

COMMONWEALTH COURT OF PENNSYLVANIA

2001

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. BONNIE BRIGANCE LEADBETTER

HON. JIM FLAHERTY
HON. EMIL E. NARICK, Senior Judge
HON. SAMUEL L. RODGERS, Senior Judge*
HON. CHARLES MIRARCHI, JR., Senior Judge
HON. JESS S. JIULIANTE, 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 ADMINISTRATION

*Passed Away November 19, 2001
**Retired June 30, 2001

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.

After two consecutive years of decline in the number of new cases filed, in 2001 there were 4,611 new cases were filed. This represents an 8% increase over the number of new cases filed in 2000.

New cases filed by inmates increased slightly in 2001. The number of new inmate cases filed in 2001 was 302. This number, however, is well below the high of 751 inmates cases filed in 1998.

In its appellate jurisdiction, workers' compensation and unemployment compensation cases continued to be filed in large numbers, although fewer were filed than in 2000. There were 783 new workers' compensation appeals and 322 new unemployment compensation appeals filed in 2000. With respect to appeals from courts of common pleas, there was a 22% increase in the number of appeals filed. This was caused, in part, by a 36% increase in motor vehicle license suspension appeals.

The court disposed of a total of 4,611 cases in 2001. Interestingly, that was the same number of new cases filed with the court. There were 1,929 total opinions filed in 2001. The

average elapsed time from assignment of the case to the filing of the opinion was 102 days. The court disposed of 4,801 ancillary applications, petitions and motions in 2001.

The court's mediation program continued to be successful in 2001. A total of 331 cases were referred to mediation, 309 cases were mediated, and 141 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 1,635 appeals pending at the end of 2001 compared to 2,790 pending appeals 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

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Appeals from Courts of Common Pleas	1062	1154	1071	1311
Appeals from Administrative Agencies	1625	2100	1861	1763
Discretionary Appeals	46	29	19	34
Original Jurisdiction	518	637	526	511
Appeals from Board of Finance & Revenue	566	563	730	856
Original & Appellate (Combined)	3	7	3	8
Miscellaneous	<u>82</u>	<u>76</u>	<u>75</u>	<u>128</u>
Total Actions Filed	3902	4566	4285	4611
Motions Filed	4588	5269	4464	4801

Types of Appeals from Courts of Common Pleas

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Motor Vehicle License Suspension	209	205	283	385
Zoning/Subdivision	139	176	174	186
Local Tax Appeals	65	61	70	99
Liquor Control Board	27	20	12	25
Eminent Domain	46	30	29	25
Civil Action Law	303	266	214	260
Civil Action Equity	114	91	61	53
Local Agency Law	53	103	98	76
Declaratory Judgment	8	12	21	17
Criminal	1	16	13	16
Forfeiture Actions	12	22	12	13
Mandamus	16	12	8	6
Summary Conviction (Local Ordinance)	28	44	26	30
Vehicle Registration Appeals	0	19	11	26
Election	9	7	9	7
Inspection Station License Appeals	19	38	3	26
Other	<u>13</u>	<u>8</u>	<u>27</u>	<u>61</u>
 TOTAL	 1062	 1154	 1071	 1311

Administrative Agency Appeals

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Unemployment Compensation Board of Review	520	414	378	322
Workers' Compensation Appeal Board	940	951	803	783
Board of Probation & Parole	271	318	277	233
Department of Public Welfare	137	123	142	187
Public Utility Commission	80	44	28	31
Civil Service Commission	37	42	36	19
Insurance Department	20	4	16	11
Environmental Hearing Board	22	11	11	8
Bureau of Professional and Occupational Affairs	22	18	19	19
Department of Transportation	16	11	13	13
State Police	7	8	9	6
Education Department	8	7	13	29
Labor Relations Board	11	21	14	10
Board of Claims	9	9	6	6
Health Department	6	1	5	8
Bureau of Workers' Compensation (Fee Review)	--	2	1	6
Human Relations	3	6	5	6
Special Education Due Process Board	0	8	3	9
Department of Corrections	40	27	28	21
"Other"*	<u>77</u>	<u>75</u>	<u>54</u>	<u>36</u>
 TOTAL	 2226	 2100	 1861	 1763

* "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

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Corporate Net Income Tax	112	88	147	141
Franchise Tax	53	88	166	174
Sales & Use Tax	83	105	132	224
Sales Tax	132	131	99	40
Use Tax	11	15	14	27
Capital Stock Tax	52	40	71	49
Personal Income Tax	8	16	17	36
Gross Premium Tax	10	35	10	15
Realty Transfer Tax	26	8	11	9
Motor Carrier Road Tax	21	15	2	8
Public Utility Realty Tax	15	4	0	79
Other*	<u>43</u>	<u>18</u>	<u>61</u>	<u>52</u>
TOTAL	566	563	730	854

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

Original Jurisdiction

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Complaints				
Civil Action - Law	211	53	20	10
Civil Action - Equity	47	12	30	34
Petitions for Review				
Civil Action - Law	0	16	10	20
Declaratory Judgment	34	54	25	35
Mandamus	23	23	33	30
Equity	41	33	26	21
Inmate Petitions for Review	84	390	277	302
"Other"	23	4	7	15
Enforcement Proceedings	40	39	50	27
Election Petitions	<u>15</u>	<u>13</u>	<u>48</u>	<u>17</u>
 TOTAL	 518	 637	 526	 511

Miscellaneous

Assurance of Voluntary Compliance	48	39	48	103
Liquidation Petition (Ins. Dept.)	13	2	2	5
Other	<u>21</u>	<u>35</u>	<u>25</u>	<u>20</u>
 TOTAL	 82	 76	 75	 128

Dispositions

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
<u>Appellate</u>				
Majority Opinion	1478	2007	1611	1693
Consolidated	100	287	175	178
Withdrawn	434	481	385	397
Dismissed	469	795	707	734
Remanded	75	85	77	60
Transferred	36	34	34	47
Stricken: Pa. R.A.P. 1701	10	39	34	21
Permission to Appeal Denied	23	14	16	19
Nunc Pro Tunc Denied	11	20	15	10
Summary Relief	<u>7</u>	<u>9</u>	<u>3</u>	<u>13</u>
Sub-Total	2643	3771	3057	3172
<u>Original</u>				
Majority Opinion	30	34	33	38
Consolidated	1	0	0	0
Duty Week Opinions/Orders	67	64	61	31
Election Opinion/Order	12	12	32	15
Withdrawn (election)	0	0	9	1
Withdrawn	123	54	66	70
Dismissed	102	416	252	259
Transferred	44	58	54	73
Consent Decrees	<u>37</u>	<u>14</u>	<u>10</u>	<u>27</u>
Sub-Total	416	652	517	514
<u>Board of Finance & Revenue</u>				
Majority Opinion	8	10	2	6
Consolidated	12	0	1	0
Withdrawn	55	153	88	120
Stipulation for Judgment	361	885	641	765
Dismissed	<u>56</u>	<u>493</u>	<u>35</u>	<u>34</u>
Sub-Total	492	1541	767	925
TOTAL DISPOSITIONS	3551	5964	4341	4611

Summary of Opinions

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Majority Opinions	1538	2073	1677	1758
Reported	577	467	397	428
Not Reported	961	1606	1280	1330
Duty Week Opinions	79	37	55	45
Reported	4	0	1	1
Not Reported	75	37	54	44
Concurring Opinions	21	16	21	21
Dissenting Opinions	101	112	81	97
Concurring & Dissenting Opinions	<u>8</u>	<u>18</u>	<u>10</u>	<u>8</u>
Total Opinions Filed	1747	2256	1844	1929
Dissents	107	147	129	125
Concurred in Result only	71	68	47	50
 Types of Cases in which opinions were filed:				
Administrative Agency Appeals				
Unemployment Compensation Board of Review	199	256	165	144
Workers' Compensation Appeal Board	473	690	608	548
Board of Probation & Parole	49	112	129	113
Other Agencies	<u>166</u>	<u>202</u>	<u>152</u>	<u>183</u>
Total	887	1260	1054	988
 Common Pleas Appeals				
Zoning/Land Use	95	111	78	112
Drivers License Suspension	149	187	154	235
Tort/Immunity	20	53	37	50
Other Common Pleas Appeals	<u>331</u>	<u>406</u>	<u>304</u>	<u>319</u>
Total	595	757	573	716
 Board of Finance & Revenue				
Original Jurisdiction	8	43	3	6
Election Cases	48	13	47	48
Submitted on Briefs	0	0	16	12
Argued before a panel	932	1471	1225	1290
Argued before court en banc	538	551	407	426
Average time from argument or submission to decision (days)	68	51	45	42
	101	85	98	102

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2001	45,580	8281	10,093	63,954
Cases Disposed 1987 through 2001	48,085	8396	11,466	67,947
Cases Pending Dec. 31, 2001	1635	335	1468	3438
% Change	61%	-26%	-48%	-54%

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2001	1699	338	1537	3574
Cases Filed 2001	3108	511	856	4475
Cases Disposed 2001	3172	514	925	4611
Cases Pending Dec. 31, 2001	1635	335	1468	3438
% Change	- 4%	- 1%	- 4%	- 4%

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

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

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
<u>Pittsburgh Region</u>				
Allegheny	213	216	171	240
Armstrong	3	3	2	2
Beaver	16	22	20	19
Butler	13	13	19	20
Cambria	10	18	8	19
Clarion	1	4	3	0
Crawford	3	11	2	5
Erie	16	25	18	12
Fayette	10	17	22	11
Forest	0	4	1	1
Greene	10	6	7	13
Indiana	2	9	11	5
Jefferson	3	2	1	3
Lawrence	4	8	6	10
Mercer	8	3	4	7
Venango	3	5	1	3
Warren	2	7	3	4
Washington	34	19	25	21
Westmoreland	<u>30</u>	<u>22</u>	<u>29</u>	<u>32</u>
TOTAL	381	414	353	427
<u>Philadelphia Region</u>				
Bucks	40	62	43	75
Chester	50	51	43	51
Delaware	57	50	81	79
Montgomery	54	49	64	62
Philadelphia	<u>171</u>	<u>164</u>	<u>133</u>	<u>215</u>
TOTAL	372	376	364	482

	1991	1999	2000	2001
<u>Harrisburg Region</u>				
Adams	6	6	3	2
Bedford	2	1	1	3
Berks	20	22	22	25
Blair	18	6	11	7
Bradford	8	6	8	8
Cameron	0	0	0	1
Carbon	7	3	6	16
Centre	6	8	13	14
Clearfield	8	1	2	12
Clinton	1	1	2	9
Columbia	7	2	1	11
Cumberland	11	19	17	17
Dauphin	15	27	30	20
Elk	8	1	7	3
Franklin	4	3	8	3
Fulton	1	1	2	0
Huntingdon	1	4	5	7
Juniata	1	0	1	1
Lackawanna	7	31	21	21
Lancaster	29	17	25	15
Lebanon	3	6	1	4
Lehigh	12	37	27	31
Luzerne	26	36	14	36
Lycoming	9	10	8	6
McKean	1	4	3	9
Mifflin	1	2	2	1
Monroe	24	19	14	19
Montour	0	3	1	0
Northampton	15	25	33	24
Northumberland	5	0	3	5
Perry	3	1	2	1
Pike	5	9	6	19
Potter	1	0	0	0
Schuylkill	9	9	13	13
Snyder	1	0	1	0
Somerset	3	5	4	6
Sullivan	1	4	0	2
Susquehanna	0	9	3	6
Tioga	5	1	7	0
Union	6	2	0	0
Wayne	3	4	6	2
Wyoming	3	2	4	3
York	<u>13</u>	<u>17</u>	<u>17</u>	<u>20</u>
TOTAL	309	364	354	402

Argument Court

	<u>1991</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Days of Argument Court	44	37	29	29
Number of Cases Submitted on Brief	971	1475	1346	1293
Argued before Court En Banc	76	56	52	47
Argued before a Panel	628	528	453	427
Cases Consolidated	165	93	106	109
Cases Continued	42	55	52	63

APPELLATE CASES*
TIME TO DISPOSITION
2001

Cases Disposed (minus consolidations)	2994
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1301
Ave. time to disposition	196 days
Cases Disposed on Merits	1693
% of cases disposed on merits	57%
Argued orally	503
Submitted on briefs	1190
Cases Disposed under 365 days	2662 (89%)
Cases Disposed under 290 days	2342 (78%)

Cases Decided on Merits

Cases reviewed	1693
Ave. filing to record	45 days
Ave. filing to Appellant brief	100 days
Ave. filing to Appellee brief	139 days
Ave. filing to argument/submission	183 days
Ave. filing to decision	282 days
Record to Appellant brief	55 days
Appellant brief to Appellee brief	39 days
Briefs to argument/submission	44 days
Assignment to decision	99 days

* Does not include consolidated cases.

Argued Cases

Cases reviewed	503
Ave. filing to record	55
Ave. filing to Appellant brief	105 days
Ave. filing to Appellee brief	141 days
Ave. filing to argument	252 days
Ave. filing to decision	341 days
Record to Appellant brief	50 days
Appellant brief to Appellee brief	36 days
Briefs to argument	111 days
Assignment to decision	89 days

Submitted Cases

Cases reviewed	1190
Ave. filing to record	41 days
Ave. filing to Appellant brief	97 days
Ave. filing to Appellee brief	138 days
Ave. filing to submission	154 days
Ave. filing to decision	257 days
Record to Appellant brief	56 days
Appellant brief to Appellee brief	41 days
Briefs to submission	16 days
Assignment to decision	103 days