customized statewide program for the Commonwealth. The initiative is fully funded through a federal grant provided by the U.S. Bureau of Justice Assistance.

The highlight was just the latest in a series of actions advancing legal education for attorneys and jurists in areas of significant public concern here in the Commonwealth, such as death penalty cases and medical malpractice litigation. In November 2004 the court ordered mandatory legal education for attorneys in capital cases. The 2005 initiative focused on enhancing already high continuing legal education standards for the state's approximately 400 trial court jurists.

Safety Issues Proactively Addressed

Significant achievements in court security were made during the year under the leadership of Supreme Court Justice Sandra Schultz Newman and members of the Judicial Council's subcommittee on security. Specifically, an on-line prototype incident report was developed in select magisterial district courts and a facility assessment for all trial court facilities was completed. Judicial districts also identified alternate court sites in the event of a short-term emergency, and a comprehensive court security manual that emphasizes protecting people, property and information was developed.

The rewarding culmination of the security committee's efforts, however, was the legislature's appropriation of approximately \$5 million to address security enhancements for more than 500 magisterial district courts. With regard to security at the administrative

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level, AOPC staff worked closely with a national security consultant in developing a comprehensive business continuity plan in the event of an emergency.

Enhancing Assistance for Families

Court leaders and representatives of child welfare agencies from every state, the District of Columbia and three U.S. territories gathered during the year at the Changing Lives by Changing Systems: National Judicial Leadership Summit for the Protection of Children, in Bloomington, Minnesota. The Pennsylvania delegation included Supreme Court Justice Max Baer, a former administrative judge for the family division of Allegheny Common Pleas Court and Pennsylvania's former Child Advocate and Adoption Advocate of the Year Award recipient; Allegheny County Juvenile Court Supervising Judge Kim Berkeley Clark; Philadelphia Juvenile Court Supervising Judge Kevin Dougherty; Court Administrator of Pennsylvania Zygmunt A. Pines; AOPC Director of Judicial Programs Joseph J. Mittleman and Terry Clark of the state Department of Public Welfare.

The summit paved the way for systematic change in subsequent years that resulted in an action plan to improve Pennsylvania's child protection procedures and programs.

Problem-Solving Courts

The Supreme Court also implemented statewide procedures for specialized adult drug courts. The guidelines established rules for the courts' voluntary creation in the 57 Pennsylvania counties that did not have them. The guidelines were developed in a joint venture by the AOPC and the Commission for Justice Initiatives, a judicial advisory group established in May 2004 by the Pennsylvania Bar Association at the request of the Supreme Court. The new guidelines apply only to adult defendants while similar procedures for juvenile drug courts remained under study by the commission and AOPC.

Public Comments Invited

The AOPC also moved ahead with development of new public access guidelines governing electronic court records by crafting a draft proposal for public review and comment. The proposed policy covered what and how electronic criminal case records should be available to the public and how requests for access to those records ought to be handled. Fees for accessing the records and other related issues also were addressed. Growing availability of court records over the Internet, coupled with increased concern regarding personal privacy and

security -- including the increased potential for identity theft and fraud -- prompted the AOPC to address the issues presented by the advent of electronic access to case files. At the direction of the state court administrator, an AOPC ad hoc committee crafted the policy proposal.

The committee work took place amid efforts to implement a statewide automated case management system in the criminal division of the Courts of Common Pleas. The Common Pleas Case Management System, or CPCMS, makes certain criminal case information available via Web docket sheets posted on the judiciary's public Web site.

The AOPC also sought public input on a redesign of the Pennsylvania judiciary's Web site, which was the second in the nation of its kind to go on-line. The revisions were driven by the anticipated completion of the CPCMS that will dramatically enhance criminal case data availability from Pennsylvania's courts. The Web site enhancements were part of the AOPC's continuing role in administering the state court system under the direction of the Supreme Court, which has a longstanding policy of promoting open access to the courts for the Commonwealth's citizens.

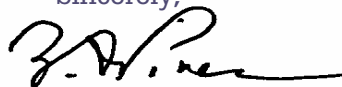
The Gender, Racial and Ethnic Fairness Commission provided collaborative forums on a variety of issues in taking significant strides during its first year of operation. The commission also held seminars on promoting jury diversity and participation.

At its second quarterly meeting of 2005 at the National Constitution Center in Philadelphia, Chief Justice of Pennsylvania Ralph J. Cappy announced plans to hold one public session each year to highlight commission accomplishments and seek public input.

Under the direction of the Chief Justice and the Supreme Court, the AOPC is dedicated to improving the administration of justice and will continue to develop ways to meet the challenges of ever more complex caseloads and societal changes through prudent use of resources.

Finally, in a look to the future, site preparation work began during the year in downtown Harrisburg on the much-anticipated Pennsylvania Judicial Center project. The northwest corner of Commonwealth and Forster streets was readied for a new garage where people parking at the current site of the planned center will be relocated to park.

Sincerely,



ZYGMONT A. PINES

Court Administrator of Pennsylvania

Preface
from the
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Administrator,
continued

A BRIEF HISTORY OF PENNSYLVANIA'S COURTS



THE STRUCTURE OF PENNSYLVANIA'S
UNIFIED JUDICIAL SYSTEM



JUDICIAL QUALIFICATIONS, ELECTION,
TENURE, VACANCIES



ADMINISTRATIVE OFFICE OF PENNSYLVANIA
COURTS

**Overview
of the
Pennsylvania
Judicial
System**

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 state-wide 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

A Brief

History

of the

Courts of

Pennsylvania

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

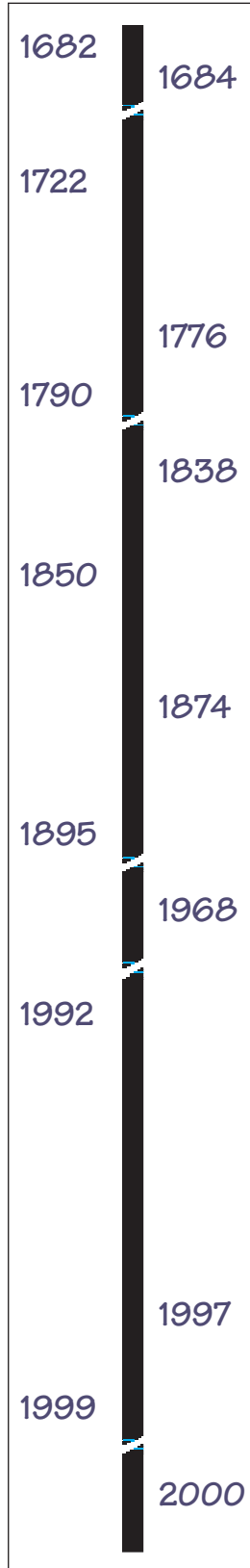


Chart 2.1.1

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

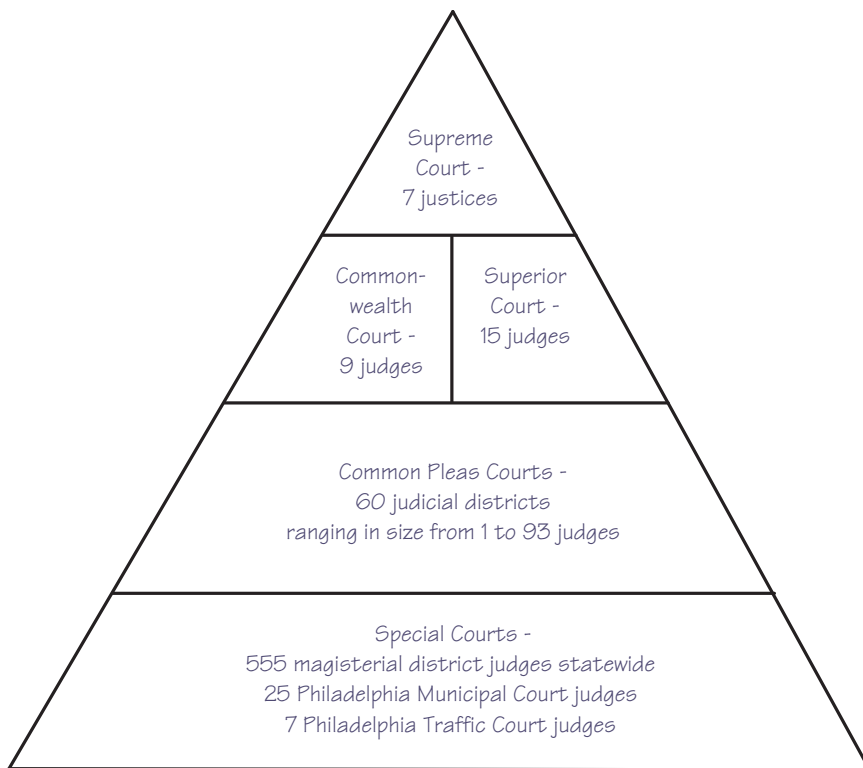


Figure 2.2.1

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 555 magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court.

Magisterial District Judge Courts

Act 207 of 2004 changed the title of district justices to magisterial district judges. The new title, according to Chief Justice of Pennsylvania Ralph J. Cappy, “reflects the nature of their office as judges, eliminates confusion by the public as to their role in the judicial system and fully recognizes their important contribution to that system.”

Magisterial district judges preside over magisterial district judge 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 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 (Game)
- accept guilty pleas to misdemeanors of the third degree in certain circumstances.

Magisterial district judges 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 83.)

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 magisterial district judges 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 and may be reelected after a minimum one-term interlude.

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 magisterial district judges, 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 appellate, Common Pleas and Philadelphia Municipal Courts, the president judge of Traffic Court is appointed by the governor.

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 Control 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 nonprofit 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
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question

- supersession of a district attorney by the attorney general or by a court
- 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 commonly 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 2005, beginning on page 105. **AOPC**

Before justices and judges can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but magisterial district judges 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 from office, suspended or otherwise disciplined for misconduct in office. These 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 jurists; the “Rules of Conduct, Office Standards and Civil Procedures for Magisterial District Judges”; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. Common Pleas Court judges and appellate jurists are elected to ten-year terms. Magisterial district judges and judges of Philadelphia’s Municipal and Traffic Courts are elected to terms of six years. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Justices and judges may serve an unlimited number of terms and are retained or reelected at the pleasure of the electorate. The “merit retention” provision of Pennsylvania’s constitution allows all but magisterial district 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. Magisterial district judges run in normal elections.

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 state 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 and Research, Legal, and Judicial Services. The deputy court administrator's office is located in Mechanicsburg, just south of Harrisburg, and includes Communications/Legislative Affairs, Administrative Services, Payroll and Judicial Security. Also found in Mechanicsburg are the Finance, Human Resources, Judicial Automation and Judicial Education Departments. The Judicial Programs Department has offices at both locations.

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
- overseeing the security of court facilities
- 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 and Research Department

The Administrative Office's Policy and 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 caseflow management reviews of individual trial courts to statewide evaluations of the safety and security of court facilities.

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:

- statistical compilation of medical malpractice filings and jury verdicts across the state
- study of child custody practices and procedures in support of the work of the Pennsylvania Bar Association's Commission on Justice Initiatives
- design of interactive caseload statistical reporting on the UJS Web site. Customized statistical reports are now available on-line
- design of automated security incident reporting system for the Judicial Council's committee on court security
- expansion of caseload statistical reporting to include more case types and disposition outcomes, including automated reporting through the statewide criminal Common Pleas Case Management System (CPCMS)
- development of a juvenile delinquency caseload statistical report in coordination with the new Juvenile Court Judges Commission automated Case Management System (JCMS)

- support services and training to various committees and associations such as the Pennsylvania Association of Court Management and the Mid-Atlantic Association of Court Management
- on-site support for local courts in compiling and analyzing caseload statistics
- selection of participating counties and jurors in regional and statewide investigating grand juries in keeping with Pennsylvania Rule of Criminal Procedure 241.

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 state court administrator 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 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 or negotiating leases and contracts for most of the state court system
- providing legal and administrative assistance and advice to the state court administrator
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Judicial Services Department

The Judicial Services Department provides logistical planning, coordination, administration and staffing for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.

In 2005 the department coordinated seven conferences:

- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 24-27, 2005
- *Satellite Program: Sentencing*
April 5, 6, 19, 20, 2005
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 5-8, 2005
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 21-24, 2005
- *Satellite Program: Evidence*
October 18, 19; November 14, 15, 2005
- *Pennsylvania Association of Court Management Mid-Annual Conference*
November 6-8, 2005

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; and handles the filing of financial disclosure statements.

Judicial Programs

The Judicial Programs Department 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:

- providing information about judicial program development and trends within Pennsylvania and 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 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
- developing training, testing and certification of court interpreters
- assisting judicial districts in planning, implementing and maintaining problem-solving courts.

Judicial Automation

The AOPC's Judicial Automation Department is responsible for developing and maintaining case management and other software applications for courts and administrative staff in the Unified Judicial System. 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)

CPCMS is a statewide case management system for Pennsylvania's trial courts that includes docketing, accounting and other important case management functions. The first phase of development covers criminal courts, and it will be used primarily by clerks of courts, court administration and judges and their staffs.

The system produces more than 400 forms and reports, including master account reports. It provides a facility to export report data from the system to other applications such

as Microsoft Excel and Access so that counties can customize the presentation of information, if desired.

During 2005 rollout of the Common Pleas System in all but five counties was completed. Work began on enhancing the system to accommodate the unique requirements of Philadelphia County, which is slated for installation in mid-2006.

The system facilitates sharing of important criminal case information such as bail and warrant information statewide. It also uses a data hub to transmit information to and from other state agencies and uses the Pennsylvania Justice Network (JNET) as a data transportation mechanism as well as to present information to other criminal justice agencies.

As a complement to CPCMS, the AOPC developed a Web site to provide both public and secure Web docket sheets. The response to the electronic availability of these documents has been overwhelmingly positive, with over 2.5 million hits in 2005. The secure docket sheets are made available to county court and related criminal justice personnel through use of a secure log-in, personal identification number (PIN) and password. They are also available to law enforcement through JNET.

A warrant application was launched through JNET to provide integrated query capability for both magisterial district judge (MDJ) and CPCMS warrant data. Users receive results from both systems in a single grid and can print a summary report as well as access docket sheets from both systems. All active warrants, irrespective of issue date, and inactive warrants going back one year are available. This information is now available to users with secure docket log-ins and is accessible through the CPCMS application.

Pennsylvania Appellate Court Case Management System (PACMS)

The Pennsylvania Appellate Court Case Management System (PACMS) is an integrated

case management system designed for Pennsylvania's appellate courts -- Supreme, Superior and Commonwealth.

Enhancements to PACMS continued, mainly in the form of new and modified system reports, including several statistical reports for Superior Court.

Administrative Support Application Project (ASAP)

ASAP is a software application that was developed in-house at the AOPC to support the administrative functions of the appellate courts, AOPC and First Judicial District. The system includes payroll, human resources and finance modules.

In 2005 ASAP staff continued to maintain and enhance the system.

The ASAP staff also resumed responsibility for maintaining the Pennsylvania Board of Law Examiner's Bar Exam Applicant Registry (BEAR) system and its on-line bar applicant system, CUB.

Magisterial District Judge System (MDJS)

The Magisterial District Judge System provides case management and accounting functions to all magisterial district judges and their staffs statewide, approximately 3,500 users. The system has been in place since 1992 and generates all forms needed for civil, criminal and traffic case processing.

Activities in 2005 included:

- replacing all printers in the district courts
- fall workshops and presentations at MDJ continuing education classes.
- planning for a rewrite of the MDJS, which is 13 years old, began.

Web Development

The Web team continued to support the existing system while beginning to plan for a redesign of the entire Unified Judicial System Web page.

The security incident reporting system for magisterial district judges was released to all MDJ courts in 2005. It is a result of the work being done by the Pennsylvania Supreme Court's Judicial Council Subcommittee on Judicial Security. Development of a similar system for the Courts of Common Pleas is underway and on track for release in 2006.

Systems Support

AOPC systems support staff continued to support and maintain hardware and telecommunications systems required for various AOPC case management systems and office automation functions.

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 magisterial district judge

offices, staff also monitor and report on legislation that may necessitate changes to the magisterial district judge software programs.

Judicial Security

The goal of Judicial Security is to make every state court facility in Pennsylvania a safe place for not only jurists and their staff, but for litigants and their families, jurors, witnesses, victims of crime and the general public to conduct their business.

The unit traces its origins to an in-house study conducted in 1999 which broke new ground in understanding the nature of threats to state jurists. The results of the study, which were eventually published in two national journals, highlighted a strong need to address judicial security.

The Committee on Judicial Safety and Preparedness, established by the Judicial Council following publication of the survey, carried out further study and consulted with experts, including the Secret Service; the Bureau of Alcohol, Tobacco and Firearms; the Pennsylvania State Police; sheriffs and private consultants. This led to the formation of the Judicial Security unit in late 2002.

In 2005 the committee, chaired by Justice Sandra Schultz Newman, embarked on four major initiatives to improve security for magisterial district courts throughout Pennsylvania as follows:

- physical changes to the courts themselves. With funding from the Pennsylvania legislature, courts will receive closed circuit television cameras, wireless duress alarms and easily viewable signs announcing that a court is under 24-hour surveillance. In addition, the AOPC will reimburse courts for the cost of shatterproof glass for their public transaction counters and for a means to secure in-custody defendants where the courts have so requested, based on their needs.

- staff training in personal security and safety. The training will enable staff to deal effectively with verbally and physically disruptive litigants and to develop security protocols to protect themselves and their coworkers. All magisterial district court staff will have an opportunity to receive this training within a two-year period.
- development of the Unified Judicial System of Pennsylvania's Court Safety and Security Manual. The manual is designed to provide a framework for increasing security in court facilities. To familiarize local security committees with the manual's content, Judicial Security staff conducted regional workshops in the fall of 2005.

A second round of workshops is planned for the summer and fall of 2006 and will focus on several key areas of concern expressed by local court security committee members in the fall workshops.

- development of the Pennsylvania Judicial Incident Reporting System (PAJIRS). This system, inaugurated July 15, 2005, provides magisterial district judges and their staff with a means to report security incidents that occur in their offices. The reports are electronically forwarded to Judicial Security staff and district court administrators. Judicial Security staff review each incident and contact the individual who filed the report, where assistance is warranted.

As of December 31, 2005, 67 incidents had been reported in PAJIRS. They include threats against a judge's life, physical assaults, verbally aggressive and threatening litigants and vandalism of court offices.

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 Office of Human Resources, it also orients and answers any questions new employees may have as the employees become members of the judiciary staff.

Judicial Education

The Judicial Education Department was formed to meet the need of providing continuing education to Pennsylvania's jurists.

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 and 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, 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 \$317.2 million in annual appropriations, including \$37.4 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.

AOPC

APPELLATE COURT PROCEDURAL RULES COMMITTEE



BOARD OF LAW EXAMINERS



CIVIL PROCEDURAL RULES COMMITTEE



COMMITTEE FOR PROPOSED STANDARD JURY INSTRUCTIONS



COMMITTEE ON RULES OF EVIDENCE



CONTINUING LEGAL EDUCATION BOARD



CRIMINAL PROCEDURAL RULES COMMITTEE



DISCIPLINARY BOARD OF THE SUPREME COURT



DOMESTIC RELATIONS PROCEDURAL RULES COMMITTEE



INTEREST ON LAWYERS TRUST ACCOUNT BOARD



JUVENILE COURT PROCEDURAL RULES COMMITTEE



MINOR COURT RULES COMMITTEE



MINOR JUDICIARY EDUCATION BOARD



ORPHANS' COURT PROCEDURAL RULES COMMITTEE



PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY

Advisory

Boards

and

Committees

2005 Membership:

Honorable Thomas A. Wallitsch, *Chair*
Honorable Jane Cutler Greenspan, *Vice Chair*
Gaele Barthold, Esq.
William P. Bresnahan II, Esq.
Abraham J. Gafni, Esq.
Marcel Groen, Esq.
James C. Haggerty, Esq.
James J. Kutz, Esq.
Honorable Maureen Lally-Green
Susan Moyers, Esq.
Sunah Park, Esq.
James Sargent, Esq.
Alison Taylor, Esq.
Kevin Wright, Esq.

Staff:

Dean R. Phillips, Esq., *Counsel*
D. Alicia Hickok, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization:

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

About the Committee

The principle function of the Appellate Court Procedural Rules Committee 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.

Appellate

Court

Procedural

Rules

Committee

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Index/SupCtCmtes/
AppCtRulesCmte/
IndexAppCtRulesCmte.
asp

2005 Activities

The following recommendations were adopted by the Supreme Court in 2005:

Joint recommendation with the Appellate Court Procedural Rules Committee to amend Pa.R.A.P. 311 and 342, addressing important issues regarding the **appealability of orphans' court orders**. Adopted 6-29-05, effective 8-29-05.

Amendments to **Pa.R.A.P. 1702(d) and 3316**, regarding **stays of execution**. Adopted 10-7-05, effective 2-1-06.

The following recommendation was published for comment in 2005:

Amendments to the **Note to Pa.R.A.P. 341** to incorporate the principles of *Nationwide Mut. Ins. Co. v. Wickett* and explain that under the Declaratory Judgment Act, **orders based on pre-trial motions or petitions** are considered final if they affirmatively or negatively declare the rights and duties of the parties.

2006 Plans

Among the subjects on the committee's agenda for 2006 are the following:

- proposed amendments to Pa.R.A.P. 2140 and 2544 to clarify that there is a single page limit for all briefs, whether prepared on a typewriter or by a computer word-processing program

- proposed amendment to Pa.R.A.P. 124(a)(4) to conform to Pa.R.C.P. 204.1 and Pa.R. Crim.P. 575 by changing the allowable font size from 11-point to 12-point
- proposed amendment to Pa.R.A.P. 108, 301 and 903 to conform them to the proposed amendments to Pa.R.Crim.P. 462, 720 and 721 and their notes
- proposed revisions to Pa.R.A.P. 311 (interlocutory appeals)
- proposed revisions to Pa.R.A.P. 102, 121, 122, 123, 905, 909, 911, 1101, 1102, 1112, 1116, 1123, 1311, 1314, 1321, 1514, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309
- thorough subcommittee examination Pa.R.A.P. 1925 (Opinion on Support of Order)
- study of *Vaccone v. Syken*, dealing with the proper procedure for seeking Supreme Court review of an intermediate appellate court's quashal of an appeal
- subcommittee examination of whether electronic filing and commercial copying of reproduced records is feasible and/or advisable
- study of the possible use of commercial courier services for filing papers with appellate courts.

AOPC

2005 Membership:

Michael W. King, Esq., *Chair*
Gregory P. Miller, Esq., *Vice Chair*
Patti S. Bednarik, Esq.
Karen Engro, Esq.
Jeanette H. Ho, Esq.
Samuel H. Pond, Esq.
William R. Sasso, Esq.

Staff:

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Deputy Executive Director*
Brenda K. Kovanic, *Director of Testing*
Brian S. Mihalic, *Director of Information Technology*

Legal Authorization:

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

About the Board:

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.

Members are appointed to three-year terms, and each member may serve two consecutive terms. Board office staff includes the executive director, deputy executive director, counsel to the board/supervising law examiner, director of testing, 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.

Board of Law Examiners

5070 Ritter Road,
Suite 300
Mechanicsburg, PA 17055
(717) 795-7270
www.pabarexam.org

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 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.

The MBE is a national exam, prepared by the National Conference of Bar Examiners in conjunction with American College Testing (ACT). 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 percent and the MBE portion weighted 45 percent. 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 three 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 it 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 nine points or less below passing, (i.e., 263-271).

The MBE is graded by ACT.

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 Pennsylvania's bar 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.

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 25 hearings were held in 2005.

2005 Statistics

Statistics for 2005, including a comparison with 2004's figures, can be found in Table 3.2.1 on page 32. Chart 3.2.2 on page 33 details the percentage of those passing the bar since 1996 while Chart 3.2.3 on page 34 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. In addition, office staff processed approximately 300 applications for admission on motion and for character and fitness determination.

2005 Activities

The board met eight times in 2005 to review bar admission rules and recommend 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.

Recommendations to the Supreme Court

Recommendation No. 1: Amendment to Pa.B.A.R. 231, regarding **orders required for admission** under Pa.B.A.R. 204 and 205 to permit the chief justice to delegate the responsibility for signing the orders that are required

for admission to the bar to the prothonotary or to completely eliminate the requirement for an order with respect to admissions under Rules 204 and 205. Adopted 8-5-05, effective immediately.

Recommendation No. 2: Amendment to Pa.B.A.R. 231, regarding **revocation**. Provides that the license of an attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, a military attorney or a foreign legal consultant may be revoked or other appropriate sanction may be imposed when the attorney has made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered before the attorney is admitted or issued a license. Approved by the Court.

Recommendation No. 3: Order authorizing eligible licensed attorneys from Louisiana, Mississippi or Alabama who were displaced by **Hurricane Katrina** to practice in Pennsylvania for up to nine months. Such practice is limited to furnishing legal services to their clients about matters from the state where they are licensed. Adopted 9-19-05, effective immediately.

Filing Fees

The filing fees charged for processing applications in 2005 are as follows:

For new applicants:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee.

Admission applications		approx. 3,000
Sitting for the February Exam		741
Change from 2004	52	7.55%
Persons passing February exam		464
Persons failing February exam		277
Passing Percentage		62.62%
2004 Passing Percentage		51.52%
Sitting for July exam		2,234
Change from 2004	190	9.3%
Persons passing July exam		1,616
Persons failing July exam		618
Passing Percentage		72.34%
2004 Passing percentage		73.29%

Table 3.2.1

For Re-applicants:

- \$250 first-time filing fee
- \$400 late first filing fee
- \$650 second late filing fee
- \$950 final filing fee.

Other:

- \$1,000 for admission on motion
- \$650 for application for limited in-house counsel license.

AOPC

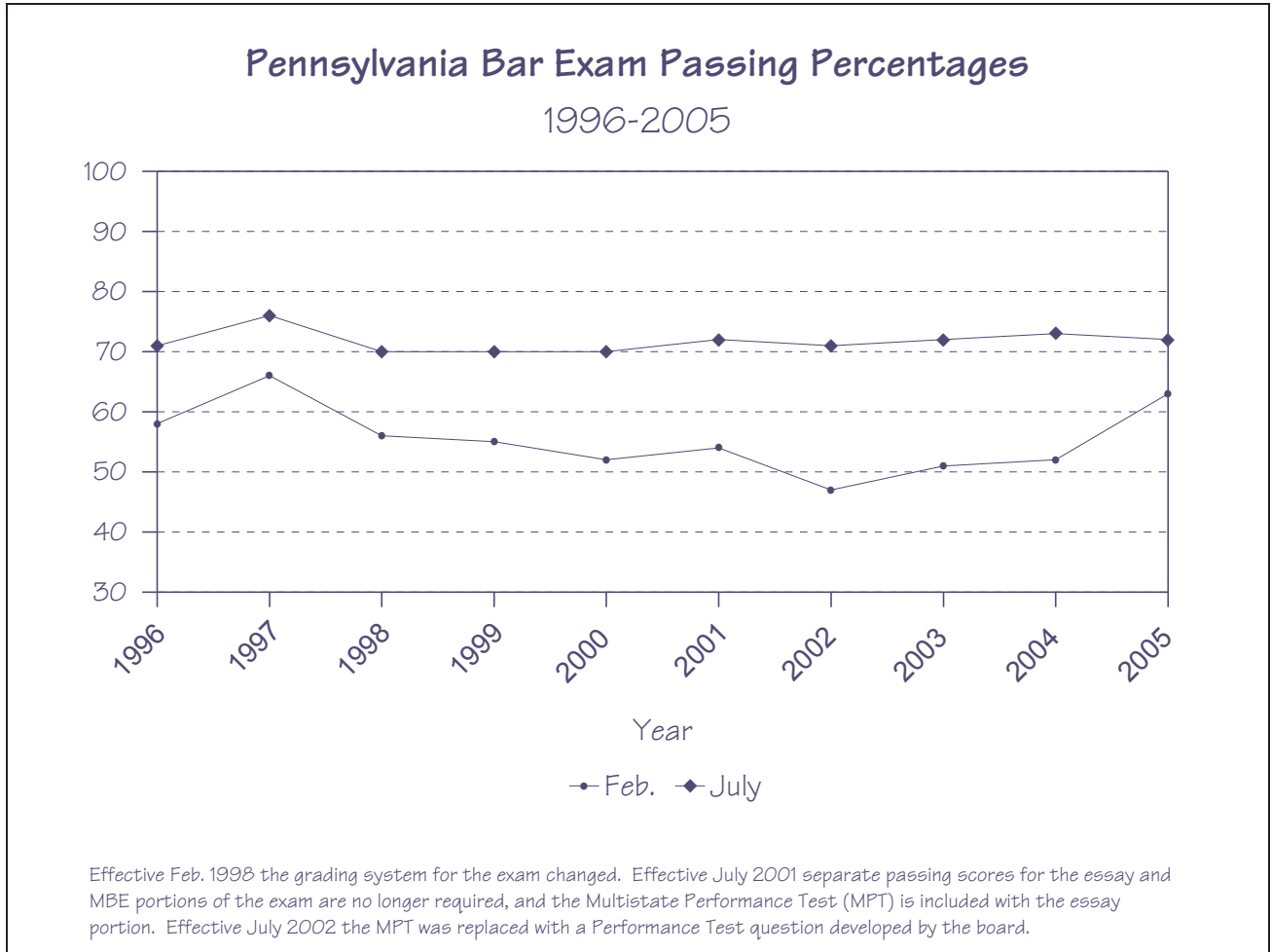
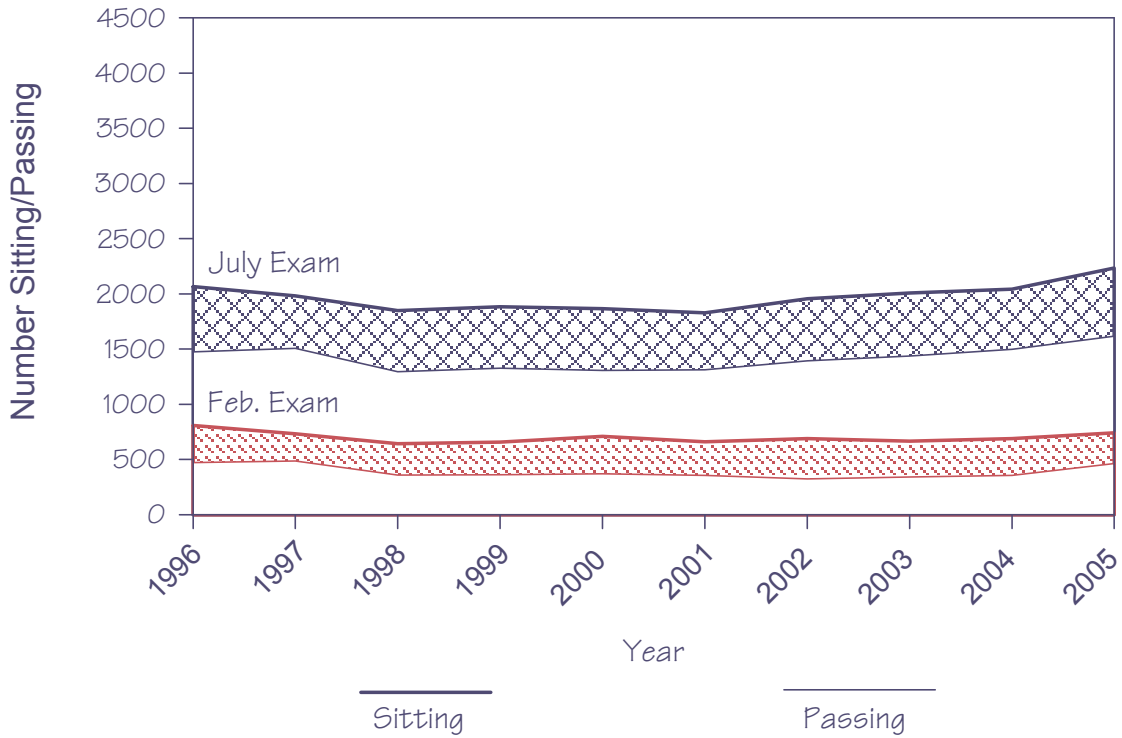


Table 3.2.2

Comparison of Applicants Sitting to Applicants Passing



Effective Feb. 1998 the grading system for the exam changed. Effective July 2001 separate passing scores for the essay and MBE portions of the exam are no longer required, and the Multistate Performance Test (MPT) is included with the essay portion. Effective July 2002 the MPT was replaced with a Performance Test question developed by the board.

Table 3.2.3

2005 Membership:

Honorable R. Stanton Wettick, Jr., *Chair*
Joseph H. Foster, Esq., *Vice Chair**
Honorable Stewart L. Kurtz, *Vice Chair+*
C. Lee Anderson, Esq.
Morton R. Branzburg, Esq.*
Robert C. Daniels, Esq.
Nancy H. Fullam, Esq.
Heather S. Heidelbaugh, Esq.
Honorable Kevin A. Hess
Honorable George E. Hoffer*
H. Paul Kester, Esq., *ex officio***
Honorable William J. Manfredi
Darlene A. Marquette, Esq.++
Howard F. Messer, Esq.
Gary A. Rochestie, Esq.
James R. Ronca, Esq.
Anton Henri Rosenthal, Esq.*
Robert Ross, Esq.*
Andrew J. Stern, Esq.
William F. Stewart, Esq.
Arthur H. Stroyd, Jr., Esq.

Staff:

Harold K. Don, Jr., Esq., *Counsel*
Karla M. Shultz, Esq., *Research Assistant*
Elizabeth J. Knott, *Administrative Assistant*

* Term expired 6-30-05

** Resigned 6-30-05

+ Appointed vice chair effective 6-30-05

++ Term expired 6-30-06

Legal Authorization:

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

About the Committee:

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

continued next page...

Civil

Procedural

Rules

Committee

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(717) 795-2110
e-mail civil.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
CivilRulesCmte/
Indexcivilrules.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CivilRulesCmte/Indexcivilrules.asp)

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.

2005 Activities

The committee held four meetings in 2005 as follows:

March	Philadelphia
June	Pittsburgh
September	Pittsburgh
November	Philadelphia

2005 Amendments to the Rules of Civil Procedure

Descriptions of the various recommended rule changes are described below and are listed in the Status of Recommendations chart that follows this report.

Recommendations Promulgated by the Supreme Court

The Supreme Court promulgated the following recommendations in 2005:

Recommendation No. 188: Joinder of Additional Defendants Amendment of Rule 2253 to provide that only the plaintiff may raise the objection of a failure to show a reasonable justification for the delay. While the plaintiff may also raise the objection that it will be prejudiced by the late joinder, all parties other than the plaintiff are limited to raising an objection solely on the grounds of prejudice.

A provision was also added to govern the procedure by which a person not previously a party who has been joined as an additional defendant may object to his or her late joinder.

The person so joined may file preliminary objections raising the ground of prejudice and any other ground applicable under Rule 1028 governing preliminary objections.

Promulgated 1-6-05, effective immediately.

Recommendation No. 190: Wage Attachment in Residential Landlord-Tenant Actions Adds a new chapter of rules, 3301 *et seq.*, to govern the attachment of wages, salary and commissions pursuant to Section 8127(a)(3.1) of the Judicial Code in actions or proceedings for amounts awarded to a judgment creditor-landlord arising out of a residential lease. The rules balance the interests of the landlord (plaintiff), tenant (defendant) and employer garnishee. Promulgated 12-21-05, effective 1-1-06.

Recommendation No. 197: Title and Citation to Rules Amendment of note to Rule 51 to make clear that the rules of civil procedure do not govern actions and proceedings in magisterial district judge courts. Promulgated 7-8-05, effective 9-1-05.

Recommendation No. 198: Juror Note-Taking Amendment of Rule 223.2 to rescind subdivision (e), the sunset provision, thereby making the rule permanent. Promulgated 7-8-05, effective 9-1-05.

Recommendation No. 200: Certificate of Merit in Professional Liability Actions Revision of the note to Rule 1042.3(a)(2) to make clear that there is no requirement that the licensed professional supplying the statement that serves as the basis for the certificate of merit specifically identify the other licensed professionals who deviated from an acceptable professional standard. Promulgated 2-11-05, effective immediately.

Note: This is the first of two amendments to Rule 1042.3 in 2005. See Recommendation No. 207 on page 37 for the second amendment.

Recommendation No. 201: Arbitration Awards in Consumer Credit Transactions

New chapter of rules, 1326 *et seq.*, governing proceedings to compel arbitration and to confirm the award of arbitrators in collection claims in consumer credit transactions when arbitration is a common law or statutory arbitration under applicable provisions of the Judicial Code. Promulgated 12-30-05, effective 2-1-06.

Recommendation No. 202: Definitions

Amendment of the definition of "signature" provided by Rule 76 to authorize that the signature on such documents be an original signature, a copy of a signature, a computer-generated signature or an electronic signature. Promulgated 8-19-05, effective 10-1-05.

Recommendation No. 203: Execution upon Real Property

Amendments to Rule 3135(a) governing the sheriff's deed to real property to increase the time in which the sheriff must execute and deliver the deed from ten to 20 days and make it applicable to all execution sales. Promulgated 11-2-05, effective 1-1-06.

Recommendation No. 205: Magisterial District Judges

Amendments to Rules 205.4, 216 and 237.1, changing the title of "district justice" to "magisterial district judge," pursuant to Act No. 207 of 2004. Promulgated 5-19-05, effective immediately.

Recommendation No. 206: Local Motion Practice

Amendment to Rule 239.8(b) to refer to the Web site at which the rules are published, the Pennsylvania Judiciary's Web Application Portal at <http://ujportal.pacourts.us>. Notes to Rule 239.8 and several additional rules were similarly amended. Promulgated 11-2-05, effective immediately.

Recommendation No. 207: Certificate of Merit

Addition of new subdivision (b)(2) to Rule

1042.3 governing the certificate of merit to be filed in professional liability actions to advise the plaintiff who files a complaint raising claims against one defendant under both subdivisions (a)(1) and (a)(2) that either a separate certificate must be filed for each claim or one certificate must be filed stating that claims are raised under both subdivisions. The form of the certificate set forth in Rule 1042.8 has been amended to conform to new subdivision (b)(2). Promulgated 12-5-05, effective immediately.

Note: This is the second of two amendments to Rule 1042.3 in 2005. See Recommendation No. 200 on the previous page for the first amendment of the rule.

Recommendations Pending

The following recommendation remains pending before the Supreme Court:

Recommendation No. 204: Appeals from Awards in Compulsory Arbitration

Amendment to Rule 1311.1 to increase the maximum amount of recoverable damages from \$15,000 to \$25,000 in appeals from awards made in compulsory arbitration.

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. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
188	Amendment of Rule 2253 governing late joinder of an additional defendant	Promulgated 1-6-05, effective immediately
189	New Rule 1042.66 governing remittitur in medical professional liability actions	Superseded by promulgation of Rule 1042.72
190	New Rule 3301 <i>et seq.</i> governing wage attachment pursuant to Section 8127(a)(3.1) of the Judicial Code	Promulgated 12-21-05, effective 1-21-06
197	Amendment of Rule 51 governing scope of the rules	Promulgated 7-8-05, effective 9-1-05
198	Rescission of Rule 223.2(e) (sunset provision) governing juror note-taking	Promulgated 7-8-05, effective 9-1-05
200	Amendment of note to Rule 1042.3(a)(2) governing the certificate of merit	Promulgated 2-11-05, effective immediately
201	New Rule 1326 <i>et seq.</i> governing compelling arbitration and confirmation of arbitration award in consumer credit transactions	Promulgated 12-30-05, effective 2-1-06
202	Amendment of Rule 76 revising the definition of the term “signature”	Promulgated 8-19-05, effective 10-1-05
203	Amendment of Rule 3135 and note to Rule 3132 governing execution sales	Promulgated 11-2-05, effective 1-1-06
204	Amendment of Rule 1311.1 governing an appeal from an award in compulsory arbitration	Pending with Court
205	Technical amendments of Rules 205.4, 216 and 237.1 to refer to “magisterial district judges”	Promulgated 5-19-05, effective immediately
206	Technical amendments to Rule 206.1 <i>et seq.</i> , Rule 208.1 <i>et seq.</i> and Rule 239.1 <i>et seq.</i> to refer to the UJS Web Application Portal	Promulgated 11-2-05, effective immediately
207	Amendment of Rules 1042.3(b) and 1042.8 governing the certificate of merit	Promulgated 12-5-05, effective immediately

Table 3.3.1

2005 Membership:

Civil Jury Instructions Subcommittee

Lee C. Swartz, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Barbara R. Axelrod, Esq., *Reporter*
Honorable Mark I. Bernstein
David E. Lehman, Esq.
John R. Lenahan, Esq.
Clifford A. Rieders, Esq.
Ira B. Silverstein, Esq.

Criminal Jury Instructions Subcommittee

Professor Bruce A. Antkowiak, *Chair*
Leonard G. Ambrose, III, Esq.
Thomas R. Ceraso, Esq.
Honorable Ernest J. Disantis, Jr.
Ronald Eisenberg, Esq.
Jules Epstein, Esq.
Frank G. Fina, Esq.
James Robert Gilmore, Esq.
Honorable Robert A. Graci
Honorable Richard A. Lewis
Honorable Jeffrey Alan Manning
Honorable Carolyn Engel Temin
Sandra Preuhs, Esq.
Caroline Roberto, Esq.
Stuart B. Suss, Esq.
Sara M. Webster, Esq.
James J. West, Esq.

Staff:

Roger B. Meilton, Esq., *Assistant Reporter and Secretary*
Lydia L. Hack, Esq., *Pennsylvania Bar Institute Contact*

Legal Authorization:

Pa. Constitution Article V, § 10(c)

About the Committee:

The committee's mission is to assist the administration of justice in court proceedings by developing pattern jury instructions for use by both the bench and the bar.

Committee for Proposed Standard Jury Instructions

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

Committee Activities

Civil Instructions

In 2005 the Civil Jury Instructions Subcommittee completed a third edition, which incorporates revisions based upon case law developments, new Rules of Civil Procedure and new legislation as well as comments from lawyers and judges. The edition includes a searchable CD-ROM and the following new instructions: factual cause, non-economic loss, jury note-taking and 10/12 jury issue. A new chapter is dedicated to medical malpractice cases under the MCARE Act (claims subsequent to March 20, 2002).

Presently, the subcommittee, with the assistance of a plain English consultant, is modifying the sequence and language of the instructions. The goal is to revise the instructions to make them more understandable to lay jurors.

The subcommittee plans to publish a new supplement every 18 to 24 months.

Criminal Instructions

In 2005 the Criminal Jury Instructions Subcommittee completed the second edition, containing hundreds of criminal instructions keyed numerically to the Crimes Code, with many offering alternative language, depending on the case facts. The edition, including a searchable CD-ROM, is the first new edition released in approximately 25 years.

The subcommittee's goal is to continue to improve the language of the instructions to ensure both a proper statement of law is conveyed and the instructions are accessible to the jurors applying them. The subcommittee is committed to updating the instructions every 18 to 24 months.

AOPC

2005 Membership:

Honorable Richard A. Lewis, *Chair*
Patrick J. O'Connor, Esq., *Vice Chair*
David F. Binder, Esq.
Syndi L. Guido, Esq.
Professor Sandra D. Jordan
Michael J. Manzo, Esq.
Professor Leonard Packel, *Official Reporter*
Neil R. Rosen, Esq.
Bernard W. Smalley, Esq.
Lee C. Swartz, Esq.

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

About the Committee:

The Committee on Rules of Evidence was created by the Supreme Court of Pennsylvania as an advisory body to assist the Court in its constitutional and statutory responsibility to prescribe general rules governing court proceedings in Pennsylvania's Unified Judicial System. The committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. It 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.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Committee on Rules of Evidence

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2100
[www.courts.state.pa.us/
Index/SupCtCmtes/
evidence/indexevid.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/evidence/indexevid.asp)

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.

2005 Activities

The committee met three times in 2005.

Members continued in 2005 to participate in various programs and seminars about the rules. These sessions provide the members with excellent opportunities to answer questions and to 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.

2005 Committee Action

Amendment to Pa.R.E. 601 and Revision of Comment to eliminate Pa.R.E. 601(b) (Disqualification [from serving as a witness] for Specific Defects) from the rule and to revise the comment accordingly. The Court did not act upon this recommendation, following the request of the committee to place the recommendation on hold.

Revision of Comment to Pa.R.E. 409 to reflect changes in Pa.R.E. 408 (Compromise and offers to compromise). Promulgated 12-30-05, effective 2-1-06.

Revision of Comment to Pa.R.E. 101 to reflect the decision of the Supreme Court in *Gibson v. W.C.A.B.*, 861 A.2d 938 (Pa. 2004) regarding applying Pa.R.E. 601, 701 and 702 to administrative agency proceedings. Promulgated 12-30-05, effective 2-1-06.

Amendment to Pa.R.E. 404 and Revision of Comment to

- give the prosecution the right to counter defense evidence of a character trait of the victim
- require that the prosecution provide reasonable notice only of the "general nature" of other crimes it plans to enter into evidence when the court excuses pretrial notice on good cause shown.

Pending with the Court.

Looking Ahead to 2006

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

AOPC

2005 Membership:

Rosa Copeland Miller, Esq., *Chair*
Thomas M. Golden, Esq., *Vice Chair*
Richard Antonelli, Esq.
Samuel Tyrone Cooper, III, Esq.
Leonard Dubin, Esq.
Martin Greitzer, Esq.
Robert C. Heim, Esq.
Abraham C. Reich, Esq.
Stuart Savett, Esq.
Kelly H. Shuster, Esq.

Staff:

Daniel Levering, *Administrator*
Katey Buggy, *Office Manager*

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

About the Board:

The Continuing Legal Education Board administers the rules pertaining to continuing legal education (CLE) for attorneys.

The board is comprised of ten active Pennsylvania attorneys. Terms are three years in length, and members may serve two consecutive terms.

Continuing

Legal

Education

Board

5035 Ritter Road,
Suite 500
Mechanicsburg, PA 17055
(717) 795-2139
(800) 497-2253
e-mail pacleb@pacle.org
www.pacle.org

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 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 randomly assigned. 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 three committees, each covering a major area of operations: Accreditation, Administration and Compliance. A description of each committee follows.

Accreditation Committee

The Accreditation Committee has three members: Rosa Copeland Miller, Esq.; Samuel T. Cooper, III, Esq. and Thomas M. Golden, 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 Rosa Copeland Miller, Esq.; Thomas M. Golden, Esq. and Kelly H. Shuster, 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. This committee also oversees the budget, annual independent audit and review of board operations.

Compliance Committee

Rosa Copeland Miller, Esq.; Martin Greitzer, Esq. and Richard Antonelli, Esq. comprise the Compliance Committee. This committee oversees attorney compliance; reviews requests for waivers, extensions and deferrals; reviews determination of lawyer noncompliance and makes recommendations to the board for action regarding these issues.

2005 Board Actions and Operations Highlights

The board held four meetings in 2005.

Distance Learning Formally Approved -- Rule Change Effective

A two-year pilot project was begun in January 2003 to offer lawyers the option of completing up to three hours of CLE classes through preapproved, interactive Internet or computer-based programs. Such courses allow for CLE requirements to be completed on a schedule convenient to the learner and greatly expand the availability of subject matter.

In late 2004 the board recommended that the Supreme Court make the option permanent. The Court agreed, approving the rules changes effective December 30, 2004. It also increased the number of allowable credit hours to four.

Bridge the Gap Program Revised

Bridge the Gap is a program begun in 2001 to assist new attorneys in the transition from law school to practice. It is required that

new attorneys complete it before their first CLE compliance deadline has passed.

In 2005 the CLE Board and CLE providers collaborated on a new version of Bridge the Gap. In addition to updated content and addressing changes in the Rules of Professional Conduct, a strong emphasis was placed on the delivery style. The updated version actively promotes interaction and participation between attendees.

The program is offered by accredited CLE providers. Support from providers continues to ensure availability and low cost for the lawyers required to attend.

Automated System for Accredited Providers (ASAP)

ASAP is an internally-developed Internet software that allows for the paperless reporting of provider courses, course attendance and course evaluations. It is used by 217 accredited CLE providers.

In 2005 78 percent of credit hours were reported electronically. In addition, Annual Provider Evaluation Reports were automated and made accessible to providers via ASAP, and the software was expanded to include a new module called CLE Application Professional or "CLE APPro." This new functionality allows for non-accredited providers to electronically file and receive the status of applications for CLE course approval.

Web Site Enhancements

Two thousand five marked the one-year anniversary of the board's redesigned Web site. The new "MyPACLE" feature that allows lawyers to access their full CLE transcripts has been particularly well-received, with the number of lawyers creating accounts for the free on-line service increasing by 126percent.

Beta testing of the newest compliance assurance "Law Firm Services Online" also began in 2005. This tool will allow law firms to access the compliance statuses of their lawyers. The service, which is the first of its kind, is updated daily and is protected using secure password protection.

ORACLE

Two meetings of the international Organization of Regulatory Administrators for Continuing Legal Education (ORACLE) were held in 2005. Pennsylvania maintained a strong and active presence within the organization. As immediate past president, Dan Levering continued to serve on ORACLE's Management and Technology Committees. The board's office manager, Katey Buggy, was nominated for secretary and served on the membership committee.

Other Accomplishments

The annual providers conference was held in May 2005 and included sessions on Quality Assurance in CLE, Presentation Strategies for CLE, Pennsylvania CLE News & Updates and marketing CLE.

In 2004 the board introduced a direct debit option for electronic payment by CLE providers. The number of providers using this method doubled in 2005. This initiative continues to minimize the need to mail and process checks and reduces the time it takes to post CLE credits to lawyer transcript records.

Rule of Criminal Procedure 801 called for defense counsel in capital cases to have completed minimum educational requirements by November 1, 2005. The board continued to play a key role by accrediting and promoting CLE training relevant to capital cases. The board also tracks and identifies those lawyers who have met this specialized requirement.

A Virtual Private Network (VPN) was deployed, which allows for highly secure remote access to CLEB systems through an encrypted Internet connection.

The board engaged in three successful disaster recovery exercises. In the event of disaster, the board should be capable of adequately reestablishing technical operations within eight hours.

Attorney Compliance

Lawyer compliance rates with the CLE requirement remain extremely positive. Chart 3.6.1 below and on the following page indicates

the high levels of compliance rates and the low number of lawyers in each group who were involuntarily inactivated by the Supreme Court for failure to meet the CLE requirement.

Looking Ahead to 2006

The board will begin to explore the accreditation of teleconferences as an additional means of distance learning, plan for the annual providers conference and launch the Law Firm Services on-line. Automation will continue to assist and provide expanded services while maintaining high standards of CLE administration.

AOPC

Attorney Compliance				
Compliance Group/ 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
02-03	18,668	18,539	129	99.3
03-04	18,224	18,720	104	99.4
04-05	19,223	19,141	82	99.6
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
				continued...

Table 3.6.1

Attorney Compliance, continued				
Compliance Group/ Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates (%)
Group 2 (August)				
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
02-03	18,572	18,493	79	99.6
03-04	18,753	15,664	89	99.5
04-05	19,098	19,019	79	99.6
Group 3 (December)				
92-93	17,269	16,936	333	98.1
93-94	17,474	17,414	60	99.7
94-95	17,679	17,574	105	99.4
95-96	17,542	17,430	112	99.4
96-97	17,582	17,456	126	99.3
97-98	17,781	17,647	134	99.2
98-99	17,968	17,865	103	99.4
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
02-03	18,625	18,527	98	99.5
03-04	18,887	18,792	95	99.5
04-05	19,443	19,347	96	99.5

Table 3.6.1, cont'd.

2005 Membership:

Nicholas J. Nastasi, Esq., *Chair*
Brian J. Preski, Esq., *Vice Chair**
D. Peter Johnson, Esq., *Vice Chair***
Scott A. Bradley, Esq.
Claire C. Capristo, Esq.
Dennis J. Cogan, Esq.+
Ronald Eisenberg, Esq.
John L. Elash, Esq.
Philip B. Friedman, Esq.
Charles J. Grant, Esq.
Stanley A. Greenfield, Esq.
Paul S. Kuntz, Esq., *ex officio*
Alexander H. Lindsay, Jr., Esq.
Hon. Lester G. Nauhaus
Marc Neff, Esq.
Honorable John T. Robinson
Graham C. Showalter, Esq.

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jeffery M. Wasileski, Esq., *Staff Counsel*
Suzanne M. Creavey, *Office Manager*

* Term expired 6-30-05

** Appointed vice chair effective 6-30-05

+ Appointed 7-20-05

Legal Authorization:

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

About the Committee:

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.

Criminal

Procedural

Rules

Committee

5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
(717) 795-2100
e-mail criminal.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
CrimRulesCmte/
Indexcrim.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CrimRulesCmte/Indexcrim.asp)

Reports

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. 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.

2005 Activities

The committee held five full-committee meetings and several subcommittee meetings in 2005. The full-committee meetings were held in Philadelphia, Fayette County, Gettysburg, State College and Bethlehem.

In 2005 the committee continued its work on the following:

- development and refinement of procedures for the use of advanced communication technology (ACT) in criminal cases
- changes necessitated by the Common Pleas Case Management System (CPCMS), the statewide automation of the criminal division of the Common Pleas Courts.
- study of jury trial innovations that would benefit Pennsylvania's criminal justice system
- review of the rules affecting proceedings before the minor judiciary, specifically
 - summary guilty pleas
 - requirements for the continuous availability of issuing authorities
 - procedures when a defendant fails to appear for a preliminary hearing
 - special procedures necessary for the operation of the Philadelphia Municipal Court and the Philadelphia Traffic Court.
- monitoring local rules, particularly issues raised by CPCMS staff that are arising as each judicial district is brought on-line.

The committee also addressed several other areas of criminal practice and procedure, including right to counsel, bail, arrest and bench warrants, and search warrants.

The committee communicated regularly with the Court's other advisory committees and the Administrative Office of Pennsylvania Courts concerning various procedural matters in an ongoing effort to achieve uniformity and consistency in interrelated procedural and administrative matters. In 2005 it worked with the Minor Court Rules Committee on uniform procedures for the issuance of subpoenas, with the Appellate Court Procedural Rules Committee on issues concerning the time for appeal in criminal cases, and with the Civil Procedural

Rules Committee on uniform procedures for the format of documents.

2005 Committee Action

The Supreme Court adopted 16 committee recommendations for rule changes in 2005. A number of other recommendations remained pending with the Court. They are all described below and are summarized in the Status of Recommendations chart beginning on page 54.

Proposals Adopted by the Supreme Court

Note: The Final Reports for any of these proposals can also be found on the committee's Web page at www.courts.state.pa.us/Index/SupCtCmtes/CrimRulesCmte/dockcrm.asp.

Recommendation No. 6, Criminal Rules 2001: Amendments to Rule 909 to clarify the provisions of Rule 909(A) (**Stays**) and to the comment to Rule 909 in view of the Court's holding in *Commonwealth v. Morris*, 565 Pa. 1, 771 A.2d 721 (2001), and 573 Pa. 157, 822 A.2d 684 (2003). Adopted 10-7-05, effective 2-1-06. See Final Report at 35 Pa.B. 5772 (October 22, 2005), and 882 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 2003: Changes to the Rules of Criminal Procedure necessitated by the **proposed new rules of juvenile procedure**. Adopted 4-1-05, effective 10-1-05. See Final Report at 35 Pa.B. 2213 (April 16, 2005), and 869 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 2004: New Rule 644 **permitting jurors in criminal trials to take notes**, with a 3-year trial period for study. See Final Report at 35 Pa.B. 3919 (July 16, 2005), and 876 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 2004: Amendments to Rule 720 (Post-sentence

Procedures; Appeal) that address *Commonwealth v. Grant* concerning claims of **counsel's ineffectiveness** in a post-sentence motion and clarify in the comment the procedures for raising **after-discovered evidence**. Adopted 6-8-05, effective 8-1-05. See Final Report at 35 Pa.B. 3545 (June 25, 2005), and 873-874 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 3, Criminal Rules 2004: Amendments to Rule 632 (**Juror Information Questionnaires**) that separate question one into two questions to eliminate potential confusion. Adopted 5-2-05, effective 8-1-05. See Final Report at 35 Pa.B. 2870 (May 14, 2005), and 871 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 2004: Amendments to Rule 705 to clarify the procedures concerning **concurrent sentences and credit for time served**. Adopted 6-4-05, effective 8-1-05. See Final Report at 35 Pa.B. 3218 (June 4, 2005), and 872 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 2004: Amendments to Rules 120 and 122 providing that the filing of the order **appointing counsel** enters appointed counsel's appearance and clarifying the procedures concerning the entry of appearance, withdrawal of appearance and duration of counsel in Rule 120. Adopted 4-28-05, effective 8-1-05. See Final Report at 35 Pa.B. 2859 (May 14, 2005), and 871 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 2005: Amendment to Rule 103 **changing "district justice" to "magisterial district judge"** in the definition of "issuing authority" and cross-referencing the related statute and court order. Adopted 2-1-05, effective immediately. See Final Report at 35 Pa.B. 1333 (February 19, 2005), and 865 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 2005: New Rule 117 and numerous correlative rule

changes clarifying the **coverage by issuing authorities and other judicial officials** that must be provided in each judicial district. Adopted 6-30-05, effective 8-1-06. See Final Report at 35 *Pa.B.* 3911 (July 16, 2005), and 876 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 5, Criminal Rules 2005: New Rules 1030, 1031, 1032, 1033, 1034, 1035 and 1036 and correlative amendments governing **summary case proceedings in Philadelphia Traffic Court**. Adopted 9-9-05, effective 2-1-06. See Final Report at 35 *Pa.B.* 5242 (September 24, 2005), and 879 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 6, Criminal Rules 2005: New Rule 1002 and amendments to Rules 455 and 1003 that clarify the procedures for handling **summary cases in Philadelphia Municipal Court**. See Final Report at 35 *Pa.B.* 4918 (September 3, 2005), and 878-879 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 2005: Changes to Rule 227 to clarify **who may administer the oath to grand jury witnesses**. Adopted 9-30-05, effective 2-1-06. See Final Report at 35 *Pa.B.* 5679 (October 15, 2005), and 880-881 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 9, Criminal Rules 2005: Changes to Rules 514 and 517 to **replace** the archaic term "**alias warrant**" with more accurate descriptive language. Adopted 10-19-05, effective 2-1-06. See Final Report at 35 *Pa.B.* 6090 (November 5, 2005), and 883 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 2005: Changes to Rule 550 confirming the limitation on magisterial district judges to **accept guilty pleas in misdemeanor cases** when authorized by law. Adopted 10-9-05, effective 2-1-06. See Final Report at 35 *Pa.B.* 6896 (December 24, 2005), and 886 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 11, Criminal Rules 2005: Changes to Rules 203, 205 and 206 to provide the **procedures for anticipatory search warrants**. Adopted 10-19-05, effective 2-1-06. See Final Report at 35 *Pa.B.* 6088 (November 5, 2005), and 883 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 13, Criminal Rules 2005: New Rule 150 and correlative changes to Rules 431, 536 and 543 establishing procedures when **bench warrants** are executed and establishing time limits on detaining the individual on a bench warrant. Adopted 12-30-05, effective 8-1-06. See Final Report at 36 *Pa.B.* 184 (January 14, 2006), and 888 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Recommendation No. 4, Criminal Rules 2004: Proposed revisions of the comments to Rules 502, 503 and 504 clarifying that the **complaint may be electronically prepared, verified and transmitted**. (The Court put this proposal on hold 8-16-04 at the request of the Magisterial District Judge System and CPCMS staff until the technology is in place to accommodate this change.)

Recommendation No. 4, Criminal Rules 2005: Proposed new Rules 567 (Notice of Alibi Defense), 568 (Notice of Defense of Insanity or Mental Infirmary; Notice of Expert Evidence of a Mental Condition), and 569 (Examination of Defendant by Mental Health Expert) providing the **procedures for notice of defenses and examination of a defendant by mental health expert(s)**.

Note: March 14, 2005, the committee withdrew two recommendations:

- Recommendation No. 3, Criminal Rules 2002 that proposed new Rule 567 and correlative changes to Rules 573 and 1101 establishing procedures for the examination of a defendant by a mental health expert

- Recommendation No. 4, Criminal Rules 2002 that proposed new Rules 568 and 569 creating separate rules for the notice of alibi and insanity provisions from Rule 573.

These recommendations were replaced by Recommendation No. 4, Criminal Rules 2005.

Recommendation No. 8, Criminal Rules 2005: Proposed new Rule 589; amendments to Rules 542, 543, 546, 551, 622 and 648; and correlative changes to clarify the procedures that require the **summary offense** joined with misdemeanor or felony charges to accompany the misdemeanor or felony charges as part of the court case if held for court. The Court of Common Pleas must dispose of the summary offense, except in certain circumstances outlined in the rules.

Recommendation No. 12, Criminal Rules 2005: Proposed changes to Rules 644, 646 and 647 providing procedures for the use of **juror binders** in all criminal cases.

Looking Ahead to 2006

The committee plans to continue its efforts on the following:

- working with the Common Pleas Court automation project, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- monitoring the application of new Rule 644 that permits juror note-taking in criminal cases during the three-year trial period the Court has imposed
- continuing to examine bail procedures and local rules procedures
- monitoring criminal practice and procedure and the criminal rules in general. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
6, 2001	Amendments to Rule 909 adding cross-references to <i>Commonwealth v. Morris</i>	Adopted 10-7-05, effective 2-1-06
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	Withdrawn 3-14-05
4, 2002	New Rules 568 and 569 creating separate rules for the notice of alibi and insanity provisions from Rule 573	Withdrawn 3-14-05
10, 2003	Amendments to Rules of Criminal Procedure correlative to the new Rules of Juvenile Court Procedure	Adopted 4-1-05, effective 10-1-05
1, 2004	New Rule 644 permitting jurors in criminal trials to take notes	Adopted 6-30-05, effective 8-1-05
2, 2004	Amendments to Rule 720 (Post-sentence Procedures; Appeal) that address <i>Commonwealth v. Grant</i>	Adopted 6-8-05, effective 8-1-05
3, 2004	Amendment to Rule 632 (Juror Information Questionnaires) to separate question one into two questions	Adopted 5-2-05, effective 8-1-05
4, 2004	Revisions of comments to Rules 502, 503 and 504, clarifying that complaint may be electronically prepared, verified and transmitted	Put on hold by Court 8-16-04
7, 2004	Amendments to Rule 705 to clarify procedures concerning concurrent sentences and credit for time served	Adopted 6-4-05, effective 8-1-05
8, 2004	Amendments to Rules 120 and 122 regarding appointing counsel and appearance	Adopted 4-28-05, effective 8-1-05
1, 2005	Amendment to Rule 103 changing "district justice" to "magisterial district judge"	Adopted 2-1-05, effective immediately

continued...

Table 3.7.1

Status of Recommendations, continued		
Recommendation	Subject	Status
2, 2005	New Rule 117 and correlative rule changes clarifying coverage by issuing authorities and other judicial officials that must be provided	Adopted 6-30-05, effective 8-1-06
4, 2005	New rules 567, 568 and 569 and correlative amendments providing procedure for notice of defenses and examination of defendant by mental health expert(s)	Submitted 3-21-05; pending with Court
5, 2005	New Rules 1030-1036 and correlative amendments governing summary case proceedings in Philadelphia Traffic Court	Adopted 9-9-05, effective 2-1-06
6, 2005	New Rule 1002 and amendments to Rules 455 and 1003 clarifying procedures for summary cases in Philadelphia Municipal Court	Adopted 8-15-05, effective, 2-1-06
7, 2005	Changes to Rule 227 to clarify who may administer the oath to grand jury witnesses	Adopted 9-30-05, effective 2-1-06
8, 2005	New Rule 589; amendments to Rules 542, 543, 546, 551, 622 and 648; and correlative changes to clarify procedures pertaining to summary offense joined with misdemeanor or felony charges	Submitted 7-26-05; pending with Court
9, 2005	Changes to Rules 514 and 517 to replace the term "alias warrant"	Adopted 10-19-05, effective 2-1-06
10, 2005	Changes to Rule 550 confirming the limitation on magisterial district judges accepting guilty pleas in misdemeanor cases when authorized by law	Adopted 12-9-05, effective 2-1-06
11, 2005	Changes to Rules 203, 205, and 206 to provide procedures for anticipatory search warrants	Adopted 10-19-05, effective 2-1-06
12, 2005	Proposed changes to Rules 644, 646 and 647 providing procedures for use of juror binders in all criminal cases	Submitted 8-29-05; pending with Court
13, 2005	New Rule 150 and correlative changes to Rules 431, 536, and 543 establishing bench warrant procedures	Adopted 12-30-05, effective 8-1-06

Table 3.7.1, cont'd.

2005 Membership:

Louis N. Teti, Esq., *Chair**
Marvin J. Rudnitsky, Esq., *Chair***
Gary G. Gentile, Esq., *Vice Chair+*
Laurence H. Brown, Esq.
Robert E. J. Curran, Esq.
Smith Barton Gephart, Esq.
C. Eugene McLaughlin
Jonathan H. Newman, Esq.
Nikki P. Nordenberg++
Francis X. O'Connor, Esq.
William A. Pietragallo, Esq.
Marc S. Raspanti, Esq.
Robert C. Saidis, Esq.
Martin W. Sheerer, Esq.
Robert L. Storey#
Min S. Suh, Esq.
Donald E. Wright, Jr., Esq.

Staff:

Joseph W. Farrell, *Executive Director*

- * Term as chair expired 4-1-05
- ** Appointed chair 4-1-05
- + Appointed vice chair 4-1-05
- ++ Resigned 9-23-05
- # Appointed 9-23-05

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

About the Board:

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.) continued...

Disciplinary

Board

of the

Supreme

Court

First Floor
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Lemoyne, PA 17043
(717) 731-7073
fax (717) 731-7080
www.padisciplinaryboard.org

Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney from 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 jurist 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 jurist.

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).)

2005 Statistics	
Attorneys	56,907
Change from 2004	2.86%
Complaints filed with board	4,716
Change from 2004	(3.58)%
Pending at start of 2005	1,007
Complaints disposed of	4,887
Total complaints resulting in discipline	347
Total pending at end of 2005	1,024

Table 3.8.1

2005 Activities

Statistics for 2005 can be found in Table 3.8.1 above.

The board met seven times in 2005. The results of the executive sessions can be found in Table 3.8.2 on page 60. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.3 on page 63.

Comparisons of cumulative actions taken and actions taken in 2005 can be found in Chart 3.8.4 on page 65.

Rules Committee

The following rules changes were approved by either the board or the Supreme Court or became effective in 2005:

Pa.R.D.E. 102, 201, 203, 204, 212, 216, 217, 219 and 512 and Pa.R.P.C. 5.5: Amendments to conform with recent Pennsylvania Bar Admission Rule changes providing for the **limited admission of in-house corporate counsel and military attorneys** plus amendments relating to **foreign legal consultants**. Adopted 3-17-05, effected 9-1-05.

Pa.R.D.E. 209: Provides that **complaints against board members** be handled in the same manner as other complaints, with the exception that if action is required by the board, the Supreme Court will create an ad hoc disciplinary board comprised of five former board members to handle such action. Adopted 4-1-05, effective 4-16-05.

Pa.R.D.E. 221 and R.P.C. 1.15: Creates new standards of conduct governing the **handling of property of others** by lawyers. Adopted 4-5-05, effective 4-23-05.

Pa.R.D.E. 215: Provides for the **imposition of discipline** other than disbarment upon consent. Adopted 5-24-05, effective 6-11-05.

Pa.R.D.E. 219: Permits the chief justice to delegate the **signing of orders** transferring attorneys to inactive status to the prothonotary of the Court. Adopted 10-13-05, effective 10-29-05.

Pa.R.D.E. 104, 208, 209, 213, 215 and 402: Opens all **disciplinary proceedings** to the public after the filing of an answer to a petition for discipline or the time to file an answer has expired without an answer being filed.

Reinstatement proceedings are open after the filing and service of a petition for reinstatement. Adopted 10-26-05, effective 11-12-05.

Pa.R.D.E. 208(h): Establishes a procedure for the board to handle **violations of probation** in cases where the probation was ordered by the board. Adopted 11-9-05, effective 11-26-05.

R.P.C. 1.4: Requires lawyers who do not have **professional liability insurance** of at least \$100,000 per occurrence and \$300,000 in the aggregate per year to inform new clients in writing of such and to inform existing clients in writing at any time the lawyer's insurance drops below either of those amounts or if the insurance is terminated. Amended 12-30-05, effective 7-1-06.

Rules of Organization and Procedure of the Board: Conforming changes to reflect the adoption of amendments to Pa.R.D.E. 102, 205(c), 206, 213 and 218(c). Amended by the board 3-12-05.

Rules of Organization and Procedure of the Board: Changes to reflect the adoption of amendments to Pa.R.D.E. 102, 201, 203, 204, 209, 212, 215, 216, 217, 219 and 221. Amended by the board 8-6-05.

Several proposed amendments were published for comment in 2005 as follows:

Pa.R.D.E. 215: Discipline on Consent (no comments received).

R.P.C. 1.4: Disclosure of Professional Liability Insurance (42 comments received).

Rules of Disciplinary Enforcement and the Rules of the Board: Taxation of expenses to be paid by respondent attorneys (no comments received).

Board's Rules of Organization and Procedure: The procedure for **challenging subpoenas** (no comments received).

Pennsylvania Bar Admission Rules and the Rules of Disciplinary Enforcement: Misstatements or Omissions in Licensure Applications (no comments received).

Finance & Pension Committee

In 2005 the Finance & Pension Committee established a two-tiered late payment penalty of \$100 at the time final notices are mailed to attorneys, which will increase to \$200 at the time the list of delinquent attorneys is forwarded to the Supreme Court. The committee also established the returned check fee at \$50.

Effective January 1, 2004, the Disciplinary Board staff joined the Pennsylvania Judiciary's medical benefits plan. Since this time the board has neutralized any additional increases in medical insurance costs through employee co-payments and has reimbursed the Administrative Office of Pennsylvania Courts for the board's insurance costs.

Education Committee

The Education Committee designed the program for the board's retreat meeting in July 2005. The topics covered were conservatorships and probation.

Conservatorship discussion centered on ways to cover the rising costs of conservatorships and whether the Office of Disciplinary Counsel should handle them in-house.

Guest speaker Mark Flaherty, a co-chair of the Pennsylvania Bar Association's Lawyers Assistance Committee, which provides the sobriety monitors the board uses when substance abuse probation is ordered, discussed probation. The board reviewed the history of probation and how it is currently being used. It was decided that the sobriety monitoring program is working extremely well, and no changes to the procedures are needed.

Concerns were raised regarding the use of practice probation. No training ground exists for practice monitors, and since no pool of ready volunteers for this type of monitoring is available, the respondent-attorney is required to select his or her own monitor. Although practice monitors are required to file quarterly reports, the board must rely on the honesty and impartiality of the monitor filing the report. As a result of such concerns, a high level task force was appointed to review this issue and other options.

The Education Committee also redesigned the program at the training session for new hearing committee members held on September 13, 2005, in Hershey. A number of panels discussed topics such as the Braun Standard, Other Aggravating & Mitigating Factors and How to Determine the Appropriate Discipline.

2005 Executive Session Results	
Action	Total
Adjudications involving formal charges	92
Board referrals to Supreme Court, including report and recommendation for public discipline	68
Oral arguments before three-member panels of board members	19
Hearing before one board member on petition to revoke or modify probation	2
Considerations by three-member panels of recommendations for summary private reprimands	11
Appeals by Office of Disciplinary Counsel from Review Hearing Committee members before three-member panels	2
Respondents appearing before board or three-member panels to receive private reprimands	30
Approval of filing petitions with the Supreme Court for emergency temporary suspensions	1
Petitions for reinstatement to active status of attorneys inactive more than three years with no discipline involved	53

Table 3.8.2

Communications Committee

In early 2005 a new consumer brochure was created to explain the responsibilities of attorney and the function of the Disciplinary Board. It was translated into Spanish and braille and has been distributed to the Pennsylvania Bar Association and all county bar associations, public libraries and courthouses throughout the Commonwealth. The English and Spanish versions are also available on the Disciplinary Board’s Web site.

The first Attorney E-Newsletter was sent out on April 18, 2005, to 16,000 attorneys who provided e-mail addresses when they submitted their annual fee forms. This newsletter is

intended to inform and educate members of the legal profession regarding activities and initiatives of the Disciplinary Board. Articles focus on changes in the Rules of Professional Conduct, activities of the board, ethics education and advice from members of the staff and board. As of December 2005, the number of subscribers had increased to 21,501. The board continues to receive positive feedback from those who receive this newsletter.

Hearings and Hearing Committees

Hearing committee members are ranked based on their experience. Senior members are those who have completed one full three-year

term and who have conducted at least three hearings that required the preparation of transcripts and full reports to the board. Experienced members are those who have completed at least one full year of service and who have conducted at least one hearing that required preparation of transcripts and a full report to the board. New members are those who are either still in their first year of service and/or have not yet had a full hearing.

A committee must be composed of at least one senior member and one senior or experienced member. A senior member chairs the committee. Only a senior or experienced member may conduct the mandatory prehearing conference.

As of December 31, 2005, 83 senior members, 69 experienced members and 47 new members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

One of the goals of board chair Marvin J. Rudnitsky was to better communicate with and provide more support to the Hearing Committee members. To that end, in August 2005 the board launched a Web site exclusively for current members. This site offers sample hearing committee reports, orders and other documents; Word templates for the preparation of committee reports, travel expense forms and forms to use to transmit their reports. Members are able to look up address information for other members and verify their own information. A research section offers selected board reports and Supreme Court opinions from recent cases of interest.

The board has also established a Hearing Committee e-newsletter which is e-mailed to members quarterly. The first issue was published in August 2005.

Disciplinary Board Web Site

In 2005 the board purchased two additional domain names, www.padboard.org

and www.padb.us in an effort to provide easier access to the site. In addition, the board, with the assistance of the consulting firm Hershey Philbin Associates, redesigned the consumer pages of its Web site and in September 2005 began making changes to the attorney pages. This redesign is being done in an effort to make the site more user-friendly. It is anticipated that these changes will be ready to launch in the spring of 2006.

Public Access

Following a two-year study, effective November 12, 2005, the Supreme Court approved opening proceedings and hearings to the public after an answer is filed to a petition for discipline or the time to file an answer has passed. Pennsylvania has thus joined 41 other jurisdictions in the United States who allow public access to proceedings.

As a result of this historic change, a number of new procedures are being implemented by the board. For example, the board's case tracking software has been integrated with the attorney registration software to allow the posting of public proceedings on an individual attorney's registration record. The internal Web access used by the Unified Judicial System and the board's public Web site have been updated to post this information when proceedings become public.

Miscellaneous

In July 2005 the board established a procedure for three-member panels to review Joint Petitions for Discipline on Consent, as a result of the Court's approval of amendments to Pa.R.D.E. 215.

Pennsylvania broke historic ground by requiring lawyers to provide written disclosure to clients if they do not carry professional liability insurance in the minimum amounts set forth in new Rule of Professional Conduct 1.4(c).

Only four other jurisdictions -- Alaska, New Hampshire, Ohio and South Dakota -- have this requirement. Eleven other jurisdictions have adopted some form of the ABA Model Rule on Insurance Disclosure.

As a result of the problems relating to the use of practice monitors discussed at the board's retreat meeting, a task force was appointed and began meeting to explore possible ways to resolve this issue.

During 2005 the executive director and chief disciplinary counsel began collection efforts on the estimated \$200,000 in outstanding costs owed by attorneys who were disciplined or were granted or denied reinstatement. One hundred sixty collection letters were mailed to attorneys, 15 of which were returned as undeliverable, and 69 attorneys were offered a payment plan but failed to respond in any way. Since these efforts began, \$29,560 in outstanding costs have been recovered. Collection efforts are ongoing.

AOPC

2005 Membership:

Robert C. Capristo, Esq., *Chair**
Nancy P. Wallitsch, Esq., *Chair***
Honorable Kevin M. Dougherty, *Vice Chair+*
Mark M. Dalton, *ex officio*
Mark B. Dischell, Esq.
Honorable Myrna P. Field
David N. Hofstein, Esq.
Frederick R. Mogel, Esq.
Honorable Eugene Scanlon, Jr.
James B. Yelovich, Esq.

Staff:

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

- * Term as chair expired 9-30-05
- ** Appointed chair effective 10-1-05
- + Appointed vice chair effective 10-1-05

Legal Authorization:

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

About the Committee:

Begun 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 the rules conform with developments in the law as well as the realities of domestic relations practice.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Domestic

Relations

Procedural

Rules

Committee

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Index/SupCtCmtes/
domesticrelations/
indexdomrel.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/domesticrelations/indexdomrel.asp)

2005 Activities

The committee met four times in 2005 as follows:

March	Pittsburgh
May	Montgomery County
August	State College
November	Fayette County

Invited guests to these meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, 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. To this end, throughout 2005 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, local bar association meetings, the Department of Public Welfare's Domestic Relations Directors Conference and the Domestic Relations Association of Pennsylvania Conference.

2005 Recommendations

The following recommendations were promulgated or pending with either the Supreme Court or the committee in 2005.

Recommendation 67. Support Guidelines Review. Pursuant to both federal -- Family Support Act of 1988 (P.L. 100-485, 102 Stat. 2343 (1988)), 42 U.S.C., §467(a) -- and state -- 23 Pa. C.S., §4322(a)-- law, statewide support guidelines must be reviewed at least once every four years to assure that appropriate child support amounts are being awarded. In addition, federal regulation 45 CFR 302.56 requires that such reviews include an assessment of the most

recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited.

The Domestic Relations Procedural Rules Committee began the mandated review process in early 2003, assisted by Jane Venohr, Ph.D., an economist with Policy Studies, Inc., under contract with the Pennsylvania Department of Public Welfare. Changes were made to the child support schedule as follows:

- the schedule reflects updated economic data
- support amounts apply to parties with a combined net monthly income of \$20,000, rather than the prior \$15,000
- the Self-Support Reserve (SSR) was increased from \$550 per month to \$748 per month. Formerly designated as the "Computed Allowance Minimum" or "CAM," the SSR is intended to assure that low-income obligors retain sufficient income to meet their own basic needs as well as to maintain the incentive to continue employment.

The amendments also apportion between the parties the cost of childcare incurred by both parties during their custodial time with the child.

Promulgated 9-25-05, effective 1-27-06.

Recommendation 71. Amendments as follows:

- **Rule 1910.16-4. When the Custodial Parent Owes Spousal Support.** Clarifies the offset between child and spousal support when custodial parents owe spousal support to non-custodial parents.
- **Rule 1910.16-6(b) Health Insurance Premiums.** Amendments to make the rule regarding apportionment of health insurance premiums consistent with the Court's opinion in *Maher v. Maher*. Apportionment is required only of those portions of the premium that cover parties or children to whom a duty of support is owed.

- **Rule 1910.17. Retroactivity of Modified Support Orders.** Amendments to clarify the issue of retroactivity of support orders. The rule now includes reference to 23 Pa.C.S.A., § 4352(e) and permits retroactivity to a date before the date the petition was filed if the petitioner was unable to file a petition for modification because of a disability, the misrepresentation of another party or another compelling reason and if the petitioner, when no longer precluded, promptly filed a petition.

Promulgated 5-17-05, effective immediately.

Recommendation 72. Technical amendments changing references from “district justice” to “magisterial district judge.” Promulgated 5-9-05, effective immediately.

Recommendation 73. Proposed amendments to Rules 1910.11, 1910.12, 1915.4-2, 1920.55-2 and 1920.55-3 to clarify the time for calculating the ten-day period for seeking **review of support, custody and divorce conference or masters’ orders.** While some masters and hearing and conference officers give the parties copies of temporary or interim orders before they leave the hearing or conference, other such orders are mailed at a later date. The proposed language would have made the rules consistent, having the ten days start either on the date

counsel or the parties receive the order or the date the order is mailed, whichever comes first. Comments on the recommendation, however, suggested that ten days was not sufficient notice and that practice in at least one county is to add an extra three days to the time period when the order is mailed. In order to address those concerns, to promote statewide uniformity and to be consistent with the general civil pleading rules (Pa. R.C.P. 1026), the recommendation was amended to increase the time from ten to 20 days to request a *de novo* hearing or to file exceptions in support, custody and divorce cases. Pending with committee.

Recommendation 74. Amendments to Rules 1910.16-2(b) and 1910.16-4 relating to treatment, for purposes of calculating support, of **Social Security derivative benefits** received by a child as a result of a parent’s disability or retirement. Pending with committee.

Recommendation 75. Amendment to Rule 1910.19 to authorize the court to administratively close a **support case** and vacate arrears, without prejudice, when it appears to the court that an obligor is unable to pay and there is no means to enforce the order in the foreseeable future. This recommendation was made at the behest of the Department of Public Welfare’s Bureau of Child Support Enforcement. Pending with committee.

AOPC

2005 Membership:

Maureen P. Kelly, Esq., *Chair*
Kenneth M. Jarin, Esq., *Vice Chair*
William P. Carlucci, Esq.
Hubert X. Gilroy, Esq.
Lewis F. Gould, Jr., Esq.
William T. Hangle, Esq.
Honorable William P. Mahon
M. Mark Mendel, Esq.
Michael H. Reed, Esq.

Staff:

Alfred J. Azen, *Executive Director*

Legal Authorization:

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

About the Board:

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. It is the job of the IOLTA Board to administer the program, collecting and managing the funds received and awarding grants to nonprofit organizations, law school clinical and internship programs, and *pro bono* programs.

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.

Interest

on

Lawyers

Trust

Account

Board

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How the IOLTA Program Works

Clients often ask attorneys to hold particular sums of money for them. When this involves a large amount 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 that the IOLTA program targets.

These small or short-term funds are deposited into special interest-bearing IOLTA accounts at financial institutions that have been approved by the Supreme Court. Usually, on a monthly basis (but no less than quarterly), 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 nonprofit organizations, law school-administered clinical and externship programs and administration of justice projects that provide civil legal services free of charge to low-income and disadvantaged Pennsylvania residents.

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.

Additional Funding

Access to Justice Act

The Access to Justice Act (AJA), part of Act 122 of 2002, provides for a \$10 surcharge

to be placed on all civil filings as well as the recordings of deeds and mortgages and their related filings and on criminal filings where a conviction or guilty plea is obtained. A percentage of this surcharge is placed into the Access to Justice Account for the IOLTA Board to provide grants to civil legal services provided by nonprofit legal aid organizations. (Under a sunset provision in the statute, the AJA is scheduled to expire November 1, 2012. At least one year prior to this date, the Legislative Budget and Finance Committee will submit a performance audit to the General Assembly for the purpose of determining whether there is a continuing justification for the activities and level of financial support funded by the act.)

MJ-IOLTA

Effective February 1, 2005, the Supreme Court began requiring judicial officials of the minor courts (magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court) to establish accounts similar to IOLTA accounts. Called the Minor Judiciary Interest on Trust Accounts, or MJ-IOTA, the program targets the funds judicial officials maintain in custodial accounts to hold the collection of fees and fines, collateral and cash bonds, restitution for victims of crime and other similar amounts until the funds are ultimately transferred to the owners.

Miscellaneous

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.

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.

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.

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 from legal services organizations must be made to the board by late January. Applications from law schools and *pro bono* initiatives must be made 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.

Fiscal Year 2005-06 Statistics

Grants totaling \$12,218,322 were awarded in fiscal year 2005-06 as follows:

Legal Service Organizations	\$10,790,131
Pennsylvania Law Schools	1,369,584
<i>Pro Bono</i> Grants	56,608

The largest grant, \$9,333,599, was awarded to the Pennsylvania Legal Aid Network (formerly Pennsylvania Legal Services), which is an administrative and support organization that oversees a statewide system of legal aid programs.

Table 10.1.1 on page 75 shows how IOLTA funds have been distributed since fiscal year 1995-96 when the program became mandatory.

AOPC

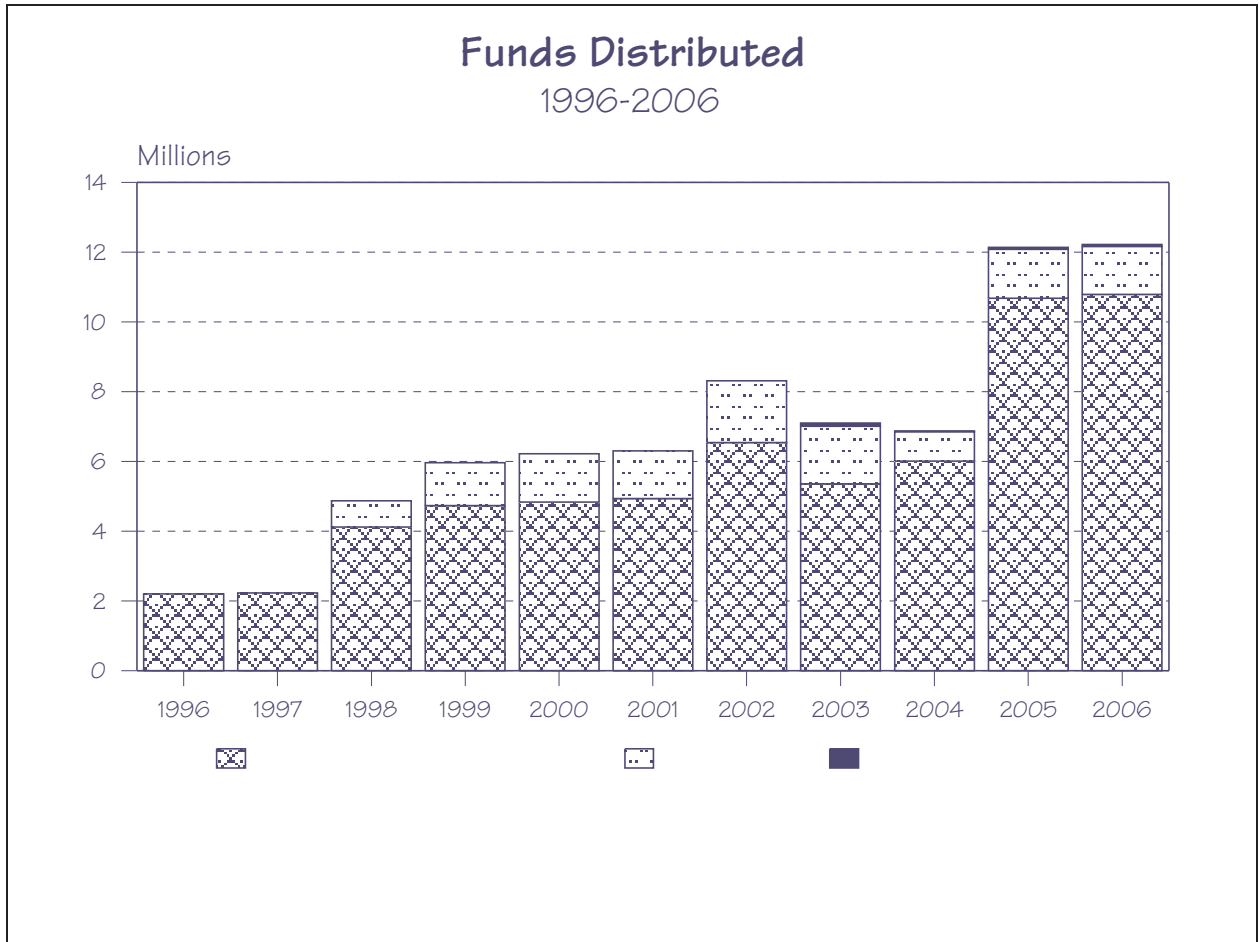


Table 3.10.1

2005 Membership:

F. Barry McCarthy, *Chair*
Honorable Carol K. McGinley, *Vice Chair*
Frank P. Cervone, Esq.
Honorable Robert J. Colville
John P. Delaney, Esq.
Honorable Thomas J. Doerr
Honorable Kevin A. Hess
Jason P. Kutulakis, Esq.
Michael E. Noyes, Ph.D., *ex officio*
Honorable Abram Frank Reynolds
Cynthia K. Stoltz, Esq.
Mark R. Zimmer, Esq.

Staff:

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

Legal Authorization:

Pa. Constitution Article V, § 20(c)
42 Pa.C.S. § 1722
Supreme Court Order No. 264 (Docket No. 1, Book No. 2) January 22, 2001

About the Committee:

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 and dependency practice and procedure.

Juvenile

Court

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175
e-mail juvenile.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
juvct/indexjuvct.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/juvct/indexjuvct.asp)

Reports

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*, West's *Atlantic Reporter* advance sheets and various local bar association publications and on the Unified Judicial System's (UJS) Web site. The committee also distributes the reports to organizations and practitioners in the juvenile system.

Web Site

The Juvenile Court Procedural Rules Committee publishes its rule proposals and reports, the Supreme Court's orders promulgating rule changes, the text of the rule changes and the "Final Reports" on the UJS Web site. These documents may be found on the Supreme Court Committees page at www.courts.state.pa.us.

2005 Activities

The committee's work included developing procedures for dependency proceedings, including procedures for discovery, masters, motions, adjudicatory hearing, dispositional hearing, post-dispositional proceedings, permanency hearings and aggravated circumstances.

The Supreme Court adopted Recommendation No. 1, Juvenile Rules 2003, which are the Rules of Juvenile Court Procedure -- **Delinquency Matters**. Adopted 4-1-05, effective 4-1-06.

Looking Ahead to 2006

The committee plans to submit a recommendation to the Court regarding the Rules of Juvenile Court Procedure -- Dependency Matters. It also plans to survey the counties on the operation of the new delinquency rules and make necessary recommendations for new or modified rules.

AOPC

2005 Membership:

Honorable Thomas E. Martin, Jr., *Chair*
Honorable Robert S. Blasi
Aileen Bowers, Esq., *ex officio*
Honorable M. Kay DuBree
Honorable Robert V. Manlove*
Honorable Timothy Patrick O'Reilly
Honorable Thomas A. Placey**
Honorable Henry J. Schireson
Honorable Carla M. Swearingen

* Term expired 4-1-05

** Appointed effective 4-26-05

Staff:

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

Legal Authorization:

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

About the Committee:

The Minor Court Rules Committee examines and evaluates the rules and standards governing practice and procedure in Pennsylvania's magisterial district judge courts. It reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect magisterial district judge procedure and necessitate amendments to the rules or other action by the Supreme Court.

Minor

Court

Rules

Committee

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
fax (717) 795-2175
e-mail: minorcourt.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/mcrc/
indexmcrc.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp)

Reports

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 on the Unified Judicial System's Web site at www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp. 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, the Pennsylvania Association of Court Management 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

In addition to its rule proposals and reports, the committee publishes the Supreme

Court's orders promulgating rule changes, the text of the rule changes and the "Final Reports" on the Unified Judicial System Web site. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available.

2005 Activities

The committee held four meetings in 2005. At each it conferred with AOPC staff on issues relating to the Magisterial District Judge System, the statewide computer system that links all of Pennsylvania's district courts.

The committee reviewed and considered a number of issues in 2005, including the following:

- a proposal to amend Rules 410 and 412 to make technical amendments concerning the **execution of judgments for money**. Published at Volume 35, *Pa.B.*, page 245 (January 8, 2005).
- a joint project with the Criminal Procedural Rules Committee to study the question of whether magisterial district judges may issue **subpoenas in blank**. The committee published a proposal to amend Rule 214 to provide, in certain circumstances, for the issuance of subpoenas in blank. The proposal was first published at Volume 35, *Pa.B.*, page 1560 (March 5, 2005). A revised version and a supplemental report were published at Volume 35, *Pa.B.*, page 5679 (October 15, 2005).
- a proposal to amend Rule 110 to increase the minimum amount of the **bond** each magisterial district judge must file in accordance with the rule. Published at Volume 35, *Pa.B.*, page 1974 (April 2, 2005).
- a proposal to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend in civil actions**. The committee published a proposal

to amend Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to, among other things, require that the defendant in a civil action file a simplified answer to the plaintiff's complaint before a hearing date is set. Published at Volume 35, *Pa.B.*, page 2258 (April 16, 2005).

- a proposal to amend Rule 112 to further provide for **availability and temporary assignments of magisterial district judges**. Published at Volume 35, *Pa.B.*, page 4306 (August 6, 2005).
- a comprehensive review of issues surrounding **appeals from district courts**.

In addition, 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 dialog with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

2005 Committee Action

The committee submitted three recommendations for consideration by the Supreme Court in 2005. The Court approved three recommendations, and three others were pending at the end of the year. A chart indicating the status of the recommendations in 2005 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 4, Minor Court Rules 2004: Renaming of Chapter 400 and adoption of new rule 401.1 to further provide for

enforcement of judgments, assignment of judgments and parties. Adopted 5-17-05, effective 7-1-06. See Order and Final Report at 35 *Pa.B.* 3218 (June 4, 2005).

Recommendation No. 2, Minor Court Rules 2005: Amendment to Rule 13 to provide clarification regarding the application of Rule 13 to **constables** by removing the reference to constables from the rule. Adopted 11-1-05, effective immediately. See Order at 35 *Pa.B.* 6318 (November 19, 2005).

Recommendation No. 3, Minor Court Rules 2005: Amendment to Rule 110 to increase the minimum **bond** amount required for each magisterial district judge. Adopted 10-27-05, effective 1-1-06. See Order and Final Report at 35 *Pa.B.* 6228 (November 12, 2005).

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2003: Adoption of new rules to implement certain provisions of the Act of June 29, 2002 (P.L. 663, No. 100), which amended the **Right-to-Know Law**. Submitted 4-17-03.

Recommendation No. 3, Minor Court Rules 2004: Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514 and adoption of new Rule 207.1 regarding **definitions, representation in district court proceedings, attorneys of record and notices**. Submitted 8-10-04.

Recommendation No. 1, Minor Court Rules 2005: Amendments to Rules 19 and 21 to impose a two-year limitation on the certification of a person who has successfully completed the **course of training and instruction** and passed the examination, but has not served as a magisterial district judge, bail commissioner or judge of the Philadelphia Traffic Court. Originally submitted 7-21-05. Revised recommendation submitted 12-22-05.

Looking Ahead to 2006

In 2006 the committee will be devoting considerable time to a proposal to make comprehensive changes to the rules governing

appeals from district courts. The committee will also continue to work with the Civil and Criminal Procedural Rules Committees on a number of matters of mutual concern. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
2, 2003	Implementation of the provisions of the Act of June 29, 2002 (P.L. 663, No. 100), the Right-to-Know Law	Submitted 4-17-03; pending with Court
3, 2004	Amendments to Rules 202, 207, 315, 318, 324, 421, 511, and 514, new Rule 207.1 regarding definitions, representation in district court proceedings, attorneys of record and notices	Submitted 8-10-04; pending with Court
4, 2004	Renaming Chapter 400, new rule 401.1 to further provide for enforcement of judgments, assignment of judgments, and parties	Submitted 12-22-04; adopted 5-17-05, effective 7-1-06
1, 2005	Amendments to Rules 19 and 21 regarding certification of a person who has successfully completed training and passed the examination, but has not served as a magisterial district judge, bail commissioner, or Philadelphia Traffic Court judge	Submitted 7-21-05; revised recommendation submitted 12-22-05
2, 2005	Amendment to Rule 13 to provide clarification regarding the application of Rule 13 to constables by removing the reference to constables from the rule	Submitted 7-25-07; adopted 11-1-05, effective immediately
3, 2005	Amendment to Rule 110 to increase the minimum bond amount required for each magisterial district judge	Submitted 7-25-05; adopted 10-27-05, effective 1-1-06

Table 3.12.1

2005 Membership:

Honorable Daniel B. Garber, *Chair*
Honorable James J. Dwyer, III, *Vice Chair*
Honorable Robert E. Simpson, Jr., *Secretary*
Honorable Catherine M. Hummel-Fried, *Treasurer*
Gregory E. Dunlap, Esq.
Jerry J. Russo, Esq.
Jack Treadway, Ph.D.

Staff:

Susan M. Davis, *Judicial Education Administrator*
Kate D. Grenke, *Clerical Assistant*

Legal Authorization:

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

About the Committee:

Article V, §12 of the Pennsylvania Constitution requires that magisterial district judges 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 magisterial district judges, 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 one-week continuing education classes for magisterial district judges, 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 magisterial district judges.

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

Minor

Judiciary

Education

Board

770 East Park Drive
Harrisburg, PA 17111
(717) 558-3600
fax (717) 558-3603

2005 Curriculum

Four-Week Magisterial District Judge Certifying Course

- 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 Magisterial District Judges

Class requirements are 32 hours per year and were offered over 18 scheduled weeks.

- review and update of civil and criminal procedure
- motor vehicle code
- Advanced Communications Technology
- court security
- search and seizure
- Interpreters in the Justice System
- identifying & preventing harassment

Philadelphia Bail Commissioners

- sexual assault
- bail procedures
- criminal law
- search and seizure

Orientation Course for New Magisterial District Judges

- magisterial district judge panel
- magisterial district judge practices
- office administration
- benchbook procedures
- criminal rules and procedures
- courts and the media
- search and seizure

Philadelphia Traffic Court Judges

- court procedures
- Philadelphia Traffic Court Administration
- Pennsylvania Motor Vehicle Code review and update
- ethics computer system

Statistics

MJEB statistics for 2005 can be found in the chart below. **AOPC**

2005 Educational Statistics	
Continuing education to magisterial district judges & sr. magisterial district judges	633
Continuing legal education to attorney magisterial district judges	147
Magisterial district judge recertification	83
Certification classes to prospective magisterial district judges	91
Total certified	39
Certification of prospective Philadelphia Bail Commissioners	1
Certification of prospective Philadelphia Traffic Court judges	2

Table 3.13.1

2005 Membership:

Mary Jane Barrett, Esq., *Chair*
Kristen M. Del Sole, Esq.
Honorable Calvin S. Drayer, Jr.
Richard E. Flannery, Esq.
Michael L. Mixell, Esq.
Shari J. Odenheimer, Esq.
Honorable Paula Francisco Ott
Carolyn C. Thompson, Esq.

Staff:

Dean R. Phillips, Esq., *Chief Counsel*
Lisa M. Rhode, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization:

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

About the Committee:

The Orphans' Court Procedural Rules Committee responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules and rule changes as necessary.

Orphans'

Court

Procedural

Rules

Committee

Dean R. Phillips, Counsel
P.O. Box 3010
Blue Bell, PA 19422
(215) 977-1067
e-mail orphandrules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
orphctrules/
indexorphctrules.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/orphctrules/indexorphctrules.asp)

2005 Activities

Recommendation Promulgated by the Supreme Court

Joint recommendation with the Appellate Court Procedural Rules Committee to amend Pa.R.A.P. 311 and 342, addressing important issues regarding the **appealability of orphans' court orders**. Adopted 6-29-05, effective 8-29-05.

Orphans' Court E-Forms

In 2004 and 2005 the committee published 17 draft forms in electronic format (e-forms), which it proposes to recommend for use before the Commonwealth's orphans' court divisions and registers of wills. The e-forms are intended to promote uniformity and standardize the content of pleadings and forms across the state without supplanting local forms. After review of comments received about the forms and any modifications made, the committee hopes to submit the forms to the Supreme Court for adoption in the spring of 2006.

Miscellaneous

The committee also worked on the following projects in 2005:

- exploration of the relationship between the orphans' court rules, the Rules of Civil Procedure and the Pennsylvania Probate Estates and Fiduciaries Code, with the goal of assuring simple and clear procedures for orphans' court litigation that accounts for the unique nature of such litigation. The committee is researching citation practice and pleadings that should be permitted in orphans' court.
- orphans' court mediation
- consideration of model physician interrogatories for uncontested incapacity hearings and forms regarding minors and incapacitated persons
- possible rules of procedure governing practice before the registers of wills
- monitoring the statewide e-filing rules and the Philadelphia pilot project
- new model accounting forms which the committee proposes to add to the model forms referenced above.

2006 Plans

The committee will continue to work on the projects begun in 2005, listed under "Miscellaneous" above. **AOPC**

2005 Membership:

Zygmunt R. Bialkowski, Jr., Esq., *Board Chair*
Beth Lang
Maureen Murphy McBride, Esq.
James M. Mead
Robert A. Rovner, Esq.
Joan O'Connor Shoemaker, Esq.
Morris M. Shuster, Esq.

Staff:

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

Legal Authorization:

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

About the Board:

The Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court in 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 (\$45 for 2005-06) paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for a 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.

Pennsylvania

Lawyers

Fund

for

Client

Security

4909 Louise Drive,
Suite 101
Mechanicsburg, PA 17055
(717) 691-7503
(800) 962-4618
fax (717) 691-9005
e-mail admin@palawfund.com
www.palawfund.com

2005 Claims Statistics

Statistics for the 2005-06 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 89 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 90 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 91 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2005-06.

Claims	No.	Amount
Received	221 *	\$6,918,643
*22 in excess of \$75,000 limit		
Awarded	125	2,479,054
Rejected	79	2,551,881
Discontinued	13	119,431
Total	309	\$5,150,366
Pending	181	\$ 6,321,307

Table 3.15.1

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 2005-06 cost the fund \$1,446,394, 58.34 percent of its total award dollars, settling 39 claims. Of this amount \$375,000 went to five former clients of one attorney.

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 \$742,348 to 28 claimants fitting this category were made in 2005-06, 29.94 percent of the total dollars awarded. Of this, \$500,200 were paid to 17 former clients of two attorneys who practiced in the same firm.

Non-performance* - The acceptance of unearned fees or retainers represented the third highest payment category in 2005-06 with awards to 45 claimants totaling \$142,161, 5.73 percent of the total dollars awarded. Of this amount, seven former clients of one attorney received \$64,700.

*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 fewer than one percent of all Pennsylvania licensed attorneys.

2005 Activities

During the year the board met in Hershey, Pittsburgh and Philadelphia.

Restitution and Subrogation Efforts

The fund received \$127,794 in restitution payments during FY 2005-06.

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 2005-06 the fund received 208

overdraft notices. Nine notices were pending. Of these 217 total, 166 were reviewed and dismissed, and 51 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. In 2005 and 2006 the fund met with Allegheny, Dauphin and Philadelphia Counties.

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to nonprofit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 2005-06 \$267,500 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. **AOPC**

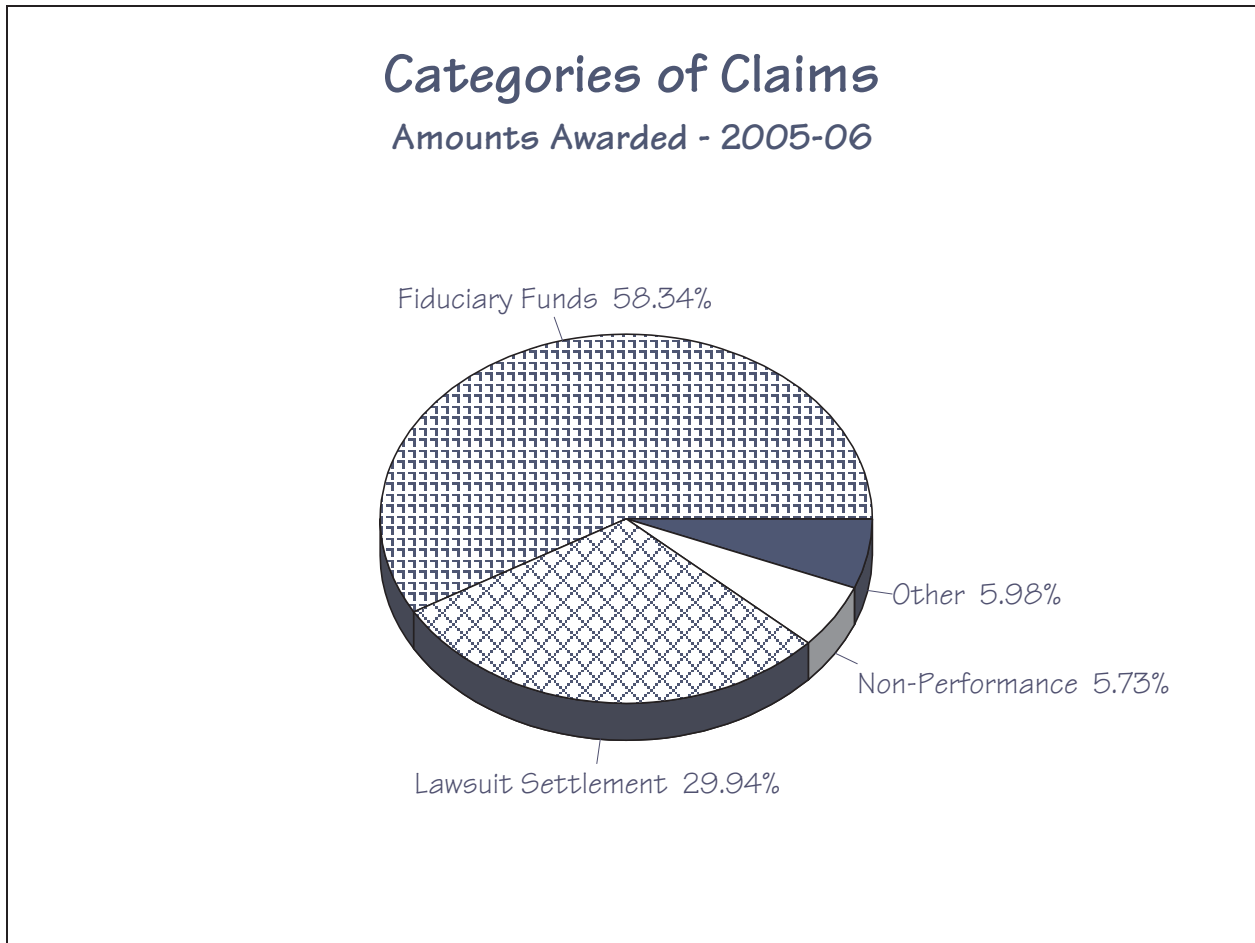
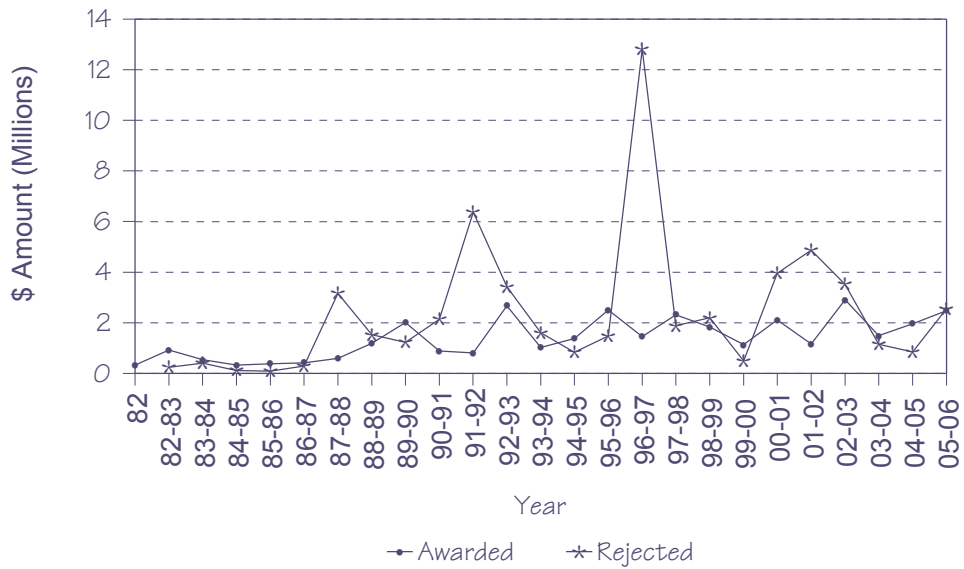


Table 3.15.2

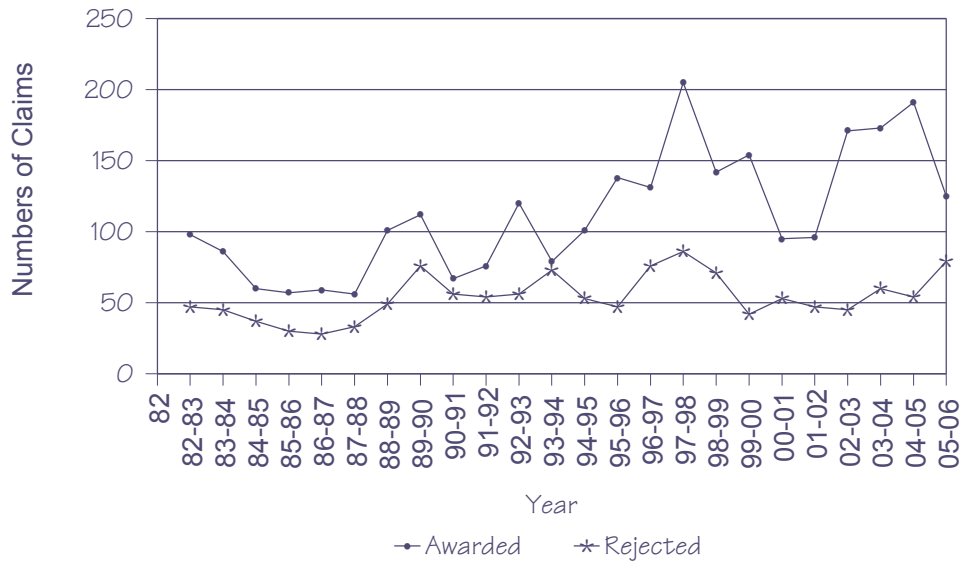
Claim Awards v. Rejections

1982-2006



Claims Awarded v. Rejections

1982-2006

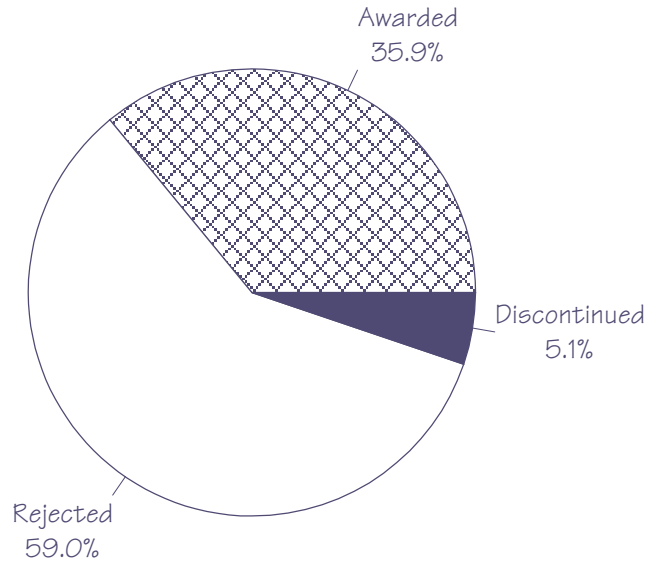


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2006

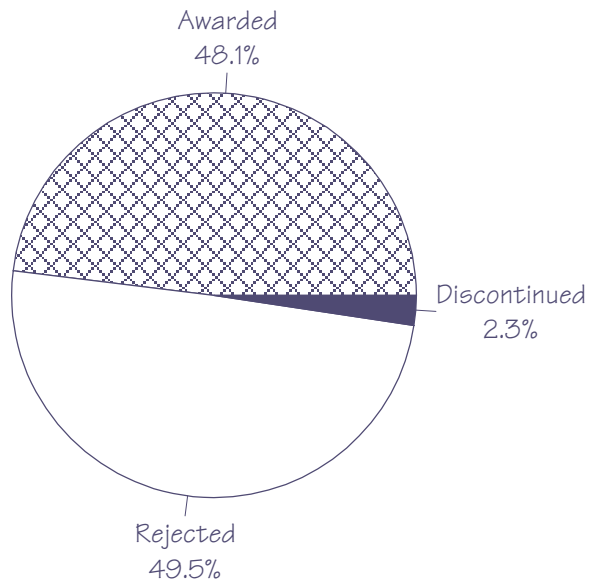


Table 3.15.4

**County Reimbursements for Courts
FY 2005-06**

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Adams	\$1,228.66	\$210,000.00	\$954.00	\$0.00	\$0.00	\$212,182.66
Allegheny	94,346.64	2,870,000.00	199,420.00	0.00	949,000.00	4,112,766.64
Armstrong	320.80	140,000.00	330.00	0.00	0.00	140,650.80
Beaver	3,582.44	420,000.00	33,668.00	0.00	0.00	457,250.44
Bedford	0.00	140,000.00	0.00	0.00	0.00	140,000.00
Berks	18,869.42	840,000.00	153,700.00	0.00	0.00	1,012,569.42
Blair	7,090.50	280,000.00	6,404.00	0.00	0.00	293,494.50
Bradford	710.96	140,000.00	0.00	0.00	0.00	140,710.96
Bucks	35,354.70	910,000.00++	31,310.00	0.00	0.00	976,664.70
Butler	4,573.18	350,000.00	34,068.00	0.00	0.00	388,641.18
Cambria	3,813.12	350,000.00	34,124.00	0.00	0.00	387,937.12
Cameron	0.00	10,500.00	880.00	0.00	0.00	11,380.00
Carbon	321.62	140,000.00	60,746.00	0.00	0.00	201,067.62
Centre	1,151.37	210,000.00	0.00	0.00	0.00	211,151.37
Chester	18,833.37	910,000.00**	23,856.00	0.00	0.00	952,689.37
Clarion	1,258.85	70,000.00	8,978.00	0.00	0.00	80,236.85
Clearfield	4,436.54	140,000.00	2,804.00	0.00	0.00	147,240.54
Clinton	1,203.22	140,000.00	0.00	0.00	0.00	141,203.22
Columbia	0.00	109,200.00	0.00	0.00	0.00	109,220.00
Crawford	4,548.84	210,000.00	1,294.00	0.00	0.00	215,842.84
Cumberland	10,447.39	350,000.00	0.00	0.00	0.00	360,447.39
Dauphin	41,586.64	560,000.00	0.00	0.00	0.00	601,586.64
Delaware	20,306.85	1,330,000.00+	28,184.00	0.00	0.00	1,378,490.85
Elk	641.06	59,500.00	6,754.00	0.00	0.00	66,895.06

continued...

County Reimbursements for Courts, continued
FY 2005-06

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Erie	\$4,093.55	\$630,000.00	\$0.00	\$0.00	\$0.00	\$634,093.55
Fayette	24,111.00	350,000.00	804.00	0.00	0.00	374,915.00
Forest	0.00	14,000.00	152.00	0.00	0.00	14,152.00
Franklin	2,518.52	252,000.00	108.00	0.00	0.00	254,626.52
Fulton	0.00	28,000.00	0.00	0.00	0.00	28,000.00
Greene	8,758.33	140,000.00	0.00	0.00	0.00	148,758.33
Huntingdon	0.00	70,000.00	0.00	0.00	0.00	70,000.00
Indiana	1,961.67	210,000.00+	384.00	0.00	0.00	212,345.67
Jefferson	2,360.41	70,000.00	3,688.00	0.00	0.00	76,048.41
Juniata	0.00	47,600.00	346.00	0.00	0.00	47,946.00
Lackawanna	16,289.75	490,000.00	100,876.00	0.00	0.00	607,165.75
Lancaster	19,137.43	910,000.00*	5,964.00	0.00	0.00	935,101.43
Lawrence	3,684.90	280,000.00	0.00	0.00	0.00	283,684.90
Lebanon	1,423.36	280,000.00	0.00	0.00	0.00	281,423.36
Lehigh	29,763.87	700,000.00	17,132.00	0.00	0.00	746,895.87
Luzerne	18,567.39	630,000.00	117,304.00	0.00	0.00	765,871.39
Lycoming	11,142.62	350,000.00	1,716.00	0.00	0.00	362,858.62
McKean	0.00	140,000.00+	2,680.00	0.00	0.00	142,680.00
Mercer	3,364.44	280,000.00+	5,160.00	0.00	0.00	288,524.44
Mifflin	312.91	70,000.00	2,324.00	0.00	0.00	72,636.91
Monroe	6,465.42	420,000.00+	5,160.00	0.00	0.00	431,625.42
Montgomery	49,870.54	1,470,000.00+	40,392.00	0.00	0.00	1,560,262.54
Montour	0.00	30,800.00	0.00	0.00	0.00	30,800.00
Northampton	7,959.63	490,000.00	38,020.00	0.00	0.00	535,979.63

continued...

County Reimbursements for Courts, continued
FY 2005-06

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Northumberland	\$0.00	\$210,000.00	\$9,616.00	\$0.00	\$0.00	\$219,616.00
Perry	439.30	92,400.00	2,076.00	0.00	0.00	94,915.30
Philadelphia	620,836.52	10,075,327.00	312,992.00	125,000.00	0.00	11,134,155.52
Pike	3,214.33	70,000.00	14,500.00	0.00	0.00	87,714.33
Potter	783.07	70,000.00	0.00	0.00	0.00	70,783.07
Schuylkill	5,092.41	420,000.00	0.00	0.00	0.00	425,092.41
Snyder	2,310.38	65,800.00	0.00	0.00	0.00	68,110.38
Somerset	3,429.57	210,000.00	0.00	0.00	0.00	213,429.57
Sullivan	0.00	13,300.00	0.00	0.00	0.00	13,300.00
Susquehanna	0.00	70,000.00	0.00	0.00	0.00	70,000.00
Tioga	325.15	70,000.00	1,000.00	0.00	0.00	71,325.15
Union	7,271.57	74,200.00	0.00	0.00	0.00	81,471.57
Venango	9,683.20	140,000.00	5,178.00	0.00	0.00	154,861.20
Warren	575.35	126,000.00	3,100.00	0.00	0.00	129,675.35
Washington	6,720.70	350,000.00	55,714.00	0.00	0.00	412,434.70
Wayne	1,193.26	70,000.00	0.00	0.00	0.00	71,193.26
Westmoreland	15,147.15	770,000.00	5,980.00	0.00	0.00	791,127.15
Wyoming	266.78	56,700.00	0.00	0.00	0.00	56,966.78
York	20,299.35	840,000.00	36,656.00	0.00	0.00	896,955.35
Transfer to JCS	185,000.00	0.00	583,504.00	0.00	0.00	768,504.00
Lapse	0.00	0.00	0.00	0.00	0.00	0.00
Total	1,369,000.00	33,035,327.00	2,000,000.00	125,000.00	949,000.00	37,478,327.00

* Includes one additional judge as per Act 105 of 2000.

** Includes two additional judges as per Act 105 of 2000.

+ Includes one additional judge as per Act 215 of 2002.

++ Includes two additional judges as per Act 215 of 2002.

County Reimbursements for Courts, continued
FY 2005-06

Funding Methodologies, continued:

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 2005-06, 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.

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 Pa. 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 2005-06, the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2005.

Philadelphia Gun Court Reimbursement Grant - The grant provides reimbursement to the City of Philadelphia for personnel costs associated with the operation of the Philadelphia gun court.

Court Accounts (Court Consolidation Grant) - The grant provides reimbursement to Allegheny County for costs related to the transition of the former Pittsburgh Magistrates Court staff to county employment as a result of the merger of the Pittsburgh Magistrates Court into the magisterial district judge system effective January 1, 2005.

SUPREME COURT JUSTICES

•

SUPERIOR COURT JUDGES

•

COMMONWEALTH COURT JUDGES

•

SUPERIOR COURT SENIOR JUDGES

•

COMMONWEALTH COURT SENIOR JUDGES

•

COMMON PLEAS COURT JUDGES

•

COMMON PLEAS COURT SENIOR JUDGES

•

PHILADELPHIA MUNICIPAL COURT JUDGES

•

PHILADELPHIA TRAFFIC COURT JUDGES

•

PHILADELPHIA MUNICIPAL COURT SENIOR
JUDGES

•

PHILADELPHIA TRAFFIC COURT SENIOR JUDGES

•

MAGISTERIAL DISTRICT JUDGES

•

SENIOR MAGISTERIAL DISTRICT JUDGES

**The
Directory
2005**

Supreme Court Justices

Complement 7

Cappy, Ralph J.
Chief Justice

Castille, Ronald D.
Newman, Sandra Schultz**
Saylor, Thomas G.
Eakin, J. Michael
Baer, Max
Baldwin, Cynthia A.*
Fitzgerald, James J., III+

* Appointed 2-15-06

** Resigned 12-31-06

+ Appointed 3-28-07

Superior Court Judges

Complement 15

Del Sole, Joseph A.*
President Judge

Ford Elliott, Kate**
President Judge

Hudock, Joseph A.
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
Gantman, Susan Peikes
McCaffery, Seamus P.
Panella, Jack A.
Daniels, Robert C.+

* Resigned 9-1-06

** Elected president judge effective 9-2-06

+ Appointed 3-28-07

Commonwealth Court Judges

Complement 9

Colins, James Gardner*
President Judge

Leadbetter, Bonnie Brigance**
President Judge

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

Cohn Jubelirer, Renée
Simpson, Robert E., Jr.
Leavitt, M. Hannah

* President judge term expired 1-1-07

** Elected president judge effective 1-2-07

Appellate

Court

Jurists

(As of 6-30-07)

**Senior
Appellate
Court
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.**
Colville, Robert E.*
Johnson, Justin M.
Kelly, John T.J., Jr.
McEwen, Stephen J., Jr.

Popovich, Zoran
Tamilia, Patrick R.

* Allegheny County senior Common
Pleas Court judge assigned to
Superior Court; effective 3-20-06

** Retired 12-31-06

**Commonwealth
Court Senior Judges**

Feudale, Barry F.**
Flaherty, James J.
Kelley, James R.
McCloskey, Joseph F.*
Quigley, Keith B.+

* Schuylkill County senior Common
Pleas Court judge assigned to
Commonwealth Court

** Northampton County senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court

+ Perry-Juniata Counties senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court

(As of 6-30-07)

ADAMS COUNTY (51)

Complement 3

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

ALLEGHENY COUNTY (05)

Complement 43
Vacancy 2

James, Joseph M.

Administrative Judges

Clark, Kim Berkeley
Lucchino, Frank J.
McDaniel, Donna Jo
Wettick, R. Stanton, Jr.

Allen, Cheryl Lynn
Baldwin, Cynthia A.**
Borkowski, Edward J.
Cashman, David R.
Colville, Robert J.

De Angelis, Guido A.
Della Vecchia, Michael A.
Durkin, Kathleen A.
Eaton, Kim D.
Flaherty, Thomas E.
Folino, Ronald W.
Friedman, Judith L.A.
Gallo, Robert C.
Hens-Greco, Kathryn M.
Hertzberg, Alan David

Horgos, Robert P.
Kelly, Robert A.
Lazzara, Beth A.
Little, Walter R.*
Lutty, Paul F., Jr.

Machen, Donald E.
Manning, Jeffrey A.
Mariani, Anthony M.
Mazur, Lee J.
Mulligan, Kathleen R.

Nauhaus, Lester G.
O'Brien, W. Terrence

O'Reilly, Timothy Patrick
O'Toole, Lawrence J.
Rangos, Jill E.

Sasinoski, Kevin G.
Scanlon, Eugene F., Jr.
Strassburger, Eugene B., III
Todd, Randal B.
Ward, Christine A.

Wecht, David N.
Woodruff, Dwayne D.
Zottola, John A.

* Resigned 1-31-06
** Appointed to the Supreme Court 2-15-06

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

BEAVER COUNTY (36)

Complement 7+1

Kunselman, Robert E.
Dohanich, John P.
James, George E.
Kwidis, C. Gus
Kunselman, Deborah A.

Mancini, Richard
McBride, John D.

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

BERKS COUNTY (23)

Complement 13

Grim, Arthur E.
Boccabella, John A.
Bucci, James M.

Common

Pleas

Court

Judges

(As of 6-30-07)

(Judicial district listed in parentheses)

(Italics denotes president judge)

BERKS COUNTY, continued

Campbell, Mary Ann
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.
Yatron, Paul M.

BLAIR COUNTY (24)

Complement 5

Kopriva, Jolene Grubb
Carpenter, Hiram A., III
Doyle, Elizabeth A.
Milliron, Daniel J.
Sullivan, Timothy M.

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 13

Heckler, David W.
Biehn, Kenneth G.
Boylan, Rea Behney
Cepparulo, Albert J.
Finley, Jeffrey L.

Fritsch, C. Theodore, Jr.
Goldberg, Mitchell S.
Lawler, Daniel J.
Mellon, Robert J.
Rubenstein, Alan M.

Rufe, John J.
Scott, Susan Devlin
Waite, Clyde W.

BUTLER COUNTY (50)

Complement 6

Doerr, Thomas J.
Hancher, George H.
Horan, Marilyn J.
McCune, Timothy F.
Shaffer, William R.

Yeager, S. Michael

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
Creany, Timothy P.
Krumenacker, Norman A., III
Leahy, Francis J.
Tulowitzki, David J.

CARBON COUNTY (56)

Complement 2

Nanovic, Roger N.
Addy, David W.

CENTRE COUNTY (49)

Complement 4

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

CHESTER COUNTY (15)

Complement 13

Ott, Paula Francisco
Cody, Jacqueline C.
Gavin, Thomas G.
Griffith, Edward
Hall, John L.

MacElree, James P., II
Mahon, William P.
Nagle, Ronald C.

Platt, Katherine B.L.
Riley, Howard F., Jr.

Sarcione, Anthony A.
Shenkin, Robert J.
Streitel, Phyllis R.

CLARION COUNTY (18)

Complement 1

Arner, James G.

CLEARFIELD COUNTY (46)

Complement 2

Ammerman, Frederic J.
Cherry, Paul E.

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

Bayley, Edgar B.
Ebert, Merle L., Jr.
Guido, Edward E.

**CUMBERLAND COUNTY,
continued**

Hess, Kevin A.
Oler, J. Wesley, Jr.

DAUPHIN COUNTY (12)
Complement 8

Lewis, Richard A.
Bratton, Bruce F.
Cherry, John F.
Clark, Lawrence F., Jr.
Evans, Scott A.

Hoover, Todd A.
Kleinfelter, Joseph H.
Turgeon, Jeannine

DELAWARE COUNTY (32)
Complement 19

Clouse, Kenneth A.*
Zetusky, Edward J., Jr.**
Bradley, Harry J.
Bradley, James P.
Burr, Charles B., II

Coll, Michael F.X.
Cronin, Joseph P., Jr.
Dozor, Barry C.
Durham, Kathrynann W.
Fitzpatrick, Maureen F.

Hazel, Frank T.
Jenkins, Patricia H.
Kelly, Kevin F.
Kenney, Chad F., Sr.
Nilon, James F., Jr.

Osborne, Ann A.
Pagano, George A.
Proud, James F.
Wright, Robert C.

* President judge term
expired 1-6-07

** Elected president judge
effective 1-7-07

**ELK-CAMERON
COUNTIES (59)**

Complement 1

Masson, Richard A.

ERIE COUNTY (06)

Complement 9

Kelly, Elizabeth K.
Bozza, John A.
Connelly, Shad F.
Cunningham, William R.
DiSantis, Ernest J., Jr.

Domitrovich, Stephanie A.
Dunlavey, Michael E.
Garhart, John
Trucilla, John J.

FAYETTE COUNTY (14)

Complement 5

Capuzzi, Conrad B.
Leskinen, Steve P.
Solomon, Gerald R.
Wagner, John F., Jr.
Warman, Ralph C.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 4

Walker, John R.
Herman, Douglas W.
Van Horn, 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 3

Martin, William J.
Hanna, Carol
Olson, Gregory A.

JEFFERSON COUNTY (54)

Complement 1

Foradora, John H.

**LACKAWANNA
COUNTY (45)**

Complement 8

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

Minora, Carmen D.
Munley, Thomas J.
Nealson, Terrence R.

LANCASTER COUNTY (02)

Complement 13

Vacancy 2

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

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

**LANCASTER COUNTY,
continued**

Perezous, Michael J.**
Reinaker, Dennis E.
Workman, Daniel R.

* Resigned 12-31-06
** Retired 12-31-06

LAWRENCE COUNTY (53)
Complement 4

Motto, Dominick
Cox, J. Craig
Hodge, John W.
Piccione, Thomas M.

LEBANON COUNTY (52)
Complement 4

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

LEHIGH COUNTY (31)
Complement 10
Vacancy 1

*Platt, William H.***
Black, Alan M.+
Banach, Kelly L.
Brenner, Lawrence J.
Ford, William E.

Johnson, J. Brian
McGinley, Carol K.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.*

* Resigned 3-3-06
** President judge term
expired 1-6-07
+ Elected president judge
effective 1-7-07

LUZERNE COUNTY (11)
Complement 9

*Conahan, Michael T.**
*Ciavarella, Mark A., Jr.***
Augello, Joseph M.
Burke, Thomas F., Jr.
Lokuta, Ann H.
Mundy, Hugh F.
Muroski, Chester B.
Olszewski, Peter Paul, Jr.
Toole, Michael T.

* President judge term
expired 2-5-07
** Elected president judge
effective 2-6-07

LYCOMING COUNTY (29)
Complement 5

Brown, Kenneth D.
Anderson, Dudley N.
Butts, Nancy L.
Gray, Richard A.
Kieser, William S.

MCKEAN COUNTY (48)
Complement 2

Cleland, John M.
Yoder, John H.

MERCER COUNTY (35)
Complement 4

Fornelli, Francis J.
Dobson, Thomas R.
Reed, John C.
St. John, Christopher J.

MIFFLIN COUNTY (58)
Complement 2

Searer, Timothy S.
Williams, Rick A

MONROE COUNTY (43)
Complement 6

Vican, Ronald E.
Cheslock, Jerome P.
Mark, Jonathan
Miller, Linda Wallach
Worthington,
Margherita Patti
Zulick, Arthur L.

**MONTGOMERY
COUNTY (38)**
Complement 21

*Corso, S. Gerald**
*Hodgson, Richard J.***
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.
Moore, Bernard A.
Nicholas, William T.
O'Neill, Steven T.

Ott, Stanley R.
Rogers, Thomas P.
Rossanese, Maurino J., Jr.
Smyth, Joseph A., Jr.
Tilson, Arthur R.

Tressler, Paul W.

* President judge term
expired 1-6-07
** Elected president judge
effective 1-7-07

**NORTHAMPTON
COUNTY (03)**

Complement 8

Freedberg, Robert A.
Baratta, Stephen G.
Beltrami, Anthony S.
Giordano, Emil A.
McFadden, F. P. Kimberly

Moran, William F.
Roscioli, Paula A.
Smith, Edward G.

**NORTHUMBERLAND
COUNTY (08)**

Complement 3

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

**PERRY-JUNIATA
COUNTIES (41)**

Complement 2

Rehkamp, C. Joseph
Morrow, Kathy A.

**PHILADELPHIA
COUNTY (01)**

Complement 93
Vacancy 1

*Massiah-Jackson,
Frederica A.*
Jones, C. Darnell, II***

Administrative Judges
Dougherty, Kevin M.
Fitzgerald, James J., III++
Keogh, D. Webster#
O'Keefe, Joseph D.

Abramson, Howland W.
Allen, Jacqueline F.
Bernstein, Mark I.

Berry, Willis W., Jr.
Bright, Gwendolyn N.

Brinkley, Genece E.
Bronson, Glenn B.
Brown, Joan A.
Butchart, Ann M.
Byrd, Sandy L.V.

Carrafiello, Matthew D.
Chen, Ida K.
Clark, Tama Myers
Cohen, Denis P.
Cooperman, Amanda

Cunningham,
Charles J., III
DeFino-Nastasi, Rose Marie
Dembe, Pamela Pryor
Dempsey, Thomas E.
Di Vito, Gary F.

DiNubile, Victor J., Jr.
Djerassi, Ramy I.
Dumas, Lori A.
Dych, Joseph A.
Fleisher, Leslie

Ford, Holly J.
Fox, Idee C.
Frazier-Clemons, Brenda
Geroff, Steven R.
Glazer, Gary S.

Gordon, Richard J., Jr.
Greenspan, Jane Cutler
Herron, John W.
Hill, Glynnis D.
Hughes, Renee Cardwell

Jackson, Elizabeth
Johnson, Joel S.
Joseph, Barbara A.
Kane, Harold M.
Kean, Joyce S.+

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.

Means, Rayford A.
Minehart, Jeffrey B.
Moss, Sandra Mazur
Murphy, Margaret Theresa
New, Arnold L.

Olszewski, Walter J.
Overton, George W.
Palumbo, Frank
Panepinto, Paul P.
Papalini, Joseph I.

Patrick-Johnakin, Paula A.
Pechkurow, Doris A.
Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris
Rau, Lisa M.

Rebstock, Robert J.
Rizzo, Annette M.
Robins New, Shelley
Robinson, Roslyn K.
Rogers, Peter F.

Sarmina, M. Teresa
Schulman, Susan I.
Sheppard, Albert W., Jr.
Shirdan-Harris, Lisette
Shreeves-Johns, Karen

Smith, Gregory E.
Snite, Albert John, Jr.
Summers, Edward R.
Sylvester, Esther R.
Tereshko, Allan L.

Trent, Earl W., Jr.
Tucker, Leon W.
Wogan, Chris R.
Wolf, Flora Barth
Woods-Skipper, Sheila A.

**PHILADELPHIA COUNTY,
continued**

Wright Padilla, Nina N.
Younge, John Milton

- * President judge term expired
1-9-06
- ** Elected president judge
effective 1-10-06
- + Resigned 5-2-06
- ++ Appointed to Supreme Court
3-28-07
- # Appointed administrative
judge effective 3-30-07

PIKE COUNTY (60)

Complement 1

Kameen, Joseph F.

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

Cascio, John M.
Geary, D. Gregory
Klementik, David C.

**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

Morgan, William F.
Skerda, Maureen A.

**WASHINGTON
COUNTY (27)**

Complement 6

O'Dell Seneca, Debbie
Bell, Janet Moschetta
DiSalle, John F.
Emery, Katherine B.
Mascara, Mark E.
Pozonsky, Paul M.

WAYNE COUNTY (22)

Complement 1
Vacancy 1

*Conway, Robert J.**

- * Resigned 12-31-06

**WESTMORELAND
COUNTY (10)**

Complement 11

*Ackerman, Daniel J.**
*Blahovec, John E.***
Bell, Alfred B.
Caruso, Gary P.
Driscoll, John J.

Feliciani, Christopher A.
Hathaway, Rita Donovan
Marsili, Anthony G.
McCormick, Richard E., Jr.
Ober, William J.

Pezze, Debra A.

- * President judge term
expired 4-9-07
- ** Elected president judge
effective 4-10-07

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 14+2

Renn, Richard K.
Adams, Joseph C.
Blackwell, Penny L.
Bortner, Michael E.
Brillhart, Michael J.

Chronister, John H.
Cook, Maria Musti
Dorney, Sheryl Ann

YORK COUNTY, continued

Kelley, Thomas H.

Kennedy, John S.

Linebaugh, Stephen P.

Snyder, Gregory M.

Thompson, John W., Jr.

Uhler, John C.

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.*

* Retired 12-31-06

ALLEGHENY COUNTY

Bigley, Gerard M.
Johnson, Livingstone M.
Kaplan, Lawrence W.
Novak, Raymond A.*

* Resigned 2-1-06

BEAVER COUNTY

Mannix, Thomas C.
Reed, Robert C.
Steege, Peter O.

BERKS COUNTY

Eshelman, Thomas J.
Schaeffer, Forrest G., Jr.
Smith, Calvin E.
Stallone Albert A.

BLAIR COUNTY

Peoples, Thomas G., Jr.

BUCKS COUNTY

Biester, Edward G., Jr.*
Clark, Ward F.
Kane, Michael J.
McAndrews, R. Barry
Rufe, William H., III

* Retired 12-31-06

BUTLER COUNTY

Brydon, John H.

CAMBRIA COUNTY

Swope, Thomas A., Jr.

CARBON COUNTY

Lavelle, John P.*
Webb, Richard W.

* Resigned 2-1-06

CHESTER COUNTY

Smith, Charles B.*
Wood, Lawrence E.**

* Effective 5-25-06

** Resigned 10-4-06

CLARION COUNTY

Alexander, Charles R.

CLEARFIELD COUNTY

Reilly, John K., Jr.

CLINTON COUNTY

Brown, Carson V.

DELAWARE COUNTY

Keeler, Charles C.
Koudelis, George
Toal, William R., Jr.

(As of 6-30-07)

ERIE COUNTY

Anthony, Fred P.

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker*

* Resigned 3-20-06

JEFFERSON COUNTY

Henry, William L.

LACKAWANNA COUNTY

O'Malley, Carlon M., Jr.

LANCASTER COUNTY

Georgelis, Michael A.*
Perezous, Michael J.*

* Effective 1-1-07

LAWRENCE COUNTY

Pratt, Ralph D.

LEHIGH COUNTY

Diefenderfer, James N.

LUZERNE COUNTY

Toole, Patrick J., Jr.

LYCOMING COUNTY

Smith, Clinton W.

MERCER COUNTY

Wherry, Michael J.

MONROE COUNTY

O'Brien, Peter J.*

* Effective 1-9-06

MONTGOMERY COUNTY

Vogel, William W.*

* Retired 12-31-06

NORTHAMPTON COUNTY

Franciosa, Michael V.
Hogan, James C.

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.*
Ranck, Samuel C.

* Sits on occasion in
Commonwealth Court

PERRY-JUNIATA COUNTIES

Quigley, Keith B.*

* Sits on occasion in
Commonwealth Court

PHILADELPHIA COUNTY

Ackerman, Norman
Bonavitacola, Alex+
Chiovero, John J.
DeFino, Anthony J., Jr.
DiBona, Alfred J., Jr.

Field, Myrna P.++
Ivanoski, Leonard A.
Jackson, Ricardo C.
Jelin, Sheldon C.
Kafritsen, Arthur S.

Levin, Stephen E.
O'Grady, John J., Jr.
Poserina, John J., Jr.
Reynolds, Abram Frank
Richette, Lisa A.

Russell, Edward E.
Savitt, David N.**
Temin, Carolyn Engel
Watkins, Thomas D.*

* Resigned 2-14-06
** Resigned 10-20-06
+ Retired 12-31-06
++ Died 4-24-07

PIKE COUNTY

Thomson, Harold A., Jr.

SOMERSET COUNTY

Fike, Eugene E., II

**WARREN-FOREST
COUNTIES**

Millin, Paul H.
Wolfe, Robert L.*

* Retired 12-31-06

WASHINGTON COUNTY

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

WAYNE COUNTY

Conway, Robert J.*

* Effective 1-1-07

WESTMORELAND COUNTY

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

* Retired 12-31-06

YORK COUNTY

Cassimatis, Emanuel A.*
Miller, John T.

* Retired 12-31-06

**Philadelphia
Municipal Court
Judges**

Complement 25
Vacancy 2

Prezenza, Louis J.
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
Jimenez, Nazario, Sr.
Kirkland, Lydia Y.
Kosinski, Gerard A.
Meehan, William Austin, Jr.

Merriweather, Ronald B.
Moore, Jimmie
Moss, Bradley K.
Neifield, Marsha H.
Pew, Wendy L.

Robbins, Harvey W.
Shuter, David C.
Silberstein, Alan K.**
Simmons, Karen Y.
Washington, Craig M.

* Died 12-7-06

** Resigned 3-2-07

**Philadelphia
Traffic Court
Judges**

Complement 7
Vacancy 1

Tynes, Thomasine

Administrative Judge
DeAngelis, Bernice A.

Adams, Willie J.
Green, Earlene
Perri, Fortunato N., Sr.*
Sullivan, Michael J.

* Retired 12-31-06

Philadelphia

Special

Courts

Judges

(As of 6-30-07)

*(Italics denotes
president judge)*

**Philadelphia
Special
Courts
Senior
Judges**

**Philadelphia
Municipal Court
Senior Judges**

Cosgrove, Francis P.
King, William A., Jr.**
Krase, Morton
Mekel, Edward G.*
Stack, Felice Rowley

* Resigned 12-31-06

** Retired 12-31-06

**Philadelphia
Traffic Court
Senior Judges**

Perri, Fortunato N., Sr.*

* Effective 1-1-07

(As of 6-30-06)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)

Complement 49
Vacancy 2

Barner, Robert L.
Barton, David J.
Bengel, Carolyn S.
Blaschak, Suzanne R.
Bova, John N.

Boyle, Mary Grace**
Brletic, Thomas S.*
Bubash, Cathleen Cawood
Cercone, Mary Ann
Cioppa, Ross C.

Cooper, Kevin E.
Costa, Ronald N., Sr.
Dzvonick, Robert P.
Edkins, Sally Ann
Evashavik, Susan F.

Firestone, Nathan N.
Ford, Robert L.
Hanley, James J., Jr.
Herbst, Jeffrey L.
Hoots, Kim M.

Hromyak, Leonard J.
Joyce, Dennis R.
King, Richard G.
Lang, Elissa M.
Larotonda, Blaise P.

Marraccini, Ernest L.+
Martin, Armand
Martini, Randy C.
McGraw, Elaine M.
McLaughlin, Charles A., Jr.

Miller, Thomas G., Jr.
Murray, Mary P.
Olasz, Richard D., Jr.

Opiela, Richard G.
Petite, Oscar J., Jr.
Ravenstahl, Robert P., Jr.
Ricciardi, Eugene N.
Saveikis, Anthony W.

Schricker, Scott H.
Smith, Tara L.
Sosovicka, David J.
Swearingen, Carla M.
Torkowsky, Thomas R.

Wagner, William K.
Welsh, Regis C., Jr.
Wyda, Robert C.
Zielmanski, Eugene L.
Zucco, Linda I.

Zyra, Gary M.

* Resigned 1-27-06

** Resigned 3-1-06

+ Resigned 12-4-06

ARMSTRONG COUNTY (33)

Complement 4

DeComo, J. Gary
Gerheim, Michael L.
Goldstrohm, Samuel R.
Owen, James H.

BEAVER COUNTY (36)

Complement 9

DiBenedetto, James F.
Finn, Tim
Howe, Edward C.
Knafelc, Harry E.
Livingston, William R., II

Loughner, C. Douglas
Nicholson, Dale F.
Schafer, Joseph L.
Swihart, Janet M.

Magisterial

District

Judges

(As of 6-30-07)

BEDFORD COUNTY (57)

Complement 4

Baker, Brian K.
Bingham, H. Cyril, Jr.
Calhoun, Kathy S.
Osman, Tonya M.

BERKS COUNTY (23)

Complement 18

Bentz, Nicholas M., Jr.
Book, Andrea J.
Dougherty, Timothy M.
Frederick, Victor M., IV
Gauby, Thomas M., Sr.

Glass, David E.
Greth, Gail M.
Hall, William N., Jr.
Hartman, Michael G.
Kennedy Stuart D.

Kowalski, Phyllis J.
Lachina, Deborah P.
Leonardziak, Michael J.
Patton, Dean R.
Scott, Wallace S.

Stitzel, Gloria W.
Xavios, Thomas H.
Young, Ann L.

BLAIR COUNTY (24)

Complement 7

Aigner, Paula M.
Auker, Jeffrey P.
Jones, Patrick T.
Kelly, Todd F.
Miller, Fred B.

Moran, Joseph L.
Ormsby, Craig E.

BRADFORD COUNTY (42)

Complement 4

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

BUCKS COUNTY (07)

Complement 18

Baum, Charles W.
Benz, William J.
Brown, Leonard J.
Burns, Michael J.
Daly, Philip J.

DuBree, M. Kay
Falcone, Joseph P.
Finello, Daniel J., Jr.
Gaffney, Robert E.
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.

BUTLER COUNTY (50)

Complement 7

Haggerty, Sue E.
O'Donnell, Kevin P.
Seibel, Wayne D.
Shaffer, Peter H.
Stoughton, Lewis E.

Streib, Kelly T.D.
Woessner, Clifford J.

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Creany, Frederick S.
Decort, Galen F.
Grecek, Leonard J.
Musulin, Michael J.

Nileski, Charity L.
Pavlovich, Max F.
Varner, Rick W.
Zanghi, Mary Ann
Zungali, Michael

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Homanko, Joseph D., Sr.
Kosciolek, Casimir T.
Lewis, Edward M.

CENTRE COUNTY (49)

Complement 6

Vacancy 1

Grine, Jonathan D.
Hoffman, Daniel R., II
Jordan, Thomas N.
Prestia, Carmine W., Jr.
Sinclair, Allen W.

CHESTER COUNTY (15)

Complement 19

Vacancy 1

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

Charley, James J., Jr.
Darlington, Chester F.
Davis, Robert L.
DeAngelo, James V.
Farmer, Harry W., Jr.

**CHESTER COUNTY,
continued**

Gill, Nancy A.*
Knapp, Gwenn S.
Koon, Grover E.
Maisano, Daniel J.
Martin, Thomas E., Jr.

Michaels, Theodore P., Jr.
Scott, Stanley
Smith, Larry E.
Winther, J. Peter**

* Appointed 5-2-06
** Resigned 4-30-07

CLARION COUNTY (18)
Complement 4

George, Daniel P.
Kadunce, Nancy M.
Long, Amy L.
Quinn, Duane L.

CLEARFIELD COUNTY (46)
Complement 4

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

CLINTON COUNTY (25)
Complement 3

Maggs, John W.
Mills, Frank P., Sr.
Sanders, Joseph L., III

**COLUMBIA-MONTOUR
COUNTIES (26)**
Complement 5

Cashman, Richard P.
Coombe, Donna J.
Long, Craig W.

Shrawder, Marvin K.
Stackhouse, Ola E.

**CRAWFORD
COUNTY (30)**
Complement 5

Chisholm, William D.
Marwood, Rita J.
Nicols, Amy L.
Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

**CUMBERLAND
COUNTY (09)**
Complement 10

Bender, Harold E.
Brewbaker, Jessica E.
Clement, Charles A., Jr.
Cohick, Vivian J.
Correal, Paula P.
Day, Susan K.
Dougherty, Richard S., Jr.
Manlove, Robert V.
Martin, Mark W.
Placey, Thomas A.

DAUPHIN COUNTY (12)
Complement 16

Bridges, Roy C.
Jennings, Robert, III
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, Barbara
Postelle, LaVon A.
Semic, Steven M.

Shugars, Raymond F.
Smith, Michael John
Solomon, Joseph S.

Stewart, Marsha C.
Wenner, William C.

Zozos, George A.

**DELAWARE
COUNTY (32)**
Complement 34
Vacancy 2

Berardocco, Ann
Blythe, Robert J.
Burke, Robert R.
Cappelli, Richard M.
Capuzzi, John P.

Christie, Edward W.
Cullen, Michael G.
Davis, Horace Z.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.

Griffin, David R.
Hunter, Leon, III
Karapalides, Harry J.
Klein, Stephanie H.
Lacey, Thomas J.

Lacianca, Elisa C.
Lang, David Hamilton
Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.

Mattox, Christopher R.
McCray, C. Walter, III
McKeon, Laurence J.
Micozzie, Kelly A.
Murphy, David J.

Perfetti, John J.
Puppio, Andrea E.
Sandone, Steven A.
Scanlon, Anthony D.
Seaton, Spencer B., Jr.

Tolliver, Elkin A.
Tozer, Peter P.
Tuten, John C.

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15

Alonge, Gerard L.
Carney, Thomas
DiPaolo, Dominick D.
Dwyer, James J., III
Krahe, Mark R.

Lefaiver, Joseph R.
Mack, Suzanne C.
MacKendrick,
 Christopher K.
Manzi, Paul
Nichols, Brenda A.

Robie, Thomas C.
Southwick, Carol L.
Strohmeyer, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul G.

FAYETTE COUNTY (14)

Complement 9

Abraham, Randy S.
Blair, Mark L.
Breakiron, Robert W.
Cramer, Jesse J.
Defino, Michael J.

Dennis, Wendy D.
George, Joseph M., Jr.
Haggerty, Ronald J., Sr.
Shaner, Dwight K.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 10

Alloway, Richard L., II
Carter, Gary L.
Cunningham, Duane K.
Hawbaker, David E.
Horne, Devin C.

Johnson, Carol J.
Mellott, Wendy Richards
Pentz, Larry G.
Rock, Kelly L.
Williams, Todd R.*

* Appointed 6-19-06

GREENE COUNTY (13)

Complement 3

Bates, D. Glenn
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

Haberl, Guy B.
Rega, Jennifer J.
Steffee, Susanne V.
Thachik, George M.

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Inzana, David B.

**LACKAWANNA
COUNTY (45)**

Complement 11

Farrell, Alyce M.
Gallagher, Terrence V.
Gibbons, James A.
Giglio, Theodore J.
Golden, Thomas J.

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

Turlip, Laura M.

LANCASTER COUNTY (02)

Complement 20

Vacancy 1

Ballentine, Kelly S.
Brian, David E.
Commins, B. Denise
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.
Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.

**LANCASTER COUNTY,
continued**

Sponaugle, Mary Mongiovi
Stoltzfus, Isaac H.
Willwerth, Jene A.
Winters, John C.

LAWRENCE COUNTY (53)

Complement 5

Amodie, Melissa A.
Cartwright, Jerry G., Jr.
Lamb, J. V.*
Nicholson, Jennifer L.**
Reed, James A.

Rishel, David B.

* Resigned 2-14-07

** Appointed 6-19-07

LEBANON COUNTY (52)

Complement 6

Arnold, John F.
Capello, Thomas M.
Heck, Christine R.
Lehman, Lee R.
Smith, Michael D.

Wolfe, Kim R.

LEHIGH COUNTY (31)

Complement 14

Vacancy 1

Balliet, Carl L.
Beck, Rodney R.
Butler, Donna R.
Crawford, Charles H.
Devine, Karen C.

Engler, Patricia M.
Harding, David B.
Leh, David G.
Maura, Wayne
Merlo, Maryesther S.

Rapp, Anthony G., Jr.
Snyder, Joan L.*
Varricchio, Michele A.
Warmkessel, Patricia E.

* Resigned 5-31-07

LUZERNE COUNTY (11)

Complement 17

Amesbury, William Henry
Barilla, David A.
Carmody, Joseph J.
Dotzel, Michael G.
Feissner, Gerald L.

Halesey, Joseph A.
Hasay, John E.
Kane, Martin R.
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.

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

Cercone, Dominic A., Jr.
Kennedy, Michael J.
Luther, Richard W., Jr.
Todd, William K.

MERCER COUNTY (35)

Complement 5

Antos, Ronald E.
Fagley, William L.
Hinch, Lorinda L.
McMahon, James E.
Silvis, Lawrence T.

MIFFLIN COUNTY (58)

Complement 3

Clare, Barbara A.
Hunter, Tammy L.
Miller, Jack E.

MONROE COUNTY (43)

Complement 10

Claypool, Richard S.
Fluegel, Anthony D.
Germano, Brian R.
Krawitz, JoLana
Mangan, Anthony J.*

Muth, Michael R.
Olsen, Thomas E.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

* Resigned 8-6-06

**MONTGOMERY
COUNTY (38)**

Complement 30

Augustine, Albert J.
Bernhardt, Francis J., III
Borek, Harold D.
Casillo, Ester J.
Cerski, Christopher J.

Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Friedenberg, Jay S.

**MONTGOMERY
COUNTY, continued**

Gadzicki, Walter F., Jr.
Gallagher, James P.
Householder,
William R., Jr.
Hummel Fried, Catherine M.
Hunsicker-Fleischer,
Margaret A.

Keightly, David A.
Lawrence, Francis J., Jr.
Leo, Paul N.
Lukens, Deborah A.
Maruszczak, William I.

McHugh, Elizabeth A.
Murray, John S., III
Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.

Saraceni, Robert A.
Schireson, Henry J.
Skerchock, Dorothy
Valentine, Katleen M.
Zaffarano, Patricia A.

Zucker, Karen Eisner

**NORTHAMPTON
COUNTY (03)**

Complement 15
Vacancy 2

Barner, Joseph K.
Elwell, Gay L.
Koury, Michael J., Jr.
Litzenberger, Ralph W.
Marinkovits, Joan

Masut, Adrienne L.
Matos Gonzalez, Nancy
Narlesky, James J.
Repyneck, Diane S.
Stocklas, James F.

Strohe, Todd M.
Zaun, William F.
Zemgulis, Sandra J.

**NORTHUMBERLAND
COUNTY (08)**

Complement 5

Bolton, Robert J.
Gembic, John
Kear, William F.
Mychak, Michael F.
Rice, Carl B.

**PERRY-JUNIATA
COUNTIES (41)**

Complement 5

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
McGuire, Daniel R.L.

PIKE COUNTY (60)

Complement 4
Vacancy 1

Cooper, Alan B.
Fischer, Deborah
McBride, Stephen A.
Sanquilly, William N.*

* Died 1-28-07

POTTER COUNTY (55)

Complement 3

Bristol, Delores G.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)

Complement 8
Vacancy 1

Bayer, Stephen J.
Ferrier, James R.
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.

Plachko, David A.
Reiley, James K.
Slezosky, William A.*

* Resigned 6-30-07

**SNYDER-UNION
COUNTIES (17)**

Complement 5

Armbruster, Leo S.
Mensch, Jeffrey L.
Mihalik, Edward G., Jr.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)

Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.
Mankamyer, Susan
Stevanus, Sandra L.

**SUSQUEHANNA
COUNTY (34)**

Complement 3

Franklin, Gene A.
Hollister, Jeffrey L.
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.
Dinberg, Douglas I.

**VENANGO COUNTY,
continued**

Fish, David L.
Gerwick, Douglas B.

**WARREN-FOREST
COUNTIES (37)**

Complement 6
Vacancy 1

Bauer, Laura S.
Carlson, Glenn S.
Fedora, Michael L.
Lindemuth, Cynthia K.
Zerbe, Arthur W.

**WASHINGTON
COUNTY (27)**

Complement 11

Costanzo, Valarie S.
Dutton, Jay H.
Ellis, James C.
Havelka, Gary H.
Hopkins, Larry W.

Mark, David W.
Pelkey, William P.
Spence, J. Albert
Thompson, Curtis L.
Weller, Jay H.

Wilson, Mark A.

WAYNE COUNTY (22)

Complement 4

Carney, Bonnie L.
Edwards, Ronald J.
Farrell, Jane E.
Lewis, Bonnie P.

**WESTMORELAND
COUNTY (10)**

Complement 18

Albert, James E.
Bilik, Mark J.
Christner, Charles M., Jr.
Conway, Charles R.
Dalfonso, Joseph A.

DeMarchis, Joseph R.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.
King, J. Bruce

Kistler, Helen M.
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.
Pallone, Frank J., Jr.

Peck-Yakopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Hovan, John J.**
Robinson, Patricia A.*
Shurtleff, Russell D.
Smith, Carl W., Jr.

* Resigned 10-31-06

** Appointed 5-21-07

YORK COUNTY (19)

Complement 19

Dubs, Dwayne
Edie, Nancy L.
Garber, Daniel B.
Groom, Walter R.
Gross, Scott J.

Haskell, Ronald J., Jr.
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.
Reamer, Walter P.

Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.
Williams, Linda Lou

Senior

Magisterial

District

Judges

ADAMS COUNTY

Deardorff, Harold R.

ALLEGHENY COUNTY

Burnett, Edward
Comunale, Frank, III
Devlin, Mark B.
Longo, Nancy L.
Peglow, Lee G.

Presutti, Donald H.
Reed, Douglas W.
Terrick, Richard J.
Tibbs, Edward A.
Zoller, Richard H.

BEAVER COUNTY

Armour, John W.
Eiler, Donald L.
Schulte, Martin V.

BEDFORD COUNTY

McVicker, Erica

BERKS COUNTY

Dougherty, John F.
Mest, Ronald C.
Stoudt, Carol A.*

* Resigned 12-11-06

BUCKS COUNTY

Dietrich, Ruth C.
Hogeland, H. Warren

BUTLER COUNTY

O'Donnell, Joseph D., Jr.

CAMBRIA COUNTY

Coleman, Alfred B.*

* Retired 12-31-06

CARBON COUNTY

Hadzick, Paul J.

CENTRE COUNTY

Horner, Ronald J.
Shoff, Robert A.

CHESTER COUNTY

Welsh, Susann E.
Winther, J. Peter*

* Effective 5-1-07

DAUPHIN COUNTY

Magaro, Samuel J.
Rathfon, William P.
Williams, Edward R.
Yanich, Bernard B.

DELAWARE COUNTY

Davis, Horace Z.*
Harkin, Edward C.
Liberace, Gerald C.
McDevitt, Leonard M.
Miller, Kenneth N.

(As of 6-30-07)

**DELAWARE COUNTY,
continued**

Quinn, Joseph T. F.
Sellers, Nicholas
Shaffer, Robert M.
Videon, David T.

* Effective 1-1-07

ERIE COUNTY

Abate, Frank , Jr.
Nichols, Patsy A.
Smith, Charles F.
Stuck, Ronald E.
Vendetti, John A.

FAYETTE COUNTY

Blair, Lawrence*
Cavalcante, Brenda K.
Rubish, Michael

* Retired 12-31-06

**FRANKLIN/FULTON
COUNTIES**

Knepper, Brenda M.

GREENE COUNTY

Canan, Neil M.

INDIANA COUNTY

Orendorff, Richard G.*
Steffee, Michael K.

* Resigned 4-17-06

LANCASTER COUNTY

James, Doris R.
Miller, John W.
Reeser, Richard L.
Simms, Richard H.

LAWRENCE COUNTY

Battaglia, Samuel A.

LEBANON COUNTY

Shultz, Jo Ann
Swisher, Hazel V.

LEHIGH COUNTY

Dugan, John E.
Gatti, Richard A.
Hartman, Edward E.
Hausman, Joan K.
Murphy, Thomas P.

LUZERNE COUNTY

Barilla, Andrew, Jr.

LYCOMING COUNTY

McGee, Gerald A.
Stack, Robert W.

MERCER COUNTY

French, Ruth M.
Russo, Henry J.*

* Effective 1-18-06

MONROE COUNTY

Dennis, C. William
Eyer, Charles P.+
Mangan, Anthony J.**
Perfetti, Robert J.*

* Resigned 4-28-06

** Effective 8-7-06

+ Resigned 8-30-06

MONTGOMERY COUNTY

Berkoff, F. Elaine
Inlander, Gloria M.
Price, Richard M.
Saraceni, Robert A.

NORTHAMPTON COUNTY

Frey, Elmo L., Jr.
Grigg, Sherwood R.
Leo, Joseph N.
Romig, Elizabeth A.

PIKE COUNTY

Lieberman, Charles F.

SOMERSET COUNTY

Roush, William H.

SUSQUEHANNA COUNTY

Dayton, Watson J.

VENANGO COUNTY

Martin, William G.

WASHINGTON COUNTY

Teagarden, Marjorie Lee

WAYNE COUNTY

Laabs, Dorothy C.

WESTMORELAND COUNTY

DelBene, Frank, Jr.
DiClaudio, Mary S.
Medich, Martha
Scott, Robert E.

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dubs, Mervin L.
Estep, Roger A.
Hodge, James D.

District Court Administrators

Grim, Mark D., Jr.
Billotte, Raymond L.
Davidson, Martha J.
DeFilippi, Albert R.
Staub, Laurie J.

Weber, Stephen A.
Reighard, Michael D.
Vanderpool, Mary Lou
Praul, Douglas R., Esq.
Graff, Candace Y.

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

Meholick, David S.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Dixon, Taryn N.

Thompson, Carolyn
Crandall, Esq.
Montella, Gerald C., Esq.
Masson, Martha Keller
Aaron, Thomas C.
Kuhn, Karen M.

Sheaffer, William A.
Szoyka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

Mackay, Ronald C.
Dalton, Mark M.
Occhibone, Michael A.
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Schellenberg, Susan T.

Sharkey, William T.
Way, Kevin H., Esq.
Bly, Joanne L.
Morin, Peter A.
Fultz, Melissa K.

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

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
Green
Huntington
Indiana
Jefferson

Lackawana
Lancaster
Lawrence
Lebanon
Lehigh

Luzerne
Lycoming
McKean
Mercer
Mifflin

Monroe
Montgomery
Montour
Northampton
Northumberland

Minor Court Administrators

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Galvach, Nancy L.
Davis, Susan A.
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Staub, Laurie J.

Phillips, Faith
Gildea, Patricia M.
Vanderpool, Mary Lou
Carey, Charles A., Jr.
Graff, Candace Y.

Scotilla, Donald J.
Brewster, Roberta L.
Gallo, Barbara G.
Norwood-Foden, Patricia L.
Slike, Tammy J.

Meholick, David S.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Johnson, Ronald E., Esq.

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Williams, Ward T., Esq.
Masson, Martha Keller
Yeager, Kathleen M.
Lambie, Tammy Jo

Sheaffer, William A.
Szoyka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

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Fultz, Melissa K.

Krom Powell, Deborah A.
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Court

Administrators

(As of 6-30-06)

**Court
Administrators,
continued**

**District Court
Administrators**

Lehman, Robin L.
Lawrence, David C.
Johnson, Samantha G.
Bucheit-Saulter,
Jennifer S.
Wallauer, Lois A.

Kratzer, Charlotte N.
Riley, Kathleen A.
Foster, Mary L.
Clemens, Nancy L.
Cummings-Wilson, Lynn

Critzer, Linda E.
Weller, Christine L.
Myers, Linus
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Custer, Alma F.

Chuk, J. Robert

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Philadelphia
Pike
Pitter

Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**Minor Court
Administrators**

Lehman, Robin L.

Johnson, Samantha G.
Bucheit-Saulter,
Jennifer S.
Heffner, Bruce D.

Kratzer, Charlotte N.
Riley, Kathleen A.
Foster, Mary L.
Clemens, Nancy L.
Cummings-Wilson, Lynn

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Myers, Linus
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(As of 6-30-06)

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Legislative Coordinator*

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Mary Beth Marschik
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Nancy L. Kranz, CEBS
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Mark E. Rothermel
MDJS Project Manager

Judy K. Souleret
ASAP Project Manager

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg,
continued**

Alphabetical Order

County	District
Adams	51
Allegheny	05
Armstrong	33
Beaver	36
Bedford	57
Berks	23
Blair	24
Bradford	42
Bucks	07
Butler	50
Cambria	47
Cameron-Elk	59
Carbon	56
Centre	49
Chester	15
Clarion	18
Clearfield	46
Clinton	25
Columbia-Montour	26
Crawford	30
Cumberland	09
Dauphin	12
Delaware	32
Elk-Cameron	59
Erie	06
Fayette	14
Forest-Warren	37
Franklin-Fulton	39
Fulton-Franklin	39
Green	13
Huntington	20
Indiana	40
Jefferson	54
Juniata-Perry	41
Lackawana	45
Lancaster	02
Lawrence	53
Lebanon	52

District Order

District	County
01	Philadelphia
02	Lancaster
03	Northampton
04	Tioga
05	Allegheny
06	Erie
07	Bucks
08	Northumberland
09	Cumberland
10	Westmoreland
11	Luzerne
12	Dauphin
13	Greene
14	Fayette
15	Chester
16	Somerset
17	Snyder-Union
18	Clarion
19	York
20	Huntingdon
21	Schuylkill
22	Wayne
23	Berks
24	Blair
25	Clinton
26	Columbia-Montour
27	Washington
28	Venango
29	Lycoming
30	Crawford
31	Lehigh
32	Delaware
33	Armstrong
34	Susquehanna
35	Mercer
36	Beaver
37	Warren-Forest
38	Montgomery

Judicial Districts

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana
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 of Legal Terms

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 the 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 the claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.
- acknowledgment** Short declaration at the end of a legal paper showing the paper was duly executed and acknowledged.
- acquittal** Verdict after a criminal trial that the **defendant** is not guilty of the 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 a judge in the amount of damages awarded by a jury.

adjudication Pronouncing **judgment** or decree; the judgment given.

administrator One who administers the estate of a 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 the U.S. and some other countries, based on the 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 an **appellate court** to uphold the decision of a lower court.

affirmative defense Without denying the charge, a 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. It may increase the sentence of the 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**.

Alford plea A **guilty plea** entered by a defendant in a **plea bargain** wherein the defendant maintains innocence, but acknowledges the prosecution likely has enough evidence to convince a jury to convict him/her.

alibi Proof offered by a defendant that he/she was at some other place at the time of a crime and thus could not have committed the crime charged.

alienable Transferable to the ownership of another.

allegation Statement by a party in an **action** which the party intends to prove.

alleged Claimed as true.

Allen charge Jury instructions given to the jury when the jury is unable to reach a verdict.

allocatur (AL lo CAH tur) "It is allowed." Petition to appeal.

allocution In criminal cases, a 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.

amenable Legally accountable.

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 a 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 a 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**.

assumpsit Oral or written agreement or contract not under seal.

at issue Point in a lawsuit when the 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 the outcome of a

lawsuit. Also, the arrest of a 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 the suit.

auter action pendant Another action pending.

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 the individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the magisterial district judge, 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 the 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, the partition separating the general public from the 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 the 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 conference See **sidebar conference**.

bench ruling Oral ruling from a judge on the bench.

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

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 the 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 a 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 the charge/s made against a 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” the accused, normally by setting bail for the accused’s appearance at trial.

binding instruction Instruction in which the 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**.

blackletter laws Informal term encompassing the basic principles of law generally accepted by courts or present in the statutes of a particular **jurisdiction**. Also called hornbook laws.

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

blue laws Laws regulating commercial activity on Sundays.

blue sky laws State statutes regulating sale of securities.

bona fide Made in good faith. Sincere; genuine.

bond See **bail bond**.

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

breach of contract Legally inexcusable failure to perform a 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 the degree to which a point must be proven.

burglary Breaking into and entering a building with the 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 the 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 the 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 an appellate court directing a lower court to deliver a record of a case for review. Often referred to as "granting cert."

challenge Objection, such as when an attorney objects at a **voir dire** hearing to the 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 the composition of the panel, e.g., racial discrimination.

challenge for cause Objection to the seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. The judge has discretion to deny the 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 the 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** Non-criminal 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 a president or governor to ease the consequences of a criminal act, accusation or conviction. May take the 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. Also called summation.
- 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 a **defendant** of the **plaintiff's** claim. Usually upon condition. Authorizes the 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 a 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 an offender performs volunteer work for government, nonprofit or community-based organizations.
- commutation** Form of **clemency** reducing one's sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which the negligence of a **plaintiff** determines the amount the plaintiff may recover from the **defendant**. Compare **contributory negligence**.
- complainant** See **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies the action the 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 the 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 the government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, the 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 a 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 a judge's command or official court order.
- contingency fee** Fee for an attorney's services paid only if the attorney is successful or the suit is favorably settled out of court. Fee is usually a percentage of the amount the client recovers.
- continuance** Postponement of a legal proceeding to a later date.
- contributory negligence** Legal doctrine that says if a **plaintiff** in a civil action for **negligence** was also negligent, he/she cannot recover **damages** from the **defendant** for the 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 the 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 tye) 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 a **defendant** against a **plaintiff** in a civil lawsuit, especially in opposition to the plaintiff's claim.
- court administrator** Officer who oversees the 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** 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 a conscious intent to do wrong.

criminal summons Order commanding an 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 co-plaintiffs against each other.

cross-examination Questioning of a **witness** by an 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 the care of a person, often a minor child whose parents are divorced. Legal custody is the right to make decisions regarding the child's care and upbringing. Physical custody is the right to have the 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 a court to a person for injury or loss suffered by the unlawful act or negligence of another. Compensatory or actual damages are awarded for the amount actually lost, 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 minimus (deh MIN ih muss) "Of the least." Something so trivial that a court may overlook it in deciding an issue or case.

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 the 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 the 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**.

dictum Remark made by a judge in delivering an **opinion** that is not a basis for the opinion and thus may not be used as precedent, but which may be used to persuade. Judge's editorializing. Short for obiter dictum. Pl. dicta.

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 a judge to a 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 the 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 of the majority.

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

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

docket List of cases to be heard by a 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 the guarantees and safeguards of the 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.

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 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 the 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 will 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.
- 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 the individual 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 the act was made illegal. The U.S. Constitution prohibits these.
- examination** Questioning of a 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.

exigent Requiring immediate action or aid; urgent.

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 a **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 the 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 one year or by death

and/or by 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 courts/court administrator to be entered into the official files or records of a case. Also, to begin a lawsuit.

finding Formal conclusion by a 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 a **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. Also known as **bona fide**.

good time Reduction in time served in prison as a 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. A grand jury may issue an **indictment**, charging the suspect, or may have power to issue a **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

grantor See **trust**.

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

guardian ad litem (add LYE dem) Person appointed by a court to look after the 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 an accused in confessing the crime with which charged. Also, verdict reached when a jury convicts a defendant of the 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 a trial which was not serious enough to affect the outcome of the trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to the 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.

hornbook laws See **blackletter laws**.

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 a 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 a court exclude certain **evidence** that might prejudice the 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 the minimum term has been served.
- indictment** Formal written accusation by a grand jury charging a person with a crime. Compare **charge**, **information** and **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 the 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. The individual generally comes before a 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 a 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 the 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 the 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, the 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 the 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 a 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 the permission of someone else, e.g., a minor obtaining a court order to have an abortion without notifying her parents.

judicial dictum See **dictum**.

judicial officer An officer of a court; someone charged with upholding the law, administering the judicial system.

judicial review Authority of a 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 the 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 the legal system. See also **caselaw**.

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

laches Legal doctrine whereby a court denies relief to a legal right or claim when the claimant has unreasonably delayed or been negligent in asserting the claim and the claim prejudices the opposing party. Compare **statute of limitations**.

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 the will-maker.

larceny Unlawfully taking personal property with the intent to deprive the owner of it permanently. Also called theft. Differs from **robbery**.

law Rules established by governing authorities to maintain order in a society.

law clerks Law students who assist judges and attorneys with legal research, writing, etc.

leading question Question which suggests the answer desired of a 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 a prosecutor to a judge for a sentence less than the maximum allowed.

levy Seizing the property of a debtor for satisfaction of a judgment against him/her. Also, imposition of a 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 the types of cases they may hear. In Pennsylvania these courts include magisterial district judge courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts or special courts. See **inferior court**.

lis alibi pendens (PEN DENZ) Lawsuit pending elsewhere.

lis pendens 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 the 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 the intention of injuring the **defendant** and without **probable cause**.
- mandamus** (man DAY mus) **Writ** issued by a court ordering a public official, another court, a corporation, a public body or an individual to perform an act.
- mandate** Judicial command or order directing an officer of the court to enforce a 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 a 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 a written report to the court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- material witness** A **witness** whose **testimony** is required for a trial and who can significantly affect the outcome of the trial.
- 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** which 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 his/her constitutional rights before questioning him/her. Named after the 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 a fine or limited local jail term, but not by imprisonment in a penitentiary. Compare **felony**.
- misfeasance** Lawful act performed in a wrongful manner. Compare **malfeasance** and **non-feasance**.
- misjoinder** Erroneously joining parties in a lawsuit. Compare **joinder** and **nonjoinder**.
- mistrial** Trial terminated before a verdict is reached, either because of some procedural error, serious misconduct during proceedings or a hung jury.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may reduce the degree of blame and help reduce the sentence of the 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 a court's refusal to consider a case because the 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 it has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally, it 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 a sudden, instantaneous intent to kill or to cause injury without caring whether the injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in the commission of a felony. Compare **manslaughter**.

N

negligence Failure to use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

next friend One acting without formal appointment as guardian, for the benefit of a minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on the written indictment, indicating that 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 a 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 a 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 (COM pehs MENT iss) Not of sound mind.

non obstante veredicto (ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." **Verdict** entered by a judge contrary to the jury's verdict.

non prosequitur (preh SEK wit tur) Judgment entered when a **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 a decision on merits or the court's dismissal of a case because the 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.

not guilty Plea of a defendant who claims not to have committed the crime with which he/she has been charged. Also, verdict reached by a jury or a judge in a non-jury trial when the prosecution fails to prove its case against a defendant. See **acquittal**.

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 the 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 they 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 See *dictum*.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requests an immediate ruling by the 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 the court’s decision. A concurring opinion generally agrees with the majority, but usually states different or additional reasons for reaching the same conclusion. A dissenting opinion states the opinion of judges who disagree with the majority. A *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 the opinion is based on matters common to lay persons.

oral argument Summary by attorneys before a court (particularly an appellate court) of their positions regarding the 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 and appointments of guardians. Also called probate court.

overrule Judge’s decision not to allow an **objection**. Also, a decision by a higher court finding that a lower court decision was in error.

overt act Act done to carry out or in furtherance of an 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 the expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor the 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 a 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 the 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**.

PFA Protection from Abuse.

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). See also **Alford plea**.

plea bargaining Mutually satisfactory disposition of a case negotiated between the accused and the prosecutor. Usually the defendant pleads guilty to lesser charge/s in exchange for a 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 the verdict has been announced whether or not they agree with the 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 an 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 the decisions of future cases. Compare **stare decisis**.

precept Writ issued by a 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 a 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. The 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 the sentencing judge containing background information about the crime and defendant to assist the judge in making his/her sentencing decision. Sometimes called sentencing report.

presentment Declaration or document issued by a **grand jury** on its own initiative, making an accusation. Compare **indictment**.

presumption of innocence Fundamental principle of the 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 the judge and lawyers in a lawsuit to narrow the issues, agree on what will be presented at trial and make a final effort to settle the case without trial.

prima facie case (PREE muh FAH sheh) Case that has the 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 the constitution unless defamatory or obscene or it 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 the law governing estates.

probate court See **orphans' court**.

probation Alternative to imprisonment, allowing a person found guilty of an offense to stay in the community, usually under conditions and under the supervision of a probation officer.

procedural law Law which prescribes the method of enforcing rights or obtaining redress for the 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.

Protection from Abuse An order obtain from a judge protecting an individual from someone who has threatened or caused bodily injury or sexual assault. Usually filed by one spouse/partner against the other. Commonly abbreviated PFA.

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 and 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 See **damages**.

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 estate See **real property**.

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 the crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises the qualities of attention, knowledge, intelligence and judgment. Used as a 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 the 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 himself/herself from hearing a case.

recusation Plea by which a defendant requests that the judge hearing his/her trial excuse himself/herself from case.

re-direct examination Opportunity to question a 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 a 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 a case by the same court in which a 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 it was originally heard for further action. Also, to send an individual back into **custody** after a preliminary examination.

remedy Means by which a right or privilege is enforced or a violation of a 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 a jury.

removal Transfer of a state case to federal court for trial.

replication Plaintiff's reply to the defendant's plea, answer or counterclaim.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to the defendant's argument, counterclaim or answer. Plaintiff's second pleading; followed by the 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 the fee a client pays when retaining an attorney.

return Report to the judge of the action taken in executing a writ issued by the judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside a lower court's decision.

reversible error Error sufficiently harmful to justify reversing the judgment of a lower court. Also called prejudicial error. Compare **harmless error**.

revocable trust (REV uh kuh b'l) Trust that the 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 a 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 the Fifth Amendment to the U.S. Constitution. Asserting the 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 the proper execution of the will prior to the 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. The federal government and several other states also use them.

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 the courtroom.

sequestration of witnesses Keeping all **witnesses** (except the **plaintiff** and **defendant**) out of the courtroom, except for their time on the stand to prevent them from hearing the testimony of other witnesses. Also called separation of witnesses.

service Delivery of a legal document, such as a **complaint**, **summons** or **subpoena**.

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

settlor See **trust**.

sidebar Conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators. Also called bench conference.

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 a 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 the benefit of someone whom the grantor believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

spoliation The deliberate damage, destruction, alteration or concealment of a document so as to render it useless as **evidence**.

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 an 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 the 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 the 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 must be charged with a crime. Differs for different types of cases/crimes or in different states. Compare **laches**.

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 the time to **answer**, to adjourn a trial date.

sua sponte (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.

sub judge (sub JOO dih SEE) Before a court or judge; under judicial consideration.

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**.

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.

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.

summary proceeding Nonjury proceeding that disposes of a case promptly and simply. Also called summary trial.

summation See **closing argument**.

summons Notice to a **defendant** that he/she has been sued and is required to appear in court. Also, notice requiring the person receiving it to report for jury duty or as a **witness** in a trial. As relates to potential jurors, also called **venire**.

sunset law Law that automatically expires at the end of a set period of time unless formally renewed.

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 an **appellate court** to preserve the status quo pending review of a **judgment** or pending other exercise of the court's jurisdiction.

support trust **Trust** that instructs a trustee to spend only as much as is needed for the beneficiary's support.

suppress To forbid the 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 a court to postpone pronouncement of sentence.

swindle To obtain money or property by fraud or deceit.

T

temporary restraining order Judge's order for-bidding certain actions until a full hearing can be held to determine whether an **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 the **decedent's** shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a **will**.

testamentary trust Trust set up by a **will**. Compare **living trust**.

testator A person who has made a **will**.

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

theft See **larceny**.

third party Person, business or government agency, etc., not a party to 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 the 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 a **grand jury**. Notation on an **indictment** that a **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 a 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 the consent of the 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 a right.

waiver of immunity Means by which a **witness** relinquishes the right against **self-incrimination**, thereby making it possible for his/her **testimony** to be used against him/her in future proceedings.

warrant **Writ** directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. 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 a **defendant** is imprisoned, but is released during the day to work at a job approved by the 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 a sheriff or other court officer to enforce a court **judgment** or **decree**.

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