

COMMONWEALTH COURT OF PENNSYLVANIA

2004

STATISTICAL REPORT



President Judge

HON. JAMES GARDNER COLINS

Judges

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

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

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

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

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SUMMARY

The Commonwealth Court of Pennsylvania was created by an amendment to the Pennsylvania Constitution in 1968. The court hears appeals from county courts of common pleas and state administrative agencies. From county courts, the Commonwealth Court hears appeals in matters involving zoning, taxation, civil service, negligence cases involving state and local government, and eminent domain, among others. From state administrative agencies, the court hears appeals in matters including workers' and unemployment compensation, environmental issues, welfare claims, and public utility rate disputes. In addition, the court acts as a trial court in certain types of cases where the Commonwealth is a party to the case.

In 2004, there were 4,624 new cases filed. This represents a decrease of 11 cases over the number of new cases filed in 2003.

New cases filed by inmates declined slightly in 2004. The number of new inmate cases in 2004 was 487. This represents a decrease of 17% compared to the number of inmate cases filed in 2003. Nevertheless, inmate cases represent 62% of the total cases filed in the court's original jurisdiction.

In its appellate jurisdiction, workers' compensation and unemployment compensation appeals continued to be filed in large numbers. There were 679 new workers' compensation appeals filed in 2004. There were 623 unemployment compensation appeals filed in 2004. With respect to appeals from courts of common pleas, there was a 12% decrease in the number of new appeals filed.

The court disposed of a total of 4,508 cases in 2004. There were 1,665 opinions filed in 2004. The average elapsed time from assignment of the case to the filing of the opinion was 68 days in 2004 compared to 72 days in 2003. This is significantly better than the American Bar Association's standard for assignment to disposition of 90 days. The court disposed of 6,992 ancillary motions, applications and petitions in 2004.

The court's mediation program continued to be successful in 2004. A total of 200 cases were mediated, and 88 cases were settled, thus eliminating the need for further litigation.

Finally, this high level of productivity resulted in the fewest cases in inventory in the modern history of the court. There were 1,249 appeals pending at the end of 2004 compared to 2,790 appeals pending as recently as 1997. By way of further contrast, there were 3,439 pending appeals in 1988.

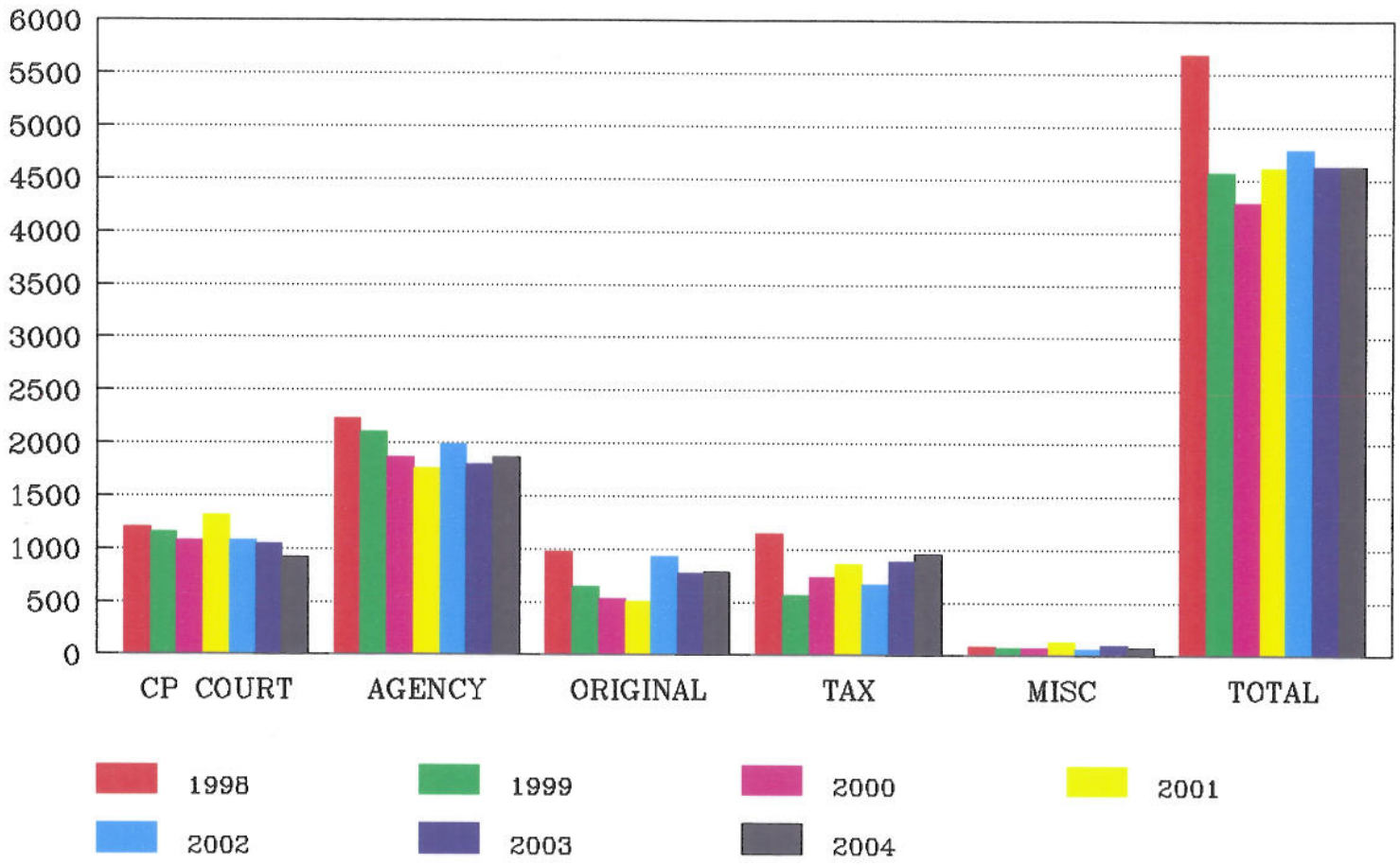
G. Ronald Darlington
Executive Administrator
Commonwealth Court of Pennsylvania

Cases Filed

	1994	2002	2003	2004
Appeals from Courts of Common Pleas	1131	1078	1040	918
Appeals from Administrative Agencies	2104	1987	1807	1865
Discretionary Appeals	57	45	36	38
Original Jurisdiction	451	927	772	776
Appeals from Board of Finance & Revenue	651	669	882	952
Original & Appellate (Combined)	8	16	3	3
Miscellaneous	115	63	95	72
Total Actions Filed	4517	4785	4635	4624
Motions Filed	4335	6313	5910	6992

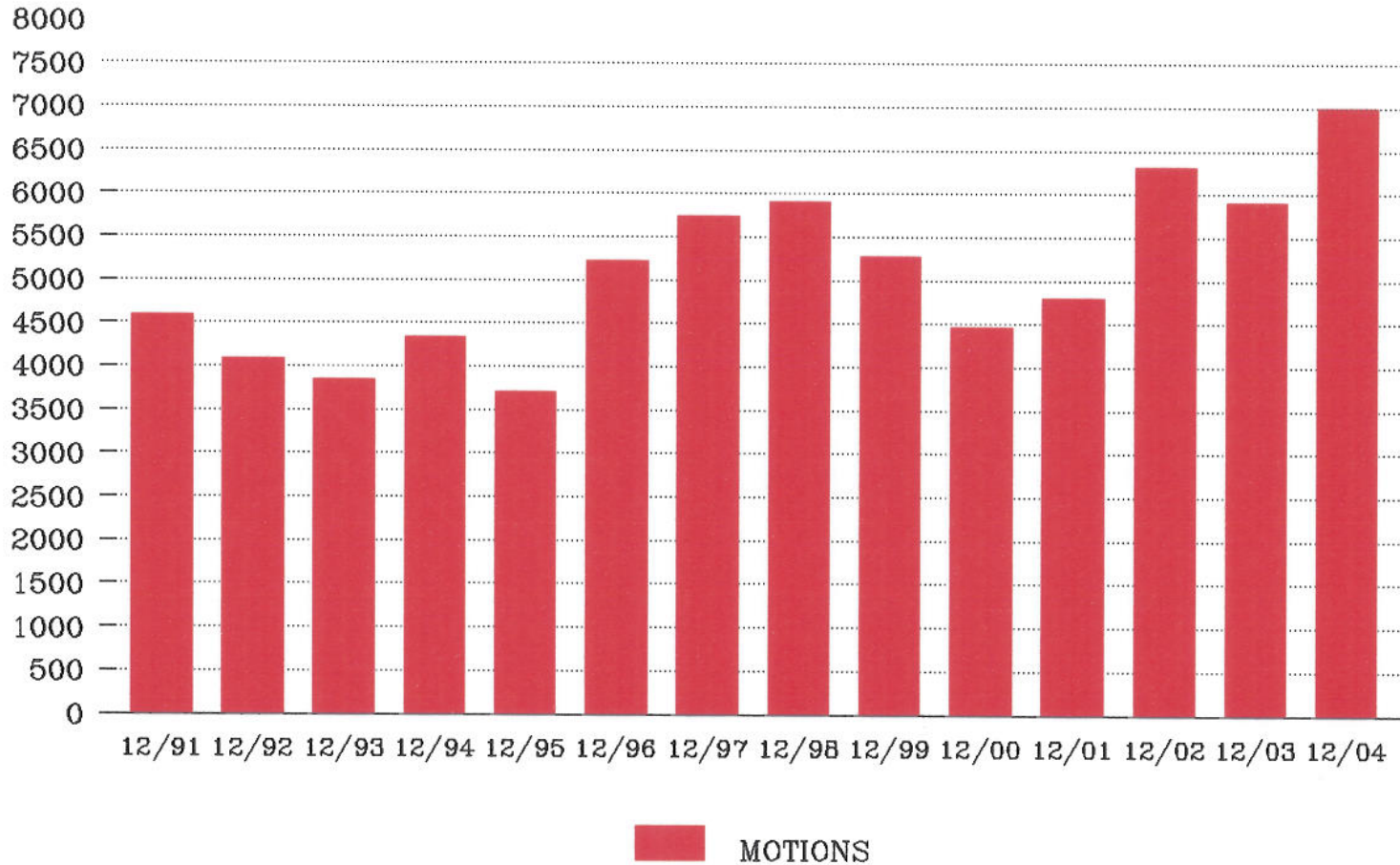
COMMONWEALTH COURT

NEW CASES FILED



1998-2004

COMMONWEALTH COURT MOTIONS PRACTICE

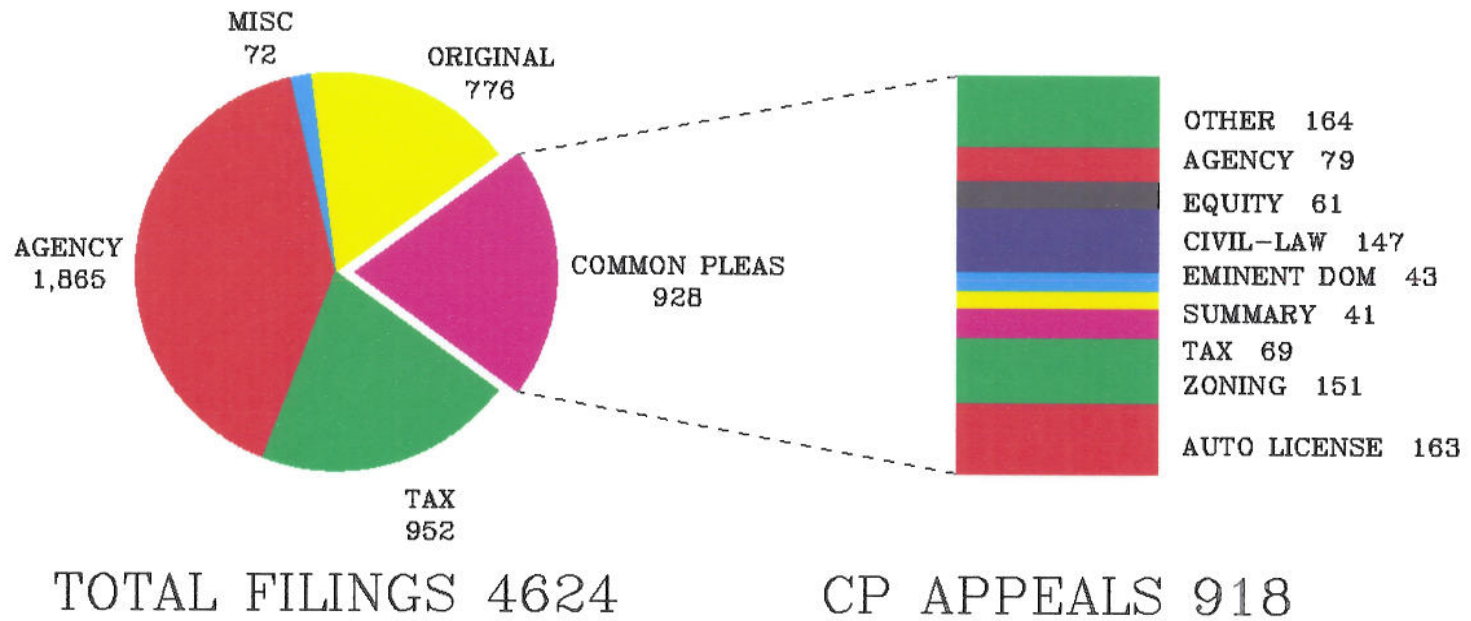


1991 - 2004

Types of Appeals from Courts of Common Pleas

	1994	2002	2003	2004
Motor Vehicle License Suspension	216	228	218	163
Zoning/Subdivision	162	168	194	151
Local Tax Appeals	77	111	96	69
Liquor Control Board	36	21	11	8
Eminent Domain	33	45	35	43
Civil Action Law	217	171	158	192
Civil Action Equity	92	63	66	61
Local Agency Law	126	82	52	79
Declaratory Judgment	21	10	11	15
Forfeiture Actions	17	23	24	15
Mandamus	24	17	17	15
Summary Conviction (Local Ordinance)	40	51	55	41
Vehicle Registration Appeals	0	13	6	14
Election	16	2	33	8
Other	43	73	64	44
Total	1238	1078	1040	918

COMMONWEALTH COURT FILINGS – 2004



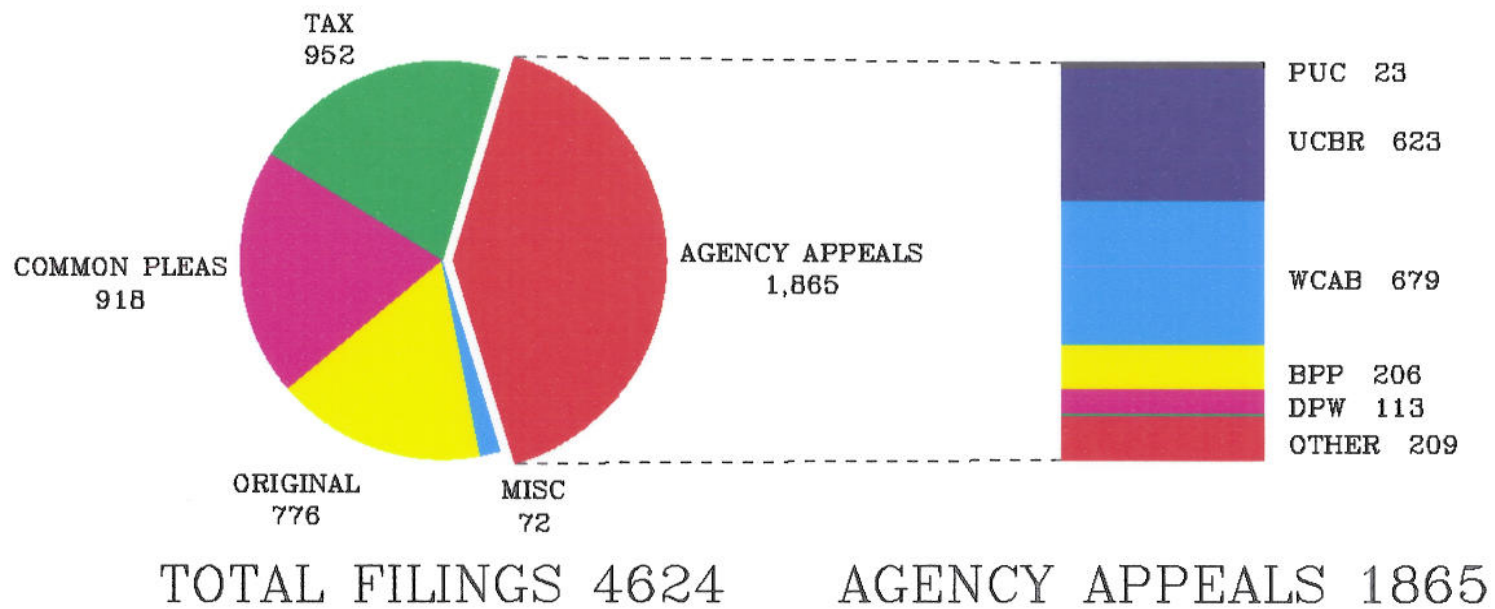
COMMON PLEAS BREAKOUT

Administrative Agency Appeals

	1994	2002	2003	2004
Unemployment Compensation Board of Review	735	454	577	623
Workers' Compensation Appeal Board	846	796	629	679
Board of Probation & Parole	162	297	239	206
Department of Public Welfare	81	136	122	113
Public Utility Commission	55	41	25	23
Civil Service Commission	31	22	36	21
Environmental Hearing Board	30	7	10	12
Bureau of Professional and Occupational Affairs	6	25	21	33
Department of Transportation	5	12	12	18
Education Department	8	68	16	16
Liquor Control Board	0	0	4	9
Insurance Department	15	9	2	8
Labor Relations Board	6	8	11	10
Department of General Services	1	5	4	8
Special Education Due Process Board	0	11	11	12
Human Relations	6	4	3	8
Department of Corrections	20	33	20	14
"Other"*	97	59	65	52
Total	2104	1987	1807	1865

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

COMMONWEALTH COURT FILINGS – 2004



AGENCY BREAKOUT

Appeals from the Board of Finance & Revenue

	1994	2002	2003	2004
Corporate Net Income Tax	120	114	161	128
Franchise Tax	115	91	188	266
Sales & Use Tax	108	270	335	327
Sales Tax	80	32	20	49
Use Tax	30	13	7	10
Capital Stock Tax	74	47	60	68
Personal Income Tax	29	13	12	12
Realty Transfer Tax	23	14	6	7
Motor Carrier Road Tax	20	8	13	8
Public Utility Realty Tax	0	45	53	35
Employee Withholding	0	6	7	6
Other*	52	16	20	36
Total	651	669	882	952

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

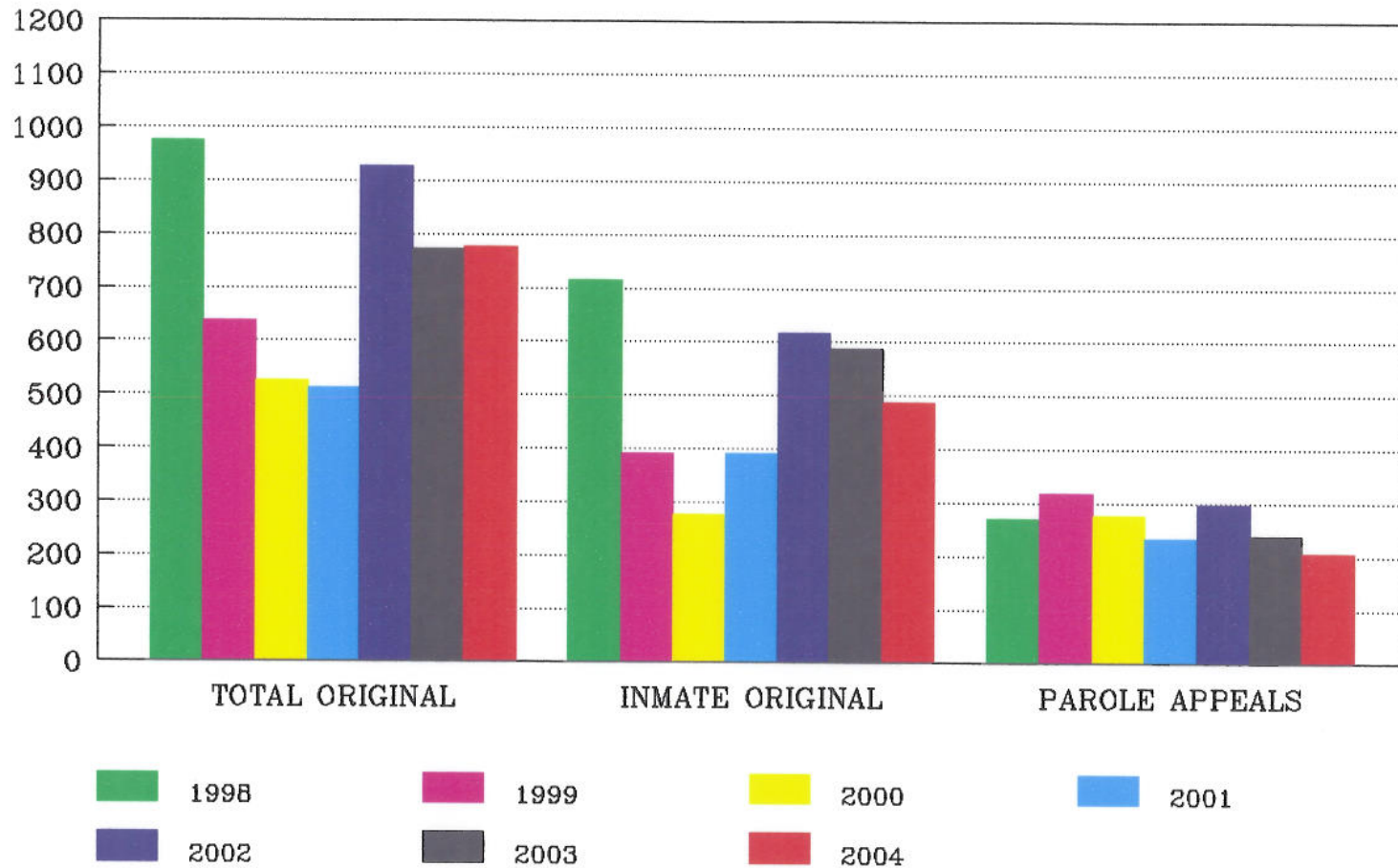
Original Jurisdiction

	1994	2002	2003	2004
Complaints				
Civil Action - Law	37	80	30	82
Civil Action - Equity	37	30	49	29
Petitions for Review				
Civil Action - Law	11	9	5	14
Declaratory Judgment	3	35	15	24
Mandamus	29	34	11	15
Equity	40	31	20	6
Inmate Petitions for Review	200	618	588	487
"Other"	2	6	1	4
Enforcement Proceedings	35	47	31	36
Election Petitions	57	37	22	79
Total	451	927	772	776

Miscellaneous

Assurance of Voluntary Compliance	98	44	65	34
Liquidation Petition (Ins. Dept.)	7	2	1	1
Other	10	17	29	37
Total	115	63	95	72

Commonwealth Court PRISONER LITIGATION

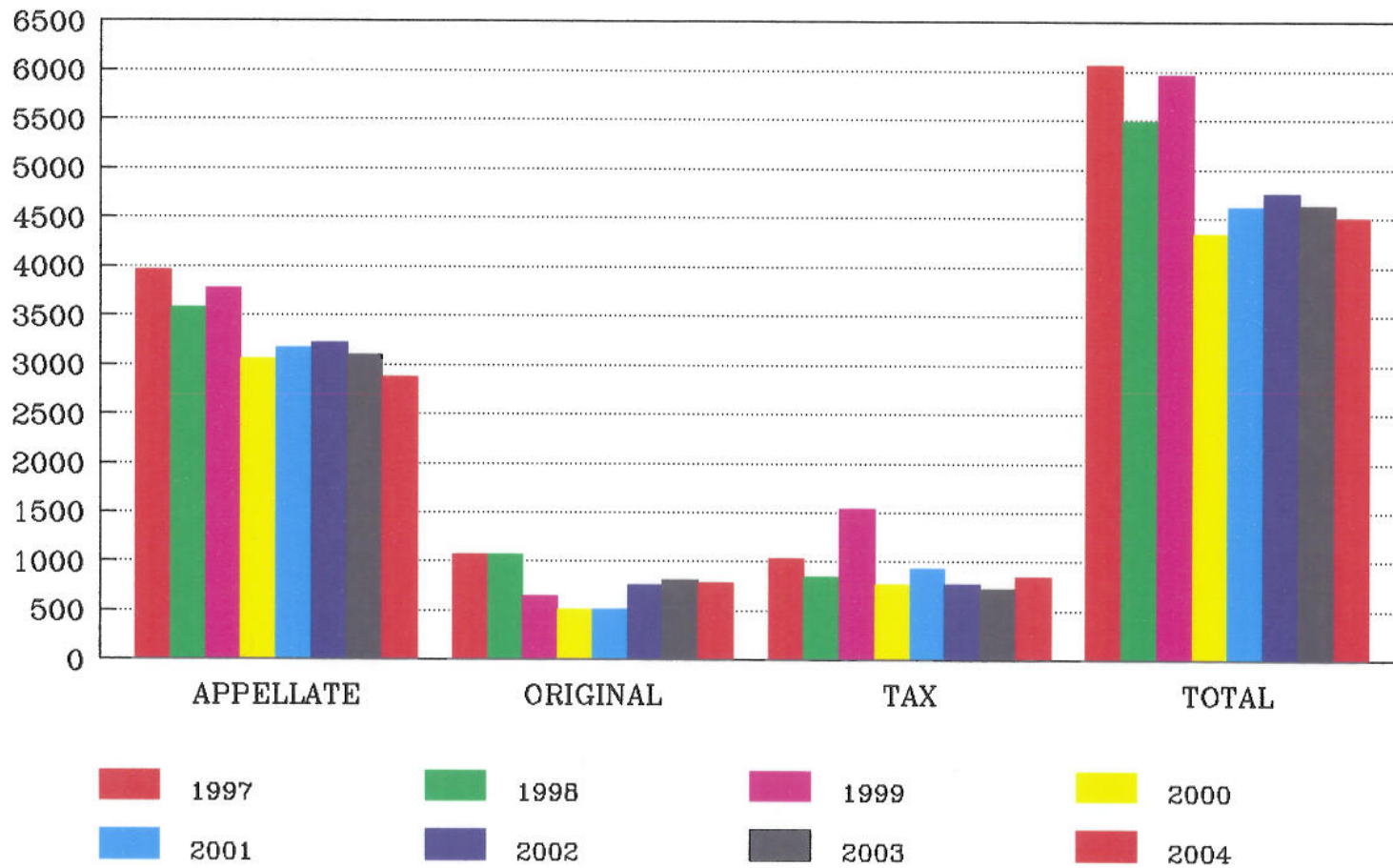


NEW FILINGS

Dispositions

	1994	2002	2003	2004
<u>Appellate</u>				
Majority Opinion	1804	1697	1637	1561
Consolidated	136	167	185	119
Withdrawn	458	402	386	306
Dismissed	653	765	641	683
Remanded	117	67	145	80
Transferred	30	39	49	37
Stricken: Pa. R.A.P. 1701	17	29	27	30
Permission to Appeal Denied	14	19	12	18
Nunc Pro Tunc Denied	12	29	24	33
Summary Relief	0	5	4	4
Sub-Total	3241	3219	3110	2871
<u>Original</u>				
Majority Opinion	29	40	80	56
Consolidated	3	0	1	0
Duty Week Opinions/Orders	43	54	51	35
Election Opinion/Order	38	25	16	59
Withdrawn (election)	11	13	1	12
Withdrawn	118	66	99	139
Dismissed	149	473	451	391
Transferred	51	78	91	69
Consent Decrees	19	11	13	27
Sub-Total	461	760	803	788
<u>Board of Finance & Revenue</u>				
Majority Opinion	0	9	4	8
Consolidated	0	1	2	31
Withdrawn	159	128	174	182
Stipulation for Judgment	523	616	518	597
Dismissed	0	20	24	31
Sub-Total	682	774	722	849
Total Dispositions	3412	4753	4635	4508

COMMONWEALTH COURT DISPOSITIONS



1997-2004

Summary of Opinions

	1994	2002	2003	2004
Majority Opinion	1857	1768	1762	1665
Reported	627	479	488	464
Not Reported	1230	1289	1274	1201
Duty Week Opinions	100	57	62	106
Reported	9	1	1	20
Not Reported	91	56	61	86
Concurring Opinions	15	25	17	11
Dissenting Opinions	131	105	114	134
Concurring & Dissenting Opinions	18	16	30	18
Total Opinions Filed	2121	1971	1985	1934
Dissents	103	84	110	86
Concurred in Result Only	61	41	60	32
Types of Cases in which opinions were filed:				
Administrative Agency Appeals				
Unemployment Compensation Board of Review	303	168	204	261
Workers' Compensation Appeal Board	597	567	530	436
Board of Probation & Parole	37	120	127	114
Other Agencies	189	172	151	154
Total	887	1027	1012	965
Common Pleas Appeals				
Zoning/Land use	115	85	96	92
Drivers License Suspension	156	190	179	140
Tort/Immunity	97	41	16	27
Other Common Pleas Appeals	311	361	342	344
Total	679	677	633	603
Board of Finance & Revenue	8	13	8	10
Original Jurisdiction	44	51	109	83
Election Cases	23	14	2	41
Submitted on Briefs	1160	1266	1328	1250
Argued before a panel	639	444	373	365
Argued before court en banc	58	58	61	50
Average time from argument or submission to decision (days)	86	97	72	68

Inventory*

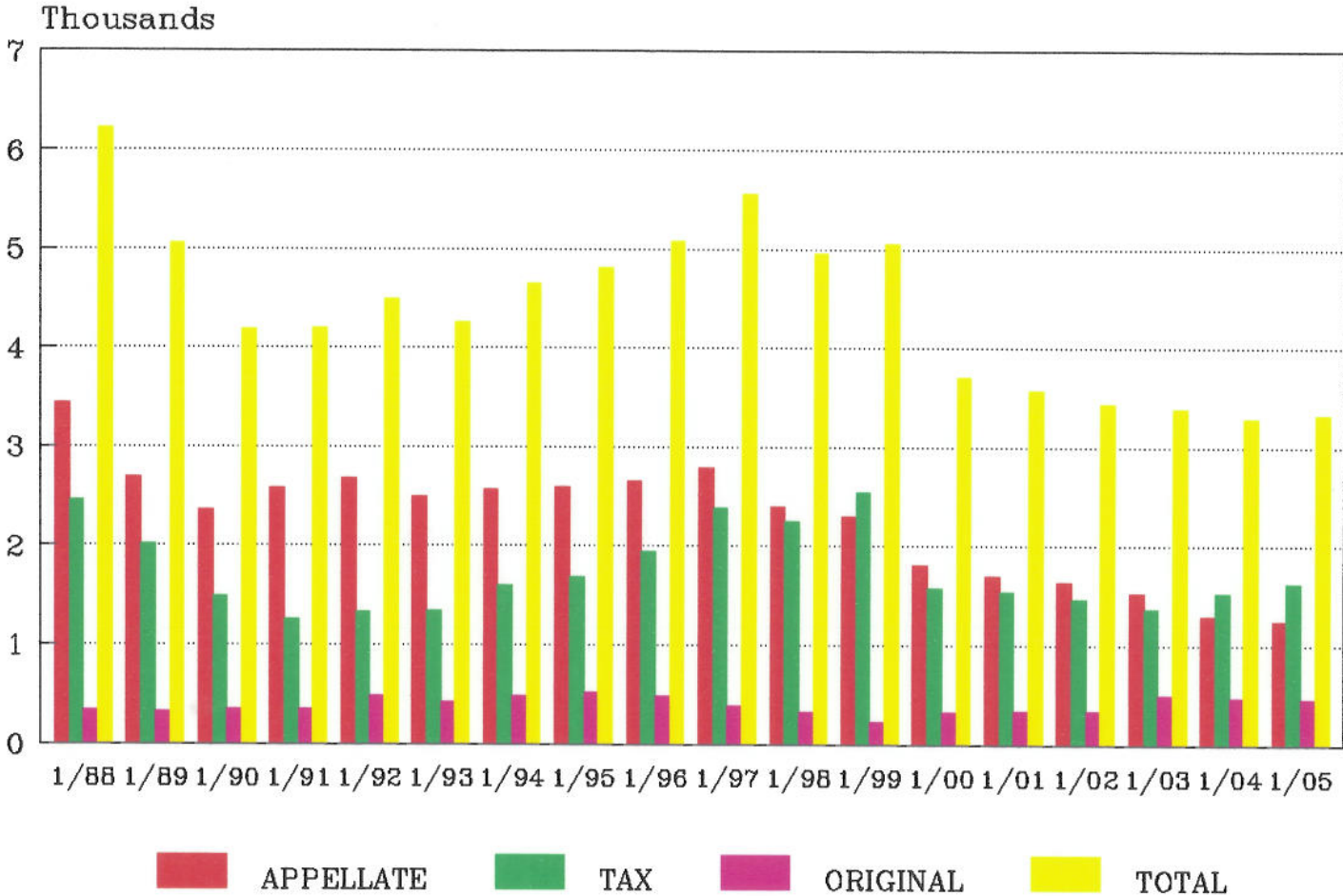
	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2004	54,394	10,756	12,596	77,746
Cases Disposed 1987 through 2004	57,285	10,747	13,811	81,843
Cases Pending Dec. 31, 2004	1249	459	1626	3334
% Change	-70 %	+2 %	-43 %	-55 %

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2004	1299	471	1523	3293
Cases Filed 2004	2821	776	952	4549
Cases Disposed 2004	2871	788	849	4508
Cases Pending Dec. 31, 2004	1249	459	1626	3334
% Change	-4 %	-3 %	+7 %	+1 %

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

COMMONWEALTH COURT CASE INVENTORY



1988 - 2004

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

	1994	2002	2003	2004
Pittsburgh Region				
Allegheny	213	180	150	130
Armstrong	1	4	3	5
Beaver	22	22	14	14
Butler	16	12	15	18
Cambria	13	16	15	6
Clarion	0	1	0	8
Crawford	3	3	6	2
Erie	24	22	21	12
Fayette	11	9	11	7
Forest	0	0	1	1
Greene	3	9	8	15
Indiana	2	6	3	2
Jefferson	2	0	3	4
Lawrence	10	8	3	7
Mercer	0	4	5	10
Venango	2	1	3	3
Warren	2	4	3	5
Washington	13	24	15	11
Westmoreland	23	20	19	16
Total	358	345	298	276
Philadelphia Region				
Bucks	38	48	46	41
Chester	36	51	53	44
Delaware	67	67	45	33
Montgomery	62	49	50	53
Philadelphia	199	109	145	110
Total	401	324	339	281

	1994	2002	2003	2004
Harrisburg Region				
Adams	3	4	7	4
Bedford	2	2	3	1
Berks	30	33	56	22
Blair	9	11	10	5
Bradford	11	0	0	5
Cameron	0	2	0	0
Carbon	3	4	10	7
Centre	5	14	19	7
Clearfield	6	4	3	3
Clinton	7	2	1	5
Columbia	10	4	3	6
Cumberland	20	27	16	9
Dauphin	20	18	26	22
Elk	2	1	0	0
Franklin	4	3	3	2
Fulton	1	0	0	1
Huntingdon	3	10	4	6
Juniata	0	1	2	1
Lackawanna	20	18	16	14
Lancaster	17	21	25	11
Lebanon	4	3	3	8
Lehigh	32	37	41	35
Luzerne	33	31	31	31
Lycoming	16	12	5	10
McKean	2	5	1	6
Mifflin	4	5	2	3
Monroe	14	24	17	31
Montour	3	0	1	1
Northampton	22	26	24	25
Northumberland	1	8	6	4
Perry	5	7	1	4
Pike	5	2	4	6
Potter	1	0	3	4
Schuylkill	18	20	14	18
Snyder	2	4	5	1
Somerset	4	3	10	4
Sullivan	0	1	0	0
Susquehanna	3	7	1	1
Tioga	6	4	3	4
Union	2	0	0	3
Wayne	2	11	12	6
Wyoming	3	1	0	3
York	16	19	15	23
Total	371	409	403	362

Argument Court

	1994	2002	2003	2004
Days of Argument Court	42	28	30	29
Number of Cases Submitted on Brief	1309	1248	1382	1263
Argued before Court En Banc	52	46	59	47
Argued before a Panel	619	391	384	349
Cases Consolidated	133	131	181	99
Cases Continued	52	42	36	42

APPELLATE CASES*
TIME TO DISPOSITION
2004

Cases Disposed (minus consolidations)	2752
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1191
Ave. time to disposition	167 days
Cases Disposed on Merits	1561
% of cases disposed on merits	57 %
Argued orally	437
Submitted on briefs	1124
Cases Disposed under 365 days	2622 (95%)
Cases Disposed under 290 days	2418 (88%)

Cases Decided on Merits

Cases Reviewed	1561
Ave. filing to record	36 days
Ave. filing to Appellant brief	89 days
Ave. filing to Appellee brief	127 days
Ave. filing to argument/submission	165 days
Ave. filing to decision	233 days
Record to Appellant brief	53 days
Appellant brief to Appellee brief	38 days
Briefs to argument/submission	38 days
Assignment to decision	68 days

*Does not include consolidated cases.

Argued Cases

Cases reviewed	437
Ave. filing to record	45 days
Ave. filing to Appellant brief	97 days
Ave. filing to Appellee brief	130 days
Ave. filing to argument	217 days
Ave. filing to decision	282 days
Record to Appellant brief	52 days
Appellant brief to Appellee brief	33 days
Briefs to argument	87 days
Assignment to decision	65 days

Submitted Cases

Cases reviewed	1124
Ave. filing to record	32 days
Ave. filing to Appellant brief	86 days
Ave. filing to Appellee brief	126 days
Ave. filing to submission	145 days
Ave. filing to decision	214 days
Record to Appellant brief	54 days
Appellant brief to Appellee brief	40 days
Briefs to submission	19 days
Assignment to decision	69 days