

COMMONWEALTH COURT OF PENNSYLVANIA

2007

STATISTICAL REPORT



President Judge

HON. BONNIE BRIGANCE LEADBETTER

Judges

HON. JAMES GARDNER COLINS  
HON. BERNARD L. McGINLEY  
HON. DORIS A. SMITH-RIBNER  
HON. DANTE R. PELLEGRINI  
HON. ROCHELLE S. FRIEDMAN  
HON. RENÉE L. COHN JUBELIRER  
HON. ROBERT E. SIMPSON, JR.  
HON. MARY HANNAH LEAVITT

HON. JAMES R. KELLEY, Senior Judge  
HON. JIM FLAHERTY, Senior Judge  
HON. JOSEPH F. McCLOSKEY, Senior Judge

By: Michael F. Krimmel, Chief Clerk  
Michelle S. Proper, Deputy Chief Clerk

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

## TABLE OF CONTENTS

	PAGE
Summary	1
Cases Filed	3
Appeals filed from Courts of Common Pleas	6
Administrative Agency Appeals	8
Appeals from Board of Finance & Revenue	10
Original Jurisdiction & Miscellaneous	11
Dispositions	13
Summary of Opinions	15
Inventory	16
Common Pleas Appeals filed by Region	
Pittsburgh	18
Philadelphia	18
Harrisburg	19
Argument Court Statistics	20
Appellate Case Time to Disposition Report	21
Mediation Program Statistics	23

# Commonwealth Court of Pennsylvania

2007

## STATISTICAL REPORT

### SUMMARY

The Commonwealth Court of Pennsylvania is a statewide appellate court, created by an amendment to the Pennsylvania Constitution in 1968, and established in 1970. 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 a wide variety of matters including workers' and unemployment compensation, environmental issues, welfare claims, and public utility rate disputes. In addition, the Court has extensive original jurisdiction, acting as a trial court in certain types of cases where the Commonwealth is a party.

In 2007, a total of 3,922 new cases were filed in Commonwealth Court, a slight increase over new cases filed in 2006.

In the Court's appellate jurisdiction, workers' compensation and unemployment compensation cases continued to lead agency appeals. Of the 1,494 agency appeals filed in 2007, there were 529 workers' compensation and 474 unemployment compensation appeals, representing 67% of agency appeals. Appeals from the courts of common pleas decreased slightly in 2007.

Of the 587 new original jurisdiction cases filed, 429 were filed by prison inmates. This represents a 22% increase over the number of inmate cases filed in 2006, with inmate cases representing 73% of the total original jurisdiction cases filed in 2007.

The Court continued its high level of productivity in 2007, disposing of 3,835 cases, 1,254 of which were decided by majority opinion. The Court averaged 67 days from assignment of a case to final disposition. This is significantly better than the American Bar Association's 90 day standard for time from assignment to disposition. In addition, the Court handled 6,470 ancillary motions, applications, and petitions in 2007.

The Court's mediation program continued to be successful in 2007. A total of 179 cases were mediated, and 85 cases were settled, eliminating the need for further litigation.

Finally, this high level of productivity has again resulted in a low inventory of open cases pending at year's end, with 1,184 appeals pending at the end of 2007. By way of historical comparison, there were 2,790 pending appeals in 1997, and 3,439 in 1988.

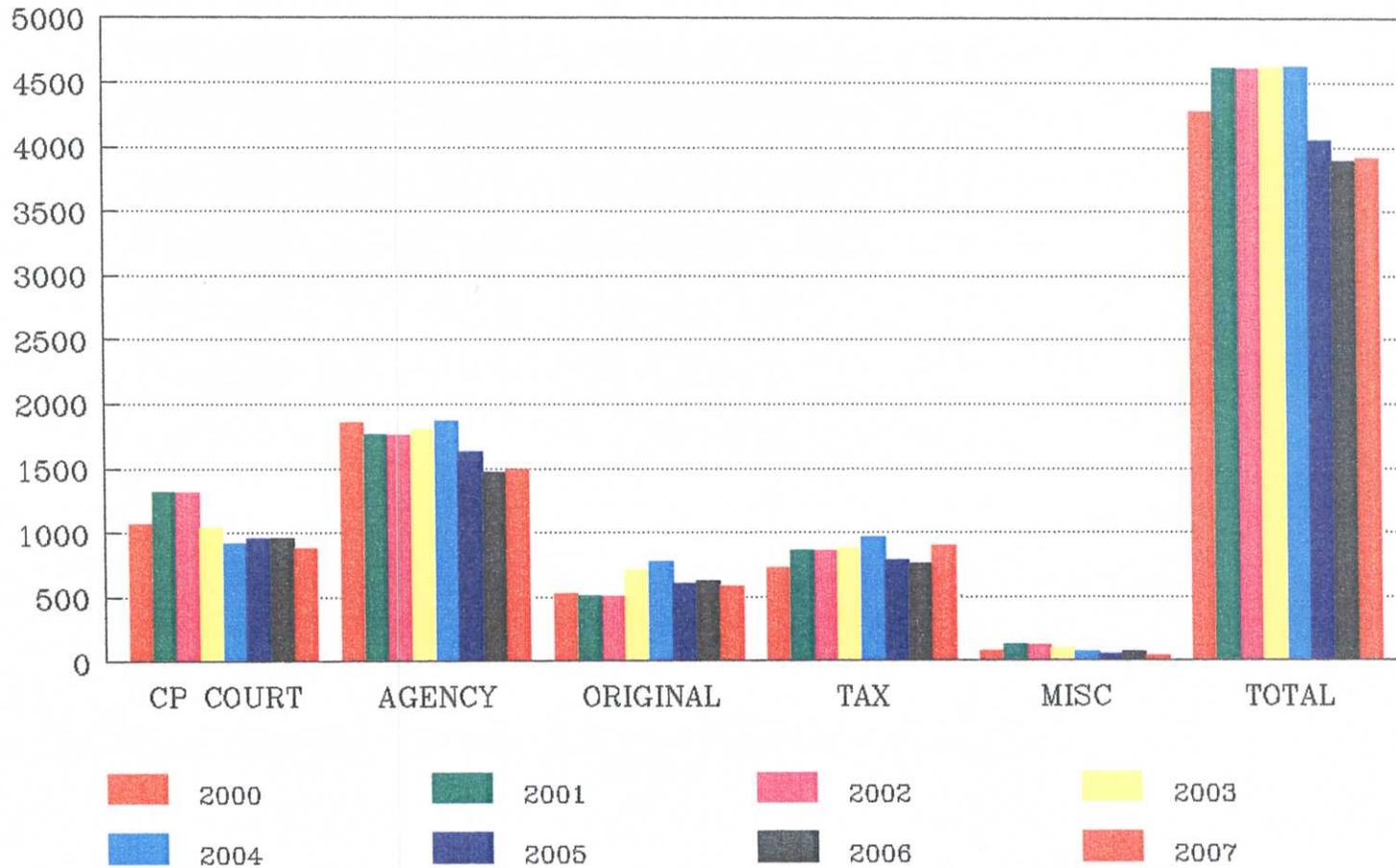
Michael F. Krimmel  
Chief Clerk  
Commonwealth Court of Pennsylvania

### Cases Filed

	2005	2006	2007
Appeals from Courts of Common Pleas	955	954	876
Appeals from Administrative Agencies	1628	1472	1494
Discretionary Appeals	36	29	24
Original Jurisdiction	599	618	587
Appeals from Board of Finance & Revenue	786	751	896
Original & Appellate (Combined)	4	7	7
Miscellaneous	48	65	38
<b>Total Actions Filed</b>	<b>4056</b>	<b>3896</b>	<b>3922</b>
Motions Filed	6426	6271	6470

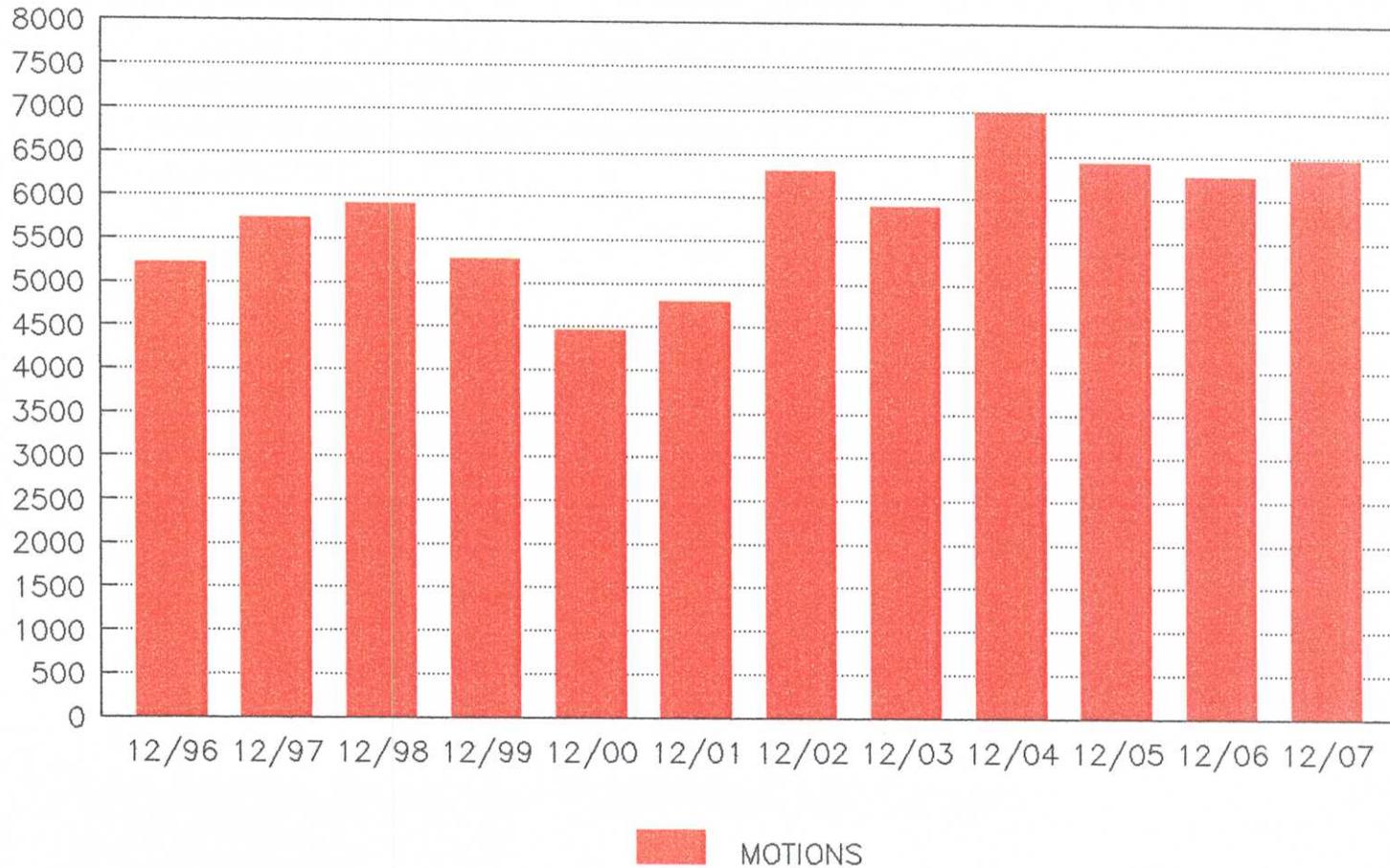
# COMMONWEALTH COURT

## NEW CASES FILED



2000-2007

# COMMONWEALTH COURT MOTIONS PRACTICE

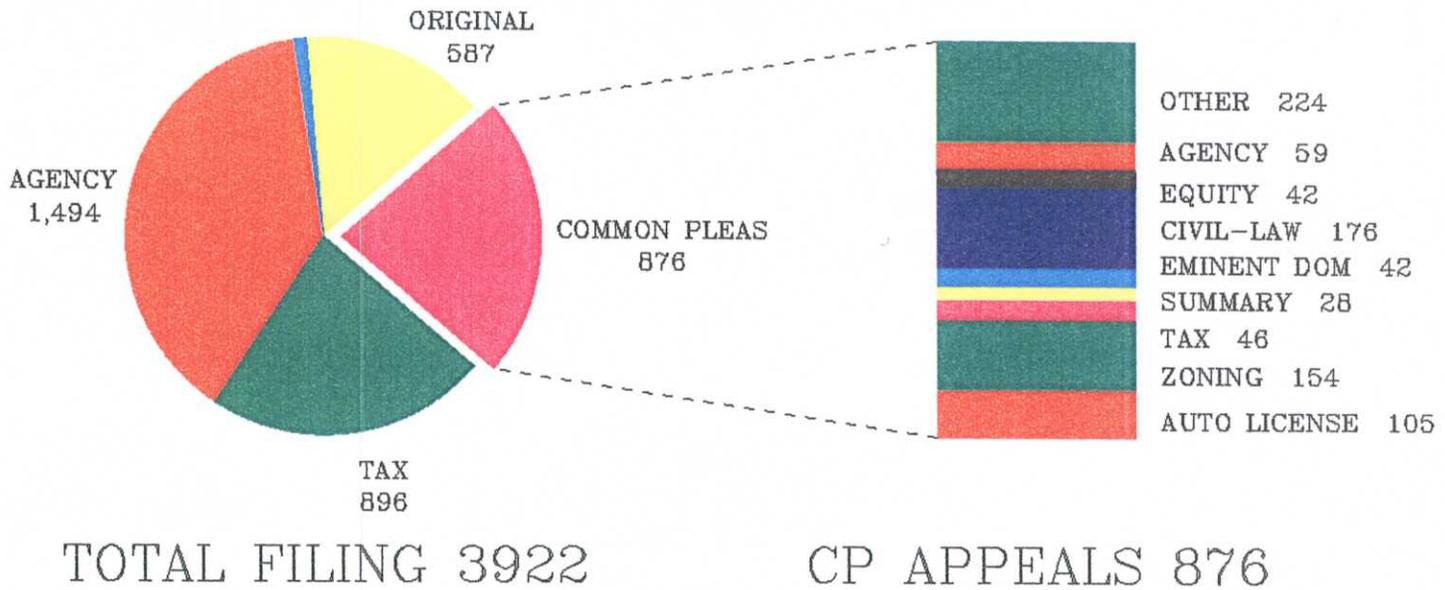


1996 - 2007

## Types of Appeals from Courts of Common Pleas

	2005	2006	2007
Motor Vehicle License Suspension	136	148	105
Zoning/Subdivision	152	177	154
Local Tax Appeals	82	59	46
Liquor Control Board	8	29	8
Eminent Domain	35	30	42
Civil Action Law	162	163	176
Civil Action Equity	50	56	42
Local Agency Law	91	82	59
Declaratory Judgment	20	21	18
Forfeiture Actions	15	11	15
Mandamus	17	22	6
Summary Conviction (Local Ordinance)	39	29	28
Right To Know	6	12	8
Election	42	10	67
Other	100	105	102
<b>Total</b>	<b>955</b>	<b>954</b>	<b>876</b>

# COMMONWEALTH COURT FILINGS – 2007



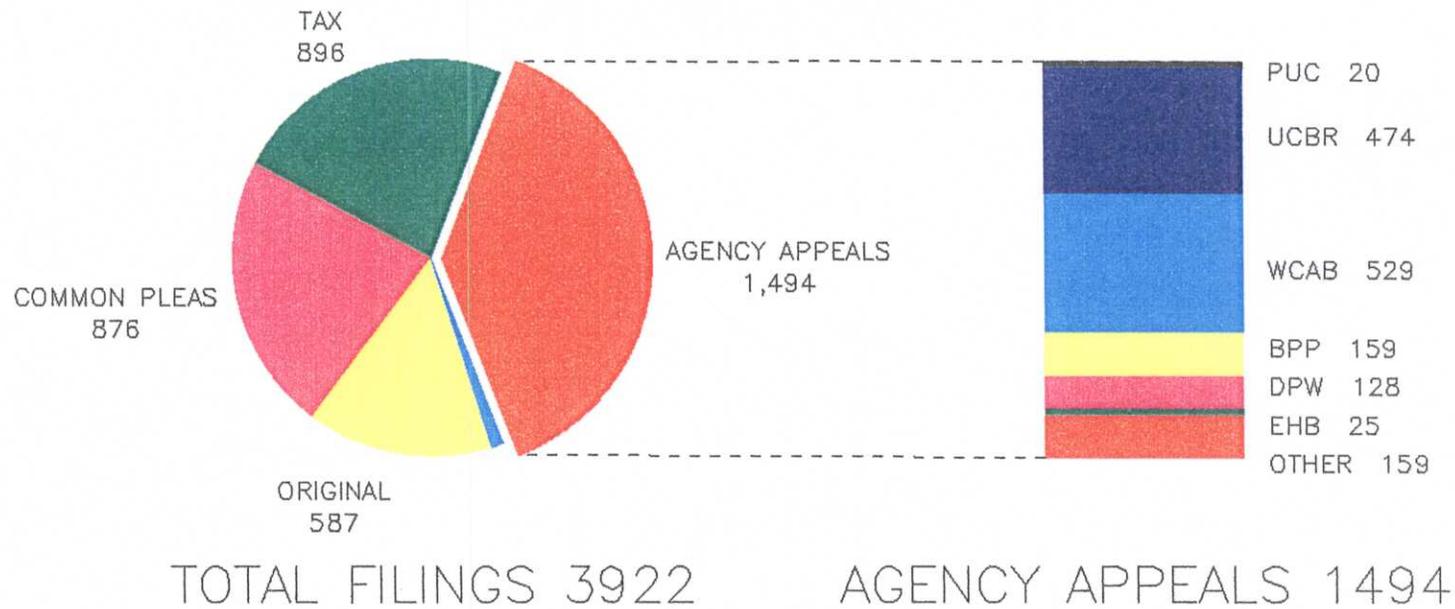
COMMON PLEAS BREAKOUT

### Administrative Agency Appeals

	2005	2006	2007
Unemployment Compensation Board of Review	511	420	474
Workers' Compensation Appeal Board	582	524	529
Board of Probation & Parole	170	183	159
Department of Public Welfare	151	148	128
Public Utility Commission	26	36	20
Civil Service Commission	24	21	31
Environmental Hearing Board	9	9	25
Bureau of Professional and Occupational Affairs	28	26	21
Education Department	8	5	6
Board of Claims	6	5	3
Insurance Department	11	5	8
Labor and Industry	8	5	2
Arbitration	3	8	5
Special Education Due Process Board	9	7	6
Department of State	0	7	7
Department of Corrections	6	15	24
Department of Transportation	5	6	3
"Other"*	71	42	43
<b>Total</b>	<b>1628</b>	<b>1472</b>	<b>1494</b>

\*"Other" - When four 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 — 2007



AGENCY BREAKOUT

## Appeals from the Board of Finance & Revenue

	2005	2006	2007
Corporate Net Income Tax	128	85	150
Franchise Tax	202	183	217
Sales & Use Tax	274	280	324
Sales Tax	21	23	33
Use Tax	10	7	12
Capital Stock Tax	49	46	49
Personal Income Tax	28	40	17
Realty Transfer Tax	12	11	13
Motor Carrier Road Tax	8	9	10
Public Utility Realty Tax (PURTA)	26	27	15
Bank Shares	10	12	0
Other*	18	28	56
<b>Total</b>	<b>786</b>	<b>751</b>	<b>896</b>

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

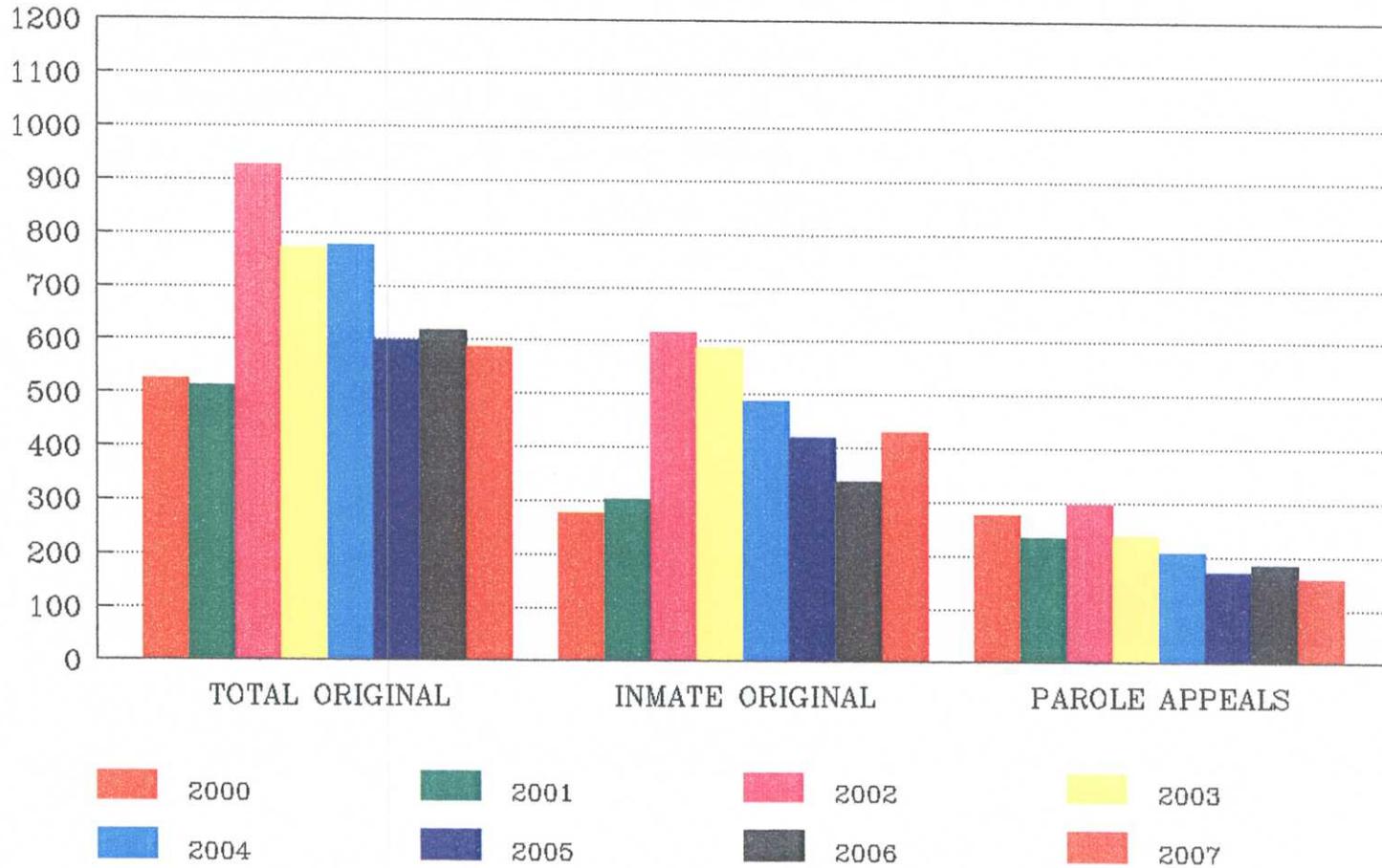
## Original Jurisdiction

	2005	2006	2007
Complaints			
Civil Action - Law	11	9	9
Civil Action - Equity	19	23	15
Petitions for Review			
Civil Action - Law	28	7	14
Declaratory Judgment	23	50	20
Mandamus	18	18	10
Equity	21	7	12
Inmate Petitions for Review	419	336	429
"Other"	2	1	5
Enforcement Proceedings	45	50	62
Election Petitions	13	117	11
<b>Total</b>	<b>599</b>	<b>618</b>	<b>587</b>

## Miscellaneous

Assurance of Voluntary Compliance	24	16	14
Liquidation Petition (Ins. Dept.)	0	0	0
Other	24	49	24
<b>Total</b>	<b>48</b>	<b>65</b>	<b>38</b>

# Commonwealth Court PRISONER LITIGATION

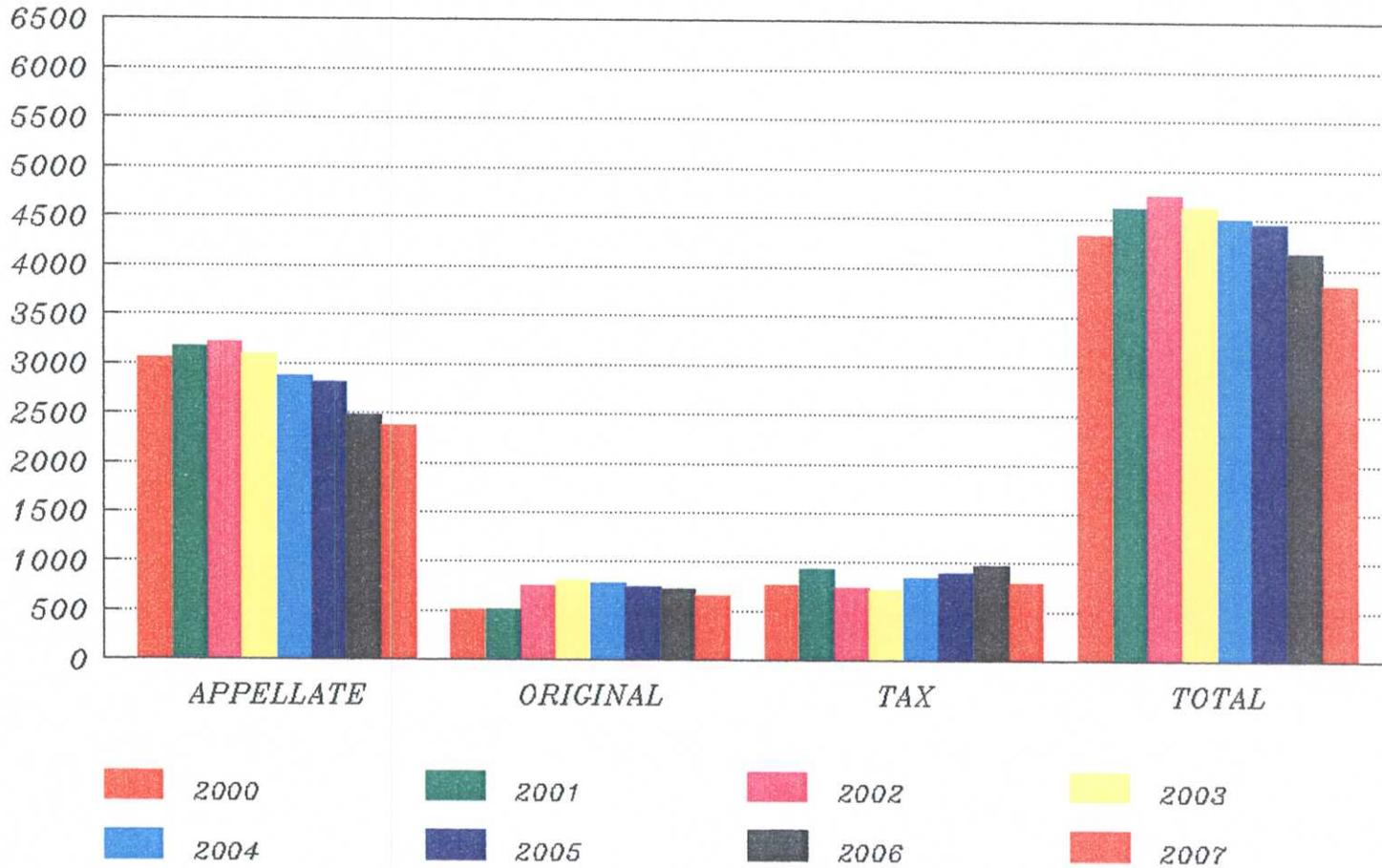


NEW FILINGS

## Dispositions

	2005	2006	2007
<b><u>Appellate</u></b>			
Majority Opinion	1474	1223	1206
Consolidated	154	87	99
Withdrawn	331	333	288
Dismissed	598	623	575
Remanded	90	92	107
Transferred	52	47	41
Stricken: Pa. R.A.P. 1701	40	34	37
Permission to Appeal Denied	29	17	12
Nunc Pro Tunc Denied	35	10	9
Summary Relief	1	6	0
<b>Sub-Total</b>	<b>2804</b>	<b>2472</b>	<b>2374</b>
<b><u>Original</u></b>			
Majority Opinion	59	32	43
Consolidated	5	0	1
Duty Week Opinions/Orders	41	71	51
Election Opinion/Order	13	81	62
Withdrawn (election)	0	23	1
Withdrawn	138	93	94
Dismissed	413	350	300
Transferred	66	61	100
Consent Decrees	11	13	11
<b>Sub-Total</b>	<b>746</b>	<b>724</b>	<b>663</b>
<b><u>Board of Finance &amp; Revenue</u></b>			
Majority Opinion	9	10	5
Consolidated	2	7	0
Withdrawn	158	101	138
Stipulation for Judgment	698	815	621
Dismissed	33	34	34
<b>Sub-Total</b>	<b>900</b>	<b>967</b>	<b>798</b>
<b>Total Dispositions</b>	<b>4450</b>	<b>4163</b>	<b>3835</b>

# COMMONWEALTH COURT DISPOSITIONS



2000-2007

## Summary of Opinions

	2005	2006	2007
Majority Opinion	1571	1285	1271
Reported	404	337	394
Not Reported	1158	948	877
Duty Week Opinions	67	104	86
Reported	0	16	5
Not Reported	67	79	81
Concurring Opinions	11	20	10
Dissenting Opinions	95	97	96
Concurring & Dissenting Opinions	12	16	9
<b>Total Opinions Filed</b>	<b>1756</b>	<b>1522</b>	<b>1472</b>
Dissents	75	71	86
Concurred in Result Only	39	41	32
Types of Cases in which opinions were filed:			
Administrative Agency Appeals			
Unemployment Compensation Board of Review	234	186	160
Workers' Compensation Appeal Board	418	352	326
Board of Probation & Parole	125	88	89
Other Agencies	147	155	147
<b>Total</b>	<b>924</b>	<b>781</b>	<b>722</b>
Common Pleas Appeals			
Zoning/Land use	89	85	114
Drivers License Suspension	117	58	69
Tort/Immunity	27	28	13
Other Common Pleas Appeals	320	276	285
<b>Total</b>	<b>553</b>	<b>447</b>	<b>481</b>
Board of Finance & Revenue	10	11	5
Original Jurisdiction	84	46	57
Election Cases	0	44	62
Submitted on Briefs	1173	888	869
Argued before a panel	356	357	356
Argued before court en banc	42	40	46
Average time from argument or submission to decision (days)	57	67	66

**Inventory\***

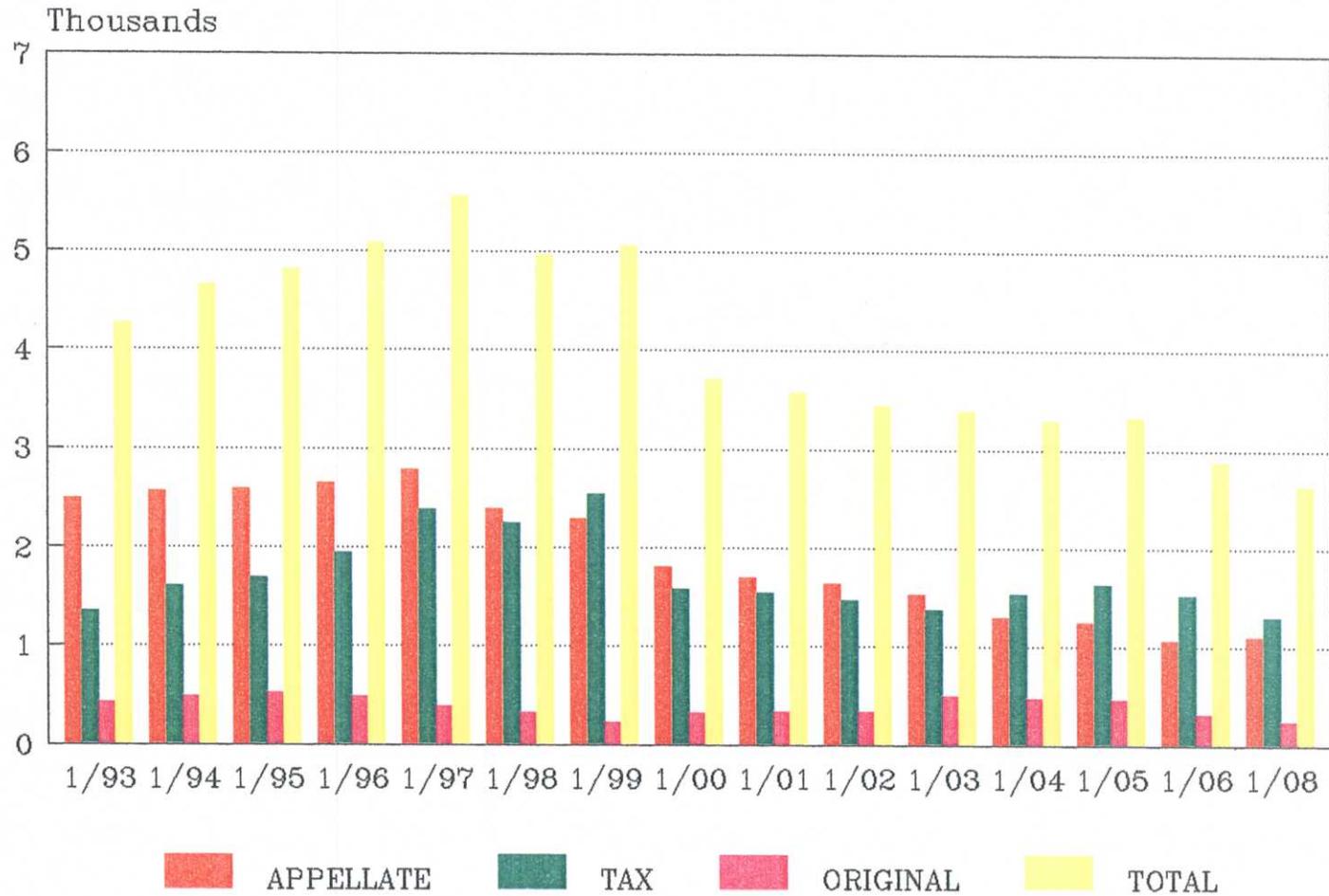
	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2007	61,761	12,546	14,909	89,216
Cases Disposed 1987 through 2007	64,711	12,835	16,391	93,937
Cases Pending Dec. 31, 2007	1184	161	1357	2702
% Change	-74%	-64%	-52%	-64%

**Inventory\***

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2007	1107	241	1294	2642
Cases Filed 2007	2227	538	776	3541
Cases Disposed 2007	2150	618	713	3481
Cases Pending Dec. 31, 2007	1184	161	1357	2702
% Change	7%	-33%	5%	2%

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

# COMMONWEALTH COURT CASE INVENTORY



1993 - 2007

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

	2005	2006	2007
<b>Pittsburgh Region</b>			
Allegheny	144	100	113
Armstrong	1	2	2
Beaver	10	8	2
Butler	12	13	6
Cambria	6	8	8
Clarion	1	1	1
Crawford	6	0	3
Erie	15	18	9
Fayette	8	14	19
Forest	1	1	4
Greene	5	8	7
Indiana	3	0	4
Jefferson	2	4	0
Lawrence	14	5	8
Mercer	6	7	10
Venango	2	3	3
Warren	2	3	1
Washington	19	24	17
Westmoreland	27	16	14
<b>Total</b>	<b>284</b>	<b>235</b>	<b>231</b>
<b>Philadelphia Region</b>			
Bucks	52	32	30
Chester	47	37	41
Delaware	44	47	54
Montgomery	52	57	32
Philadelphia	130	175	119
<b>Total</b>	<b>325</b>	<b>348</b>	<b>276</b>

**NOTE: Includes discretionary appeals.**

	2005	2006	2007
<b>Harrisburg Region</b>			
Adams	0	8	11
Bedford	3	3	9
Berks	42	33	29
Blair	11	4	2
Bradford	1	1	1
Cameron	0	0	0
Carbon	8	7	11
Centre	7	4	2
Clearfield	1	2	9
Clinton	1	5	1
Columbia	3	3	2
Cumberland	14	9	11
Dauphin	22	31	20
Elk	3	3	2
Franklin	4	8	3
Fulton	0	0	0
Huntingdon	5	6	13
Juniata	0	0	0
Lackawanna	24	17	34
Lancaster	16	13	12
Lebanon	10	7	6
Lehigh	27	18	23
Luzerne	26	27	28
Lycoming	9	10	8
McKean	2	0	0
Mifflin	4	1	1
Monroe	24	18	16
Montour	0	0	0
Northampton	14	24	18
Northumberland	3	3	1
Perry	1	1	1
Pike	3	7	3
Potter	1	3	0
Schuylkill	21	16	20
Snyder	1	2	0
Somerset	10	6	9
Sullivan	2	1	1
Susquehanna	4	5	4
Tioga	1	0	2
Union	1	4	2
Wayne	6	12	10
Wyoming	3	2	2
York	23	24	30
<b>Total</b>	<b>361</b>	<b>348</b>	<b>357</b>

## Argument Court

	2005	2006	2007
Days of Argument Court	33	34	41
Number of Cases Submitted on Brief	1172	915	918
Argued before Court En Banc	48	59	65
Argued before a Panel	380	325	369
Cases Consolidated	77	123	64
Cases Continued	41	69	43

**APPELLATE CASES\***  
**TIME TO DISPOSITION**  
**2007**

Cases Disposed (minus consolidations)	2266
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1060
Ave. time to disposition	172 days
 Cases Disposed on Merits	 1206
% of cases disposed on merits	53 %
Argued orally	410
Submitted on briefs	796
 Cases Disposed under 365 days	 2152 (95%)
Cases Disposed under 290 days	1944 (86%)

**Cases Decided on Merits**

Cases Reviewed	1206
Ave. filing to record	35 days
Ave. filing to Appellant brief	92 days
Ave. filing to Appellee brief	127 days
Ave. filing to argument/submission	178 days
Ave. filing to decision	245 days
 Record to Appellant brief	 57 days
Appellant brief to Appellee brief	35 days
Briefs to argument/submission	51 days
Assignment to decision	67 days

\*Does not include consolidated cases.

### Argued Cases

Cases reviewed	410
Ave. filing to record	44 days
Ave. filing to Appellant brief	100 days
Ave. filing to Appellee brief	135 days
Ave. filing to argument	230 days
Ave. filing to decision	299 days
Record to Appellant brief	55 days
Appellant brief to Appellee brief	35 days
Briefs to argument	95 days
Assignment to decision	68 days

### Submitted Cases

Cases reviewed	796
Ave. filing to record	30 days
Ave. filing to Appellant brief	88 days
Ave. filing to Appellee brief	123 days
Ave. filing to submission	151 days
Ave. filing to decision	218 days
Record to Appellant brief	58 days
Appellant brief to Appellee brief	36 days
Briefs to submission	28 days
Assignment to decision	66 days

**COMMONWEALTH COURT MEDIATION PROGRAM  
2007 STATISTICAL REPORT**

	<u>Mediated</u>	<u>Resolved</u>
Arbitration Appeals	2	1
DCNR/DEP	2	2
DPW	9	6
Eminent Domain	3	2
Local Agency Appeals	6	2
Local Tax Assessment	2	1
PBPP	10	2
PHRC	2	1
State Licensure Boards	4	2
State/Local Government Tort Claims	7	1
Tax Sale	3	1
Workers Compensation	115	55
Zoning	8	5
Miscellaneous	6	4
	—	—
<b>TOTAL</b>	179	85