

COMMONWEALTH COURT OF PENNSYLVANIA

2000

STATISTICAL REPORT



President Judge

HON. JOSEPH T. DOYLE

Judges

HON. JAMES GARDNER COLINS  
HON. BERNARD L. MCGINLEY  
HON. DORIS A. SMITH  
HON. DANTE R. PELLEGRINI  
HON. ROCHELLE S. FRIEDMAN  
HON. JAMES R. KELLEY  
HON. JIM FLAHERTY  
HON. BONNIE BRIGANCE LEADBETTER

HON. EMIL E. NARICK, Senior Judge  
HON. SAMUEL L. RODGERS, Senior Judge  
HON. CHARLES MIRARCHI, JR., Senior Judge  
HON. JESS S. GIULIANTE, Senior Judge  
HON. JOSEPH F. McCLOSKEY, Senior Judge  
HON. WILLIAM J. LEDERER, 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 FISCAL AND  
ADMINISTRATIVE SERVICES

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Cases Filed

	1990	1998	1999	2000
Appeals from Courts of Common Pleas	1120	1206	1154	1071
Appeals from Administrative Agencies	1577	2226	2100	1861
Discretionary Appeals	21	41	29	19
Original Jurisdiction	317	975	637	526
Appeals from Board of Finance & Revenue	469	1147	563	730
Original & Appellate (Combined)	8	8	7	3
Miscellaneous	<u>46</u>	<u>85</u>	<u>76</u>	<u>75</u>
Total Actions Filed	3578	5688	4566	4285
Motions Filed	4654	5912	5269	4464

Types of Appeals from Courts of Common Pleas

	1990	1998	1999	2000
Motor Vehicle License Suspension	268	246	205	283
Zoning/Subdivision	162	149	176	174
Local Tax Appeals	45	87	61	70
Liquor Control Board	34	17	20	12
Eminent Domain	42	38	30	29
Civil Action Law	272	263	266	214
Civil Action Equity	77	87	91	61
Local Agency Law	87	99	103	98
Declaratory Judgment	11	12	12	21
Criminal	2	17	16	13
Forfeiture Actions	3	25	22	12
Mandamus	30	17	12	8
Summary Conviction (Local Ordinance)	35	38	44	26
Vehicle Registration Appeals	3	17	19	11
Inspection Station License Appeals	10	9	7	9
Other	<u>39</u>	<u>61</u>	<u>46</u>	<u>30</u>
Total	1120	1206	1154	1071

Administrative Agency Appeals

	1990	1998	1999	2000
Unemployment Compensation Board of Review	487	520	414	378
Workers' Compensation Appeal Board	580	940	951	803
Board of Probation & Parole	142	271	318	277
Department of Public Welfare	70	137	123	142
Public Utility Commission	29	80	44	28
Civil Service Commission	45	37	42	36
Insurance Department	36	20	4	16
Environmental Hearing Board	24	22	11	11
Bureau of Professional and Occupational Affairs	20	22	18	19
Department of Transportation	6	16	11	13
State Police	4	7	8	9
Education Department	9	8	7	13
Attorney General	--	--	--	7
Labor Relations Board	13	11	21	14
Board of Claims	12	9	9	6
State Employee Retirement Board	10	--	--	8
Department of Corrections	7	40	27	28
School Employees Retirement Board	1	3	10	6
"Other"*	<u>82</u>	<u>83</u>	<u>82</u>	<u>47</u>
Total	1577	2226	2100	1861

\* "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.

Appeals from the Board of Finance & Revenue

	1990	1998	1999	2000
Corporate Net Income Tax	113	64	88	147
Franchise Tax	60	118	88	166
Sales & Use Tax	54	513	105	132
Sales Tax	101	277	131	99
Use Tax	9	22	15	14
Capital Stock Tax	31	53	40	71
Personal Income Tax	17	16	16	17
Gross Premium Tax	5	17	35	10
Realty Transfer Tax	27	19	8	11
Other*	<u>52</u>	<u>39</u>	<u>25</u>	<u>63</u>
Total	469	1147	563	730

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

Original Jurisdiction

	1990	1998	1999	2000
Complaints				
Civil Action - Law	12	14	53	20
Civil Action - Equity	30	28	12	30
Petitions for Review				
Civil Action - Law	0	9	16	10
Declaratory Judgment	39	28	54	25
Mandamus	26	28	23	33
Equity	50	44	33	26
Inmate Petitions for Review	65	716	390	277
"Other"	19	3	4	7
Enforcement Proceedings	39	36	39	50
Election Petitions	<u>37</u>	<u>69</u>	<u>13</u>	<u>48</u>
Total	317	975	637	526

Miscellaneous

Assurance of Voluntary Compliance	24	58	39	48
Liquidation Petition (Ins. Dept.)	0	1	2	2
Other	<u>22</u>	<u>26</u>	<u>35</u>	<u>25</u>
Total	46	85	76	75

## Dispositions

	1990	1998	1999	2000
<u>Appellate</u>				
Majority Opinion	1409	1974	2007	1611
Consolidated	108	195	287	175
Withdrawn	398	478	481	385
Dismissed	414	723	795	707
Remanded	123	99	85	77
Transferred	33	20	34	34
Stricken: Pa. R.A.P. 1701	10	40	39	34
Permission to Appeal Denied	10	23	14	16
Nunc Pro Tunc Denied	8	16	20	15
Summary Relief	<u>N/A</u>	<u>3</u>	<u>9</u>	<u>3</u>
Sub-Total	2513	3571	3771	3057
<u>Original</u>				
Majority Opinion	32	41	34	33
Consolidated	0	0	0	0
Duty Week Opinions/Orders	74	104	64	61
Election Opinion/Order	24	70	12	32
Withdrawn (election)	10	10	0	9
Withdrawn	71	90	54	66
Dismissed	31	663	416	252
Transferred	25	84	58	54
Consent Decrees	<u>38</u>	<u>10</u>	<u>14</u>	<u>10</u>
Sub-Total	305	1072	652	517
<u>Board of Finance &amp; Revenue</u>				
Majority Opinion	6	25	10	2
Consolidated	9	17	0	1
Withdrawn	127	114	153	88
Stipulation for Judgment	507	610	885	641
Dismissed	<u>52</u>	<u>82</u>	<u>493</u>	<u>35</u>
Sub-Total	701	848	1541	767
Total Dispositions	3519	5491	5964	4341

Summary of Opinions

	1990	1998	1999	2000
Majority Opinions	1476	2064	2073	1677
Reported	571	499	467	397
Not Reported	905	1565	1606	1280
Duty Week Opinions	80	68	37	55
Reported	8	1	0	1
Not Reported	72	67	37	54
Concurring Opinions	13	9	16	21
Dissenting Opinions	83	87	112	81
Concurring & Dissenting Opinions	9	4	18	10
Total Opinions Filed	<u>1654</u>	<u>2232</u>	<u>2256</u>	<u>1844</u>
Dissents	92	105	147	129
Concurred in Result only	51	68	68	47

Types of Cases in which opinions were filed:

Administrative Agency Appeals

Unemployment Compensation Board of Review	204	270	256	165
Workers' Compensation Appeal Board	347	719	690	608
Board of Probation & Parole	90	130	112	129
Other Agencies	178	177	202	152
Total	<u>819</u>	<u>1296</u>	<u>1260</u>	<u>1054</u>

Common Pleas Appeals

Zoning/Land Use	102	93	111	78
Drivers License Suspension	154	135	187	154
Tort/Immunity	10	57	53	37
Other Common Pleas Appeals	331	406	406	304
Total	<u>597</u>	<u>691</u>	<u>757</u>	<u>573</u>

Board of Finance & Revenue

Original Jurisdiction	54	47	13	47
Election Cases	13	22	0	16
Submitted on Briefs	836	1472	1471	1225
Argued before a panel	579	550	551	407
Argued before court en banc	61	42	51	45
Average time from argument or submission to decision (days)	83	74	85	98

Inventory\*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2000	42,472	7770	9237	59,479
Cases Disposed 1987 through 2000	44,913	7882	10,541	63,336
Cases Pending Dec. 31, 2000	1699	338	1537	3574
% Change	59%	25%	-46%	-52%

Inventory\*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2000	1805	329	1574	3708
Cases Filed 2000	2951	526	730	4207
Cases Disposed 2000	3057	517	767	4341
Cases Pending Dec. 31, 2000	1699	338	1537	3574
% Change	- 6%	+ 3%	- 2%	- 4%

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

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

	1990	1998	1999	2000
<u>Pittsburgh Region</u>				
Allegheny	220	227	216	171
Armstrong	5	3	3	2
Beaver	13	12	22	20
Butler	9	20	13	19
Cambria	14	13	18	8
Clarion	7	3	4	3
Crawford	1	5	11	2
Erie	17	24	25	18
Fayette	10	10	17	22
Forest	0	0	4	1
Greene	3	8	6	7
Indiana	2	5	9	11
Jefferson	1	1	2	1
Lawrence	8	17	8	6
Mercer	5	8	3	4
Venango	11	3	5	1
Warren	1	3	7	3
Washington	17	34	19	25
Westmoreland	22	14	22	29
Total	<u>366</u>	<u>410</u>	<u>414</u>	<u>353</u>
<u>Philadelphia Region</u>				
Bucks	48	60	62	43
Chester	43	50	51	43
Delaware	69	50	50	81
Montgomery	78	48	49	64
Philadelphia	193	197	164	133
Total	<u>431</u>	<u>405</u>	<u>376</u>	<u>364</u>

	1990	1998	1999	2000
<u>Harrisburg Region</u>				
Adams	2	6	6	3
Bedford	1	1	1	1
Berks	32	34	22	22
Blair	9	6	6	11
Bradford	2	4	6	8
Cameron	0	1	0	0
Carbon	4	4	3	6
Centre	7	10	8	13
Clearfield	10	1	1	2
Clinton	4	6	1	2
Columbia	5	3	2	1
Cumberland	13	16	19	17
Dauphin	25	16	27	30
Elk	7	1	1	7
Franklin	3	4	3	8
Fulton	1	0	1	2
Huntingdon	1	12	4	5
Juniata	0	1	0	1
Lackawanna	18	26	31	21
Lancaster	13	17	17	25
Lebanon	10	8	6	1
Lehigh	16	32	37	27
Luzerne	22	37	36	14
Lycoming	8	7	10	8
McKean	4	29	4	3
Mifflin	1	1	2	2
Monroe	22	17	19	14
Montour	1	2	3	1
Northampton	29	34	25	33
Northumberland	2	6	0	3
Perry	2	7	1	2
Pike	5	4	9	6
Potter	2	1	0	0
Schuylkill	14	9	9	13
Snyder	0	2	0	1
Somerset	2	5	5	4
Sullivan	0	0	4	0
Susquehanna	2	1	9	3
Tioga	0	1	1	7
Union	1	1	2	0
Wayne	5	5	4	6
Wyoming	2	1	2	4
York	16	12	17	17
Total	<u>323</u>	<u>391</u>	<u>364</u>	<u>354</u>

Argument Court

	1990	1998	1999	2000
Days of Argument Court	42	40	37	29
Number of Cases Submitted on Brief	1009	1704	1475	1346
Argued before Court En Banc	76	54	56	52
Argued before a Panel	586	586	528	453
Cases Consolidated	95	148	93	106
Cases Continued	88	55	55	52

**APPELLATE CASES\***  
**TIME TO DISPOSITION**  
**2000**

Cases Disposed (minus consolidations)	2882
Disposed prior to decision	1275
(dismissals, withdrawn, transfer, etc.)	
Ave. time to disposition	206 days
Cases Disposed on Merits	1611
% of cases disposed on merits	56%
Argued orally	486
Submitted on briefs	1125
Cases Disposed under 365 days	2540 (88%)
Cases Disposed under 290 days	2268 (79%)

**Cases Decided on Merits**

Cases reviewed	1611
Ave. filing to record	46 days
Ave. filing to Appellant brief	99 days
Ave. filing to Appellee brief	139 days
Ave. filing to argument/submission	187 days
Ave. filing to decision	281 days
Record to Appellant brief	53 days
Appellant brief to Appellee brief	40 days
Briefs to argument/submission	48 days
Assignment to decision	94 days

\* Does not include consolidated cases.

### Argued Cases

Cases reviewed	486
Ave. filing to record	58
Ave. filing to Appellant brief	109 days
Ave. filing to Appellee brief	143 days
Ave. filing to argument	253 days
Ave. filing to decision	345 days
Record to Appellant brief	51 days
Appellant brief to Appellee brief	34 days
Briefs to argument	110 days
Assignment to decision	92 days

### Submitted Cases

Cases reviewed	1125
Ave. filing to record	40 days
Ave. filing to Appellant brief	94 days
Ave. filing to Appellee brief	137 days
Ave. filing to submission	158 days
Ave. filing to decision	252 days
Record to Appellant brief	54 days
Appellant brief to Appellee brief	43 days
Briefs to submission	21 days
Assignment to decision	24 days