

COMMONWEALTH COURT OF PENNSYLVANIA

2002

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. JAMES R. KELLEY
HON. BONNIE BRIGANCE LEADBETTER
HONORABLE RENEE L. COHN
HON. ROBERT E. SIMPSON, JR.
HON. M. HANNAH LEAVITT**

**HON. JOSEPH T. DOYLE, Senior Judge*
HON. JIM FLAHERTY, Senior Judge
HON. EMIL E. NARICK, Senior Judge
HON. CHARLES 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 DDARLINGTON, EXECUTIVE ADMINISTRATOR
DANIEL R. SCHUCKERS, PROTHONOTARY
KRISTEN BROWN, DEPUTY PROTHONOTARY FOR LAW
NICHOLAS L. DiLORENZO, DEPUTY PROTHONOTARY FOR ADMINISTRATION**

***Retired September 17, 2002**

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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 2002, there were 4,785 new cases filed. This represents a 4% increase over the number of new cases filed in 2001.

New cases filed by inmates exploded in 2002. The number of new inmate cases in 2002 was 618. This represents an increase of 105% compared to the number of inmate cases filed in 2001.

In its appellate jurisdiction, workers' compensation and unemployment compensation appeals continued to be filed in large numbers. There were 796 new workers' compensation appeals filed in 2002, an increase of 2% over 2001. There were 454 unemployment compensation appeals filed in 2002, an increase of 41% over 2001. With respect to appeals from courts of common pleas, there was an 18% decrease in the number of new appeals filed. This was caused, in part, by a 41% decrease in motor vehicle license suspension appeals.

The court disposed of a total of 4,753 cases in 2002, an increase of 3% compared to 2001. There were 1,971 opinions filed in 2002, an increase of 2% compared with 2001. The average elapsed time from assignment of the case to the filing of the opinion was 97 days in 2002 compared to 102 days in 2001. The court disposed of 6,313 ancillary motions, applications and petitions in 2002, a 31% increase compared with 2001.

The court's mediation program continued to be successful in 2002. A total of 271 cases were referred to mediation, 248 were mediated, and 120 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 1,526 appeals pending at the end of 2002 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

	1992	2000	2001	2002
Appeals from Courts of Common Pleas	1012	1071	1311	1078
Appeals from Administrative Agencies	1685	1861	1763	1987
Discretionary Appeals	36	19	34	45
Original Jurisdiction	342	526	511	927
Appeals from Board of Finance & Revenue	527	730	856	669
Original & Appellate (Combined)	5	3	8	16
Miscellaneous	94	75	128	63
Total Actions Filed	3703	4285	4611	4785
Motions Filed	4083	4464	4801	6313

Types of Appeals from Courts of Common Pleas

	1992	2000	2001	2002
Motor Vehicle License Suspension	234	283	385	228
Zoning/Subdivision	153	174	186	168
Local Tax Appeals	62	70	99	111
Liquor Control Board	30	12	25	21
Eminent Domain	30	29	25	45
Civil Action Law	236	214	260	171
Civil Action Equity	71	61	53	63
Local Agency Law	86	98	76	82
Declaratory Judgment	14	21	17	10
Criminal	0	13	16	18
Forfeiture Actions	16	12	13	23
Mandamus	12	8	6	17
Summary Conviction (Local Ordinance)	17	26	30	51
Vehicle Registration Appeals	0	11	26	13
Election	7	9	7	2
Inspection Station License Appeals	6	3	26	15
Other	38	27	61	40
Total	1012	1071	1311	1078

Administrative Agency Appeals

	1992	2000	2001	2002
Unemployment Compensation Board of Review	506	378	322	454
Workers' Compensation Appeal Board	705	803	783	796
Board of Probation & Parole	87	277	233	297
Department of Public Welfare	89	142	187	136
Public Utility Commission	58	28	31	41
Civil Service Commission	26	36	19	22
Insurance Department	32	16	11	9
Environmental Hearing Board	36	11	8	7
Bureau of Professional and Occupational Affairs	5	19	19	25
Department of Transportation	5	13	13	12
Education Department	13	13	29	68
Labor Relations Board	10	14	10	8
State Employees' Retirement Board	5	8	4	6
Special Education Due Process Board	0	3	9	11
Department of Corrections	3	28	21	33
"Other"*	105	72	64	62
Total	1685	1861	1763	1987

*"Other" - When five or fewer petitions for review are filled 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

	1992	2000	2001	2002
Corporate Net Income Tax	108	147	141	114
Franchise Tax	77	166	174	91
Sales & Use Tax	87	132	224	270
Sales Tax	61	99	40	32
Use Tax	19	14	27	13
Capital Stock Tax	72	71	49	47
Personal Income Tax	15	17	36	13
Gross Premium Tax	2	10	15	9
Realty Transfer Tax	15	11	9	14
Motor Carrier Road Tax	16	2	8	8
Public Utility Realty Tax	0	0	79	45
Employee Withholding	9	0	0	6
Other*	46	61	52	7
Total	527	730	854	669

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

Original Jurisdiction

	1992	2000	2001	2002
Complaints				
Civil Action - Law	19	20	10	80
Civil Action - Equity	26	30	34	30
Petitions for Review				
Civil Action - Law	0	10	20	9
Declaratory Judgment	35	25	35	35
Mandamus	39	33	30	34
Equity	42	26	21	31
Inmate Petitions for Review	68	277	302	618
"Other"	11	7	15	6
Enforcement Proceedings	43	50	27	47
Election Petitions	59	48	17	37
Total	342	526	511	927

Miscellaneous

Assurance of Voluntary Compliance	63	48	103	44
Liquidation Petition (Ins. Dept.)	3	2	5	2
Other	30	25	20	17
Total	96	75	128	63

Dispositions

	1992	2000	2001	2002
<u>Appellate</u>				
Majority Opinion	1618	1611	1693	1697
Consolidated	151	175	178	167
Withdrawn	405	385	397	402
Dismissed	520	707	734	765
Remanded	134	77	60	67
Transferred	44	34	47	39
Stricken: Pa. R.A.P. 1701	26	34	21	29
Permission to Appeal Denied	12	16	19	19
Nunc Pro Tunc Denied	10	15	10	29
Summary Relief	0	3	13	5
Sub-Total	2920	3057	3172	3219
<u>Original</u>				
Majority Opinion	34	33	38	40
Consolidated	0	0	0	0
Duty Week Opinions/Orders	82	61	31	54
Election Opinion/Order	40	32	15	25
Withdrawn (election)	11	9	1	13
Withdrawn	84	66	70	66
Dismissed	79	252	259	473
Transferred	47	54	73	78
Consent Decrees	22	10	27	11
Sub-Total	399	517	514	760
<u>Board of Finance & Revenue</u>				
Majority Opinion	12	2	6	9
Consolidated	3	1	0	1
Withdrawn	68	88	120	128
Stipulation for Judgment	416	641	765	616
Dismissed	15	35	34	20
Sub-Total	514	767	925	774
Total Dispositions	3833	4341	4611	4753

Summary of Opinions

	1992	2000	2001	2002
Majority Opinion	1700	1677	1758	1768
Reported	639	397	428	479
Not Reported	1061	1280	1330	1289
Duty Week Opinions	148	55	45	57
Reported	1	1	1	1
Not Reported	147	54	44	56
Concurring Opinions	25	21	21	25
Dissenting Opinions	108	81	97	105
Concurring & Dissenting Opinions	15	10	8	16
Total Opinions Filed	1996	1844	1929	1971
Dissents	113	129	125	84
Concurred in Result Only	48	47	50	41
Types of Cases in which opinions were filed:				
Administrative Agency Appeals				
Unemployment Compensation Board of Review	184	165	144	168
Workers' Compensation Appeal Board	556	608	548	567
Board of Probation & Parole	37	129	113	120
Other Agencies	184	152	183	172
Total	961	1054	988	1027
Common Pleas Appeals				
Zoning/Land use	107	78	112	85
Drivers License Suspension	144	154	235	190
Tort/Immunity	15	37	50	41
Other Common Pleas Appeals	396	304	319	361
Total	662	573	716	677
Board of Finance & Revenue	15	3	6	13
Original Jurisdiction	62	47	48	51
Election Cases	30	16	12	14
Submitted on Briefs	964	1225	1290	1266
Argued before a panel	668	407	426	444
Argued before court en banc	68	45	42	58
Average time from argument or submission to decision (days)	94	98	102	97

ERRATA SHEET

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through <u>2002</u>	48,690	9208	10,762	68,660
Cases Disposed 1987 through <u>2002</u>	51,304	9156	12,240	72,700
Cases Pending Dec. 31, <u>2002</u>	1526	502	1363	3391
% Change	-63 %	12 %	-52 %	-54 %

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, <u>2002</u>	1635	335	1468	3438
Cases Filed <u>2002</u>	3110	927	669	4706
Cases Disposed <u>2002</u>	3219	760	774	4753
Cases Pending Dec. 31, <u>2002</u>	1526	502	1363	3391
% Change	-7 %	50 %	-7 %	-1 %

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

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

	1992	2000	2001	2002
Pittsburgh Region				
Allegheny	200	171	240	180
Armstrong	3	2	2	4
Beaver	15	20	19	22
Butler	17	19	20	12
Cambria	15	8	19	16
Clarion	1	3	0	1
Crawford	11	2	5	3
Erie	27	18	12	22
Fayette	4	22	11	9
Forest	0	1	1	0
Greene	0	7	13	9
Indiana	0	11	5	6
Jefferson	2	1	3	0
Lawrence	5	6	10	8
Mercer	7	4	7	4
Venango	1	1	3	1
Warren	3	3	4	4
Washington	21	25	21	24
Westmoreland	27	29	32	20
Total	359	353	427	345
Philadelphia Region				
Bucks	43	43	75	48
Chester	32	43	51	51
Delaware	62	81	79	67
Montgomery	65	64	62	49
Philadelphia	160	133	215	109
Total	341	364	482	324

	1992	2000	2001	2002
Harrisburg Region				
Adams	0	3	2	4
Bedford	1	1	3	2
Berks	14	22	25	33
Blair	14	11	7	11
Bradford	5	8	8	0
Cameron	3	0	1	2
Carbon	1	6	16	4
Centre	12	13	14	14
Clearfield	9	2	12	4
Clinton	3	2	9	2
Columbia	7	1	11	4
Cumberland	8	17	17	27
Dauphin	22	30	20	18
Elk	2	7	3	1
Franklin	4	8	3	3
Fulton	0	2	0	0
Huntingdon	6	5	7	10
Juniata	0	1	1	1
Lackawanna	20	21	21	18
Lancaster	23	25	15	21
Lebanon	4	1	4	3
Lehigh	27	27	31	37
Luzerne	17	14	36	31
Lycoming	9	8	6	12
McKean	2	3	9	5
Mifflin	2	2	1	5
Monroe	18	14	19	24
Montour	0	1	0	0
Northampton	28	33	24	26
Northumberland	1	3	5	8
Perry	5	2	1	7
Pike	3	6	19	2
Potter	2	0	0	0
Schuylkill	11	13	13	20
Snyder	0	1	0	4
Somerset	2	4	6	3
Sullivan	0	0	2	1
Susquehanna	4	3	6	7
Tioga	1	7	0	4
Union	2	0	0	0
Wayne	4	6	2	11
Wyoming	1	4	3	1
York	25	17	20	19
Total	322	354	402	409

Argument Court

	1992	2000	2001	2002
Days of Argument Court	43	29	29	28
Number of Cases Submitted on Brief	1059	1346	1293	1248
Argued before Court En Banc	56	52	47	46
Argued before a Panel	652	453	427	391
Cases Consolidated	103	106	109	131
Cases Continued	65	52	63	42

APPELLATE CASES*
TIME TO DISPOSITION
2002

Cases Disposed (minus consolidations)	3052
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1355
Ave. time to disposition	191 days
Cases Disposed on Merits	1697
% of cases disposed on merits	56 %
Argued orally	513
Submitted on briefs	1184
Cases Disposed under 365 days	2778 (91%)
Cases Disposed under 290 days	2525 (83%)

Cases Decided on Merits

Cases Reviewed	1697
Ave. filing to record	42 days
Ave. filing to Appellant brief	97 days
Ave. filing to Appellee brief	135 days
Ave. filing to argument/submission	175 days
Ave. filing to decision	272 days
Record to Appellant brief	55 days
Appellant brief to Appellee brief	38 days
Briefs to argument/submission	40 days
Assignment to decision	97 days

*Does not include consolidated cases.

Argued Cases

Cases reviewed	513
Ave. filing to record	57 days
Ave. filing to Appellant brief	110 days
Ave. filing to Appellee brief	146 days
Ave. filing to argument	237 days
Ave. filing to decision	332 days
Record to Appellant brief	53 days
Appellant brief to Appellee brief	36 days
Briefs to argument	91 days
Assignment to decision	95 days

Submitted Cases

Cases reviewed	1184
Ave. filing to record	36 days
Ave. filing to Appellant brief	91 days
Ave. filing to Appellee brief	131 days
Ave. filing to submission	148 days
Ave. filing to decision	245 days
Record to Appellant brief	55 days
Appellant brief to Appellee brief	40 days
Briefs to submission	17 days
Assignment to decision	97 days