

**Report of the  
Administrative Office of  
Pennsylvania Supreme Court  
1996**

**Supreme Court of Pennsylvania**

*Chief Justice John P. Flaherty  
Justice Stephen A. Zappala  
Justice Ralph J. Cappy  
Justice Ronald D. Castille  
Justice Russell M. Nigro  
Justice Sandra Schultz Newman*

*'96 in Brief  
(listed chronologically)*

*Superior Court president  
judge James Rowley retires*

*North Carolina  
Administrative Office of  
the Courts visits AOPC to  
learn about Judicial  
Computer Project*

*Superior Court judge  
Donald E. Wieand dies*

*Superior Court is lauded  
by National Center for  
State Courts for its expe-  
ditious efforts in deciding  
cases despite a heavy  
caseload*

*Ecuadorean jurists visit  
Philadelphia Family Court  
to learn American judi-  
ary's attitudes on family  
courts, family violence,  
court administration and  
juvenile justice*

*Former Commonwealth Court judge Genevieve Blatt dies. Judge Blatt was the first woman elected to statewide office in Pennsylvania and the first woman to serve on the Commonwealth Court*

*Montgomery County senior judge Horace A. Davenport receives the 1996 Golden Crowbar award for initiating the county's settlement conference program*

*The Supreme Court of Pennsylvania appoints former Supreme Court justice and current Superior Court senior judge Frank J. Montemuro as head of commission to study statewide funding of a unified judiciary*

*Chief Justice Robert N.C. Nix, Jr., retires. Chief Justice Nix joined the Supreme Court in 1972 after serving as a Common Pleas Court judge. He became Chief Justice in 1984*

*Chinese jurists touring the United States to learn about America's jury system visit Delaware County Courthouse*

*Members of the international group The Independent Jury spend a week touring Philadelphia Courts as guests of the U.S. Government*

Nancy M. Sobolevitch  
Court Administrator of Pennsylvania

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To: The Honorable Chief Justice of Pennsylvania and Honorable Justices of the Supreme Court of Pennsylvania and to the Citizens of the Commonwealth

I am pleased to present to you this Report of the Administrative Office of Pennsylvania Courts for the calendar year 1996. I hope we have achieved, in this brief overview of the work of the Administrative Office and the boards and committees of the Supreme Court, our goal of providing you with a clear, concise general reference document.

## **A Year of Change for Supreme Court**

The composition of the Supreme Court changed this year with the resignation of Chief Justice Robert N. C. Nix, Jr. and the addition of two new members to the Court, including the first elected female Justice. Chief Justice Nix ended almost a quarter century of distinguished service on the nation's oldest appellate court when he retired July 31. Chief Justice Nix was the first African-American to head any state's highest court. He graduated first in his class from Villanova University and received his law degree from the University of Pennsylvania. He served as a deputy state attorney general before joining his father, Congressman Robert N. C. Nix, Sr., in the law firm of Nix, Rhodes and Nix. In 1968 Chief Justice Nix became a Common Pleas Court judge in Philadelphia, ascending to the state Supreme Court in 1972 and becoming Chief Justice in 1984.

With the resignation of Chief Justice Nix, the Honorable John P. Flaherty, Jr., became Chief Justice of Pennsylvania. Chief Justice Flaherty was graduated from Duquesne University and the University of Pittsburgh School of Law. He was a professor at Carnegie Mellon University and also engaged in the private practice

# **Preface from the Court Administrator**

**Preface**  
**from the**  
**Court**  
**Administrator,**  
**continued**

of law from 1958 to 1973. He was elected to the Court of Common Pleas in 1973, became administrative judge of the Civil Division of the Allegheny County Court of Common Pleas in 1978, and has served as a Justice on the Supreme Court since 1979.

Philadelphia Common Pleas Court Judge Russell M. Nigro and Commonwealth Court Judge Sandra Schultz Newman, who were elected to the Supreme Court in 1995, were sworn in as Justices this year as well.

## **Supreme Court Rules in State Funding Issue**

The Supreme Court handed down an opinion in the litigation involving state funding of a Unified Judicial System. Ruling in *Pennsylvania State Association of County Commissioners et al. v. Commonwealth of Pennsylvania*, the Court directed implementation of the Supreme Court's decision in the 1987 suit, *County of Allegheny v. Commonwealth of Pennsylvania*. Essentially, *County of Allegheny* ordered state funding of the courts in Pennsylvania based on the state constitution's establishment of a Unified Judicial System in *substance* versus that merely of *form*.

Following its 1987 decision, the Supreme Court delayed ordering the transition to state funding so that the Legislature might formulate a plan and enact funding legislation to accommodate the change. The 1996 ruling of the Court in *Pennsylvania State Association of County Commissioners* effectively lifted that stay by appointing Senior Judge (former Justice) Frank J. Montemuro, Jr., as the Special Master to prepare recommendations to the Court as to the implementation of a Unified Judicial System and by establishing several due dates for implementation of the original order. Justice Montemuro pledged, in accepting the appointment as Master, to get as much input as possible in preparing his report. In seeking input, the Master met with members of the Executive and Legislative Branches, held a series of regional meetings with president judges and county officials, and met with a variety of other influential parties from the public and private sectors.

## **Pennsylvania Remains Automation Leader**

The AOPC's automation efforts did not go unnoticed by other states. The North Carolina Administrative Office of Courts toured the AOPC's computer facility at Mechanicsburg in February to discuss Pennsylvania's experiences in automating the state's district justice offices.

In the closing hours before adjourning for the summer, the Legislature increased to \$100 million the lifetime "cap" on deposits

into the Judicial Computer Project Augmentation Fund. The \$10 million annual cap on deposits into the fund was not changed. The action on the annual cap followed unsuccessful efforts to have the Legislature remove both the annual and lifetime caps on deposits into the fund. Although the increase postponed the inevitable -- the day when the “cap” would be reached -- it did not provide the solid financial foundation needed for the AOPC to expand automation to the Common Pleas level.

### **In Memoriam: Judges Wieand and Blatt**

The Judiciary this year lost a renowned pioneer when retired Commonwealth Court Judge Genevieve Blatt died on July 4. Blatt was the first woman to serve on the Commonwealth Court when she was appointed by then Governor Milton J. Shapp to fill an unexpired term in 1972. She became the first woman elected to statewide office in Pennsylvania when elected to Commonwealth Court in 1973. After her mandatory retirement in 1983, she continued to serve as a senior judge until her retirement in 1993.

The Judiciary also lost a sitting member of the appellate courts when Superior Court Judge Donald E. Wieand died April 11. Judge Wieand was elected to Common Pleas Court in 1963 and won a retention election in 1973. He was appointed to Superior Court in 1978, reappointed in 1980, elected in 1981, and won a retention election in 1991.

### **Honors in Pennsylvania Judiciary**

The Pennsylvania Superior Court was cited by the National Center for State Courts (NCSC) for the expeditious handling of cases, despite a “tidal wave of work.” Roger A. Hanson of the NCSC’s Research Division wrote in a letter to Pennsylvania Superior Court President Judge Stephen J. McEwen, Jr., “Comparing your court with 27 randomly selected courts (e.g., New York, Texas, Colorado) from across the country, yours is one of the most expeditious courts, despite the large number of case filings per judge. In my opinion, every intermediate appellate court in the country will want to know how you have managed to achieve timeliness with one of the nation’s heaviest caseloads.”

I had the honor of being selected by my peers as president-elect of the Conference of State Court Administrators during the organization’s annual meeting in Nashville, Tennessee. Election to the office is a prelude to my being named president of the conference. As president-elect, I also serve on the Board of Directors of the National Center for State Courts.

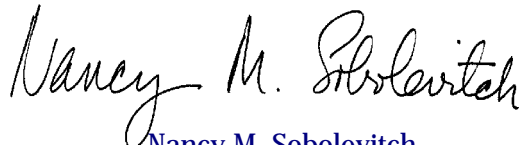
**Preface**  
**from the**  
**Court**  
**Administrator,**  
**continued**

**Preface  
from the  
Court  
Administrator,  
continued**

Thomas B. Darr was named Deputy Court Administrator of Pennsylvania in May 1996. Darr, who joined the AOPC in 1988 as the Administrative Office's principal contact person with the media and the Pennsylvania General Assembly and subsequently assumed direct supervision of the financial, human resources, and administrative functions of the Administrative Office of Pennsylvania Courts, now also assists me in a broad range of other tasks.

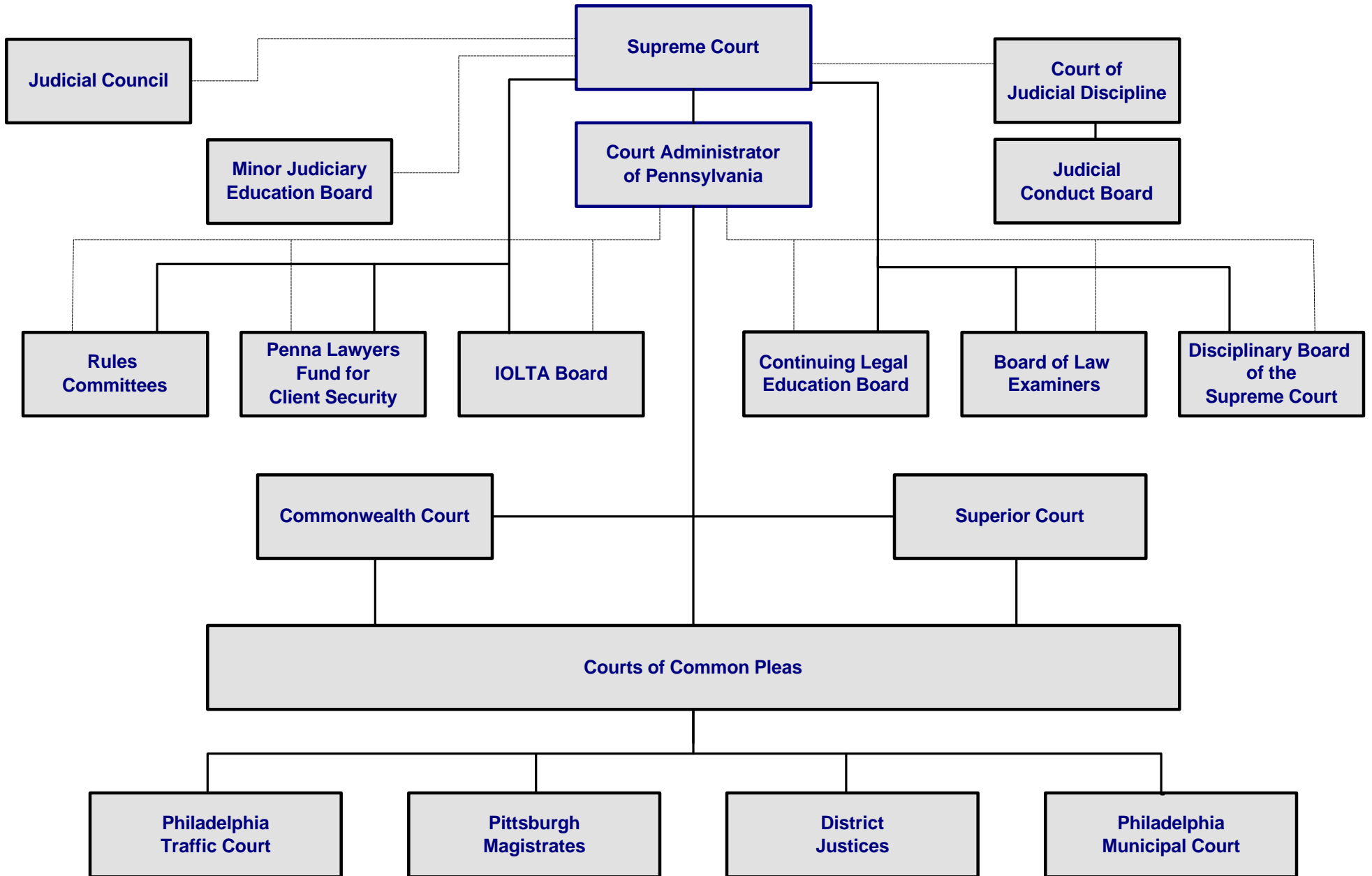
When we review this summary of events, we truly can say the past is a prelude to the future, for the Judicial Branch of government will face many challenges during the forthcoming years. Two of our greatest challenges are expansion of the automated system to the Common Pleas level -- an absolute necessity for effective operation of a complex court system in a diverse state such as ours is -- and both anticipation of and preparation for the changes which are sure to come with the expected shift to statewide funding. As always, our staff is committed to working with others at the state and local level to ensure that those challenges are successfully met.

Sincerely,



Nancy M. Sobolevitch  
Court Administrator of Pennsylvania

# Pennsylvania's Unified Judicial System





**P**ennsylvania's judiciary began as a disparate collection of courts, some inherited from the reign of the Duke of York and some established by William Penn. They were mostly local, mostly part time, and mostly under control of the governor. All of them were run by non-lawyers. And although the Provincial Appellate Court was established in 1684, no court could be called the court of final appeal. Final appeals had to be taken to England.

Several attempts were made in the early years of the eighteenth century to establish a court of final appeal in Pennsylvania and to further improve and unify the colony's judicial system, but because the crown had final veto power over all colonial legislation, these attempts proved futile. Finally, in 1727 the crown sanctioned a bill that had been passed five years earlier.

The Judiciary Act of 1722 was the colony's first judicial bill with far-reaching impact. It established the Pennsylvania Supreme Court, providing for a chief justice and two justices who would sit twice yearly in Philadelphia and ride the circuit at other times; and it created the Court of Common Pleas in Philadelphia, Bucks and Chester Counties.

The court system in Pennsylvania was not changed again until the Pennsylvania Constitution of 1776. By establishing the Courts of Sessions, Courts of Common Pleas and Orphans' Courts in each county, the constitution allowed Pennsylvania to see the beginning of a statewide framework for the development of its judicial system.

A new constitution in 1790 encouraged further development in the Commonwealth's judicial system by grouping counties into judicial districts and placing president judges at the heads of the districts' Common Pleas Courts. This was meant to ease the Supreme Court's rapidly increasing workload. Constitutional

## A Brief History of the Courts of Pennsylvania



## Evolution of Pennsylvania's Judicial System

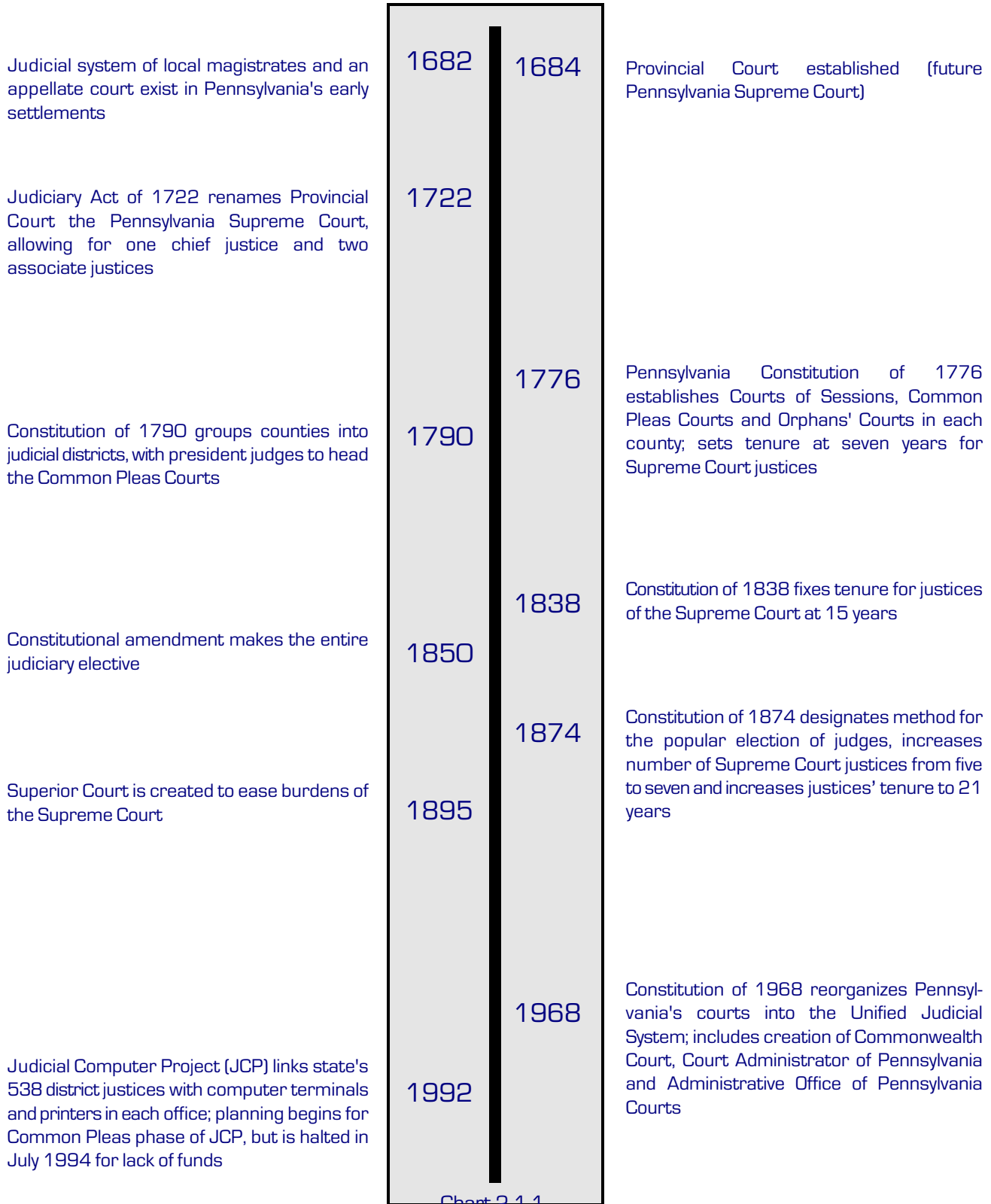



Chart 2.1.1

changes in 1838 and 1874 and a constitutional amendment in 1850 effected changes in the jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895 the General Assembly created the Superior Court to further ease the work of the Supreme Court, giving each appellate court separate jurisdictions.

The Constitution of 1968 initiated the most sweeping changes in Pennsylvania's judiciary in nearly a century, creating the Commonwealth Court to reduce the workload of the Superior and Supreme Courts by hearing cases brought against and by the Commonwealth; substantially altering the minor court system; and reorganizing the judiciary into the Unified Judicial System, consisting of the Supreme, Superior and Commonwealth Courts; Common Pleas Courts; Philadelphia Municipal Court; Pittsburgh Magistrates Court; Philadelphia Traffic Court; and district justice courts, with provisions for any future courts the law might establish. (For further information on each of these courts, see *The Structure of Pennsylvania's Unified Judicial System* on page 9.)

Both judicially and administratively, the Supreme Court is, by constitutional definition, Pennsylvania's highest court. In matters of law, it is the Commonwealth's court of last resort. In matters of administration, the Supreme Court is responsible for maintaining a single, integrated judicial system and thus has supervisory authority over all other state courts.

In 1980 the legislature approved a decrease in the Supreme Court's mandated jurisdiction by expanding that of the Superior Court. Consequently, the Pennsylvania Supreme Court, like the United States Supreme Court, can now exercise discretion in accepting or rejecting most appeals, allowing it to devote greater attention to cases of far-reaching impact, as well as to its constitutional obligation to administer the entire judicial system.

Chart 2.1.1 on the preceding page is a time scale of the evolution of Pennsylvania's judicial system. 



**P**ennsylvania's judicial system forms a hierarchal structure that can best be illustrated in the form of a pyramid, as presented in Figure 2.2.1 below:

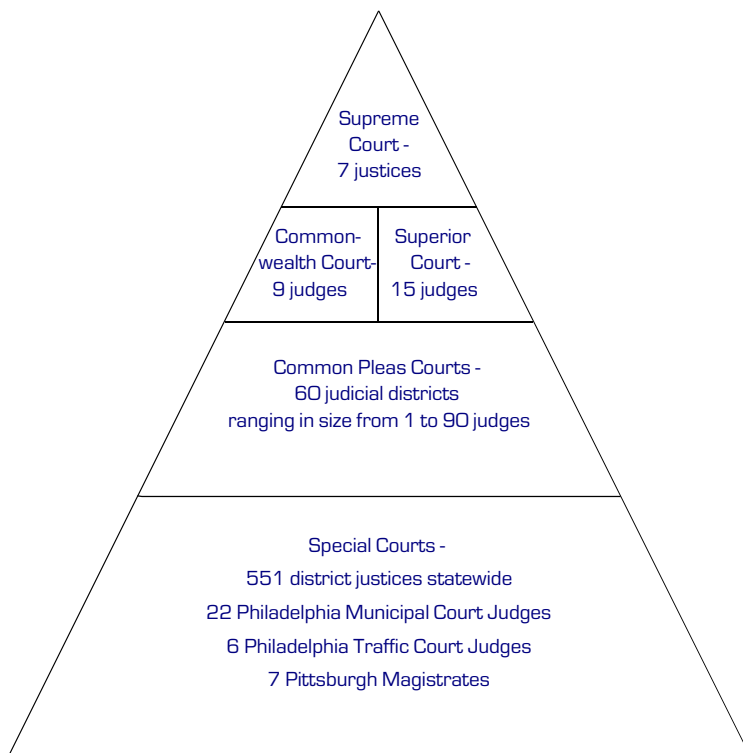


Figure 2.2.1

Special courts form the foundation of this system, followed in turn by the Courts of Common Pleas; the Commonwealth and Superior Courts; and the Supreme Court, the Commonwealth's court of last resort. A description of each level of the judiciary, beginning with the special courts, follows.

**The  
Structure  
of  
Pennsylvania's  
Unified  
Judicial  
System**

## Special Courts

Special courts, also called minor courts, constitute the "grass roots" level of Pennsylvania's court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter. The special courts include 551 district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

### *District Justice Courts*

District justices preside over the district justice courts in all counties but Philadelphia. They have authority to:

- issue warrants
- hold preliminary arraignments and preliminary hearings in criminal cases
- fix and accept bail except in cases involving murder or voluntary manslaughter
- adjudicate summary criminal cases
- adjudicate landlord-tenant matters and other civil actions in which the amount claimed does not exceed \$8,000
- accept guilty pleas to misdemeanors of the third degree in certain circumstances.

District justices are not required to be lawyers, but if they are not, they must complete an educational course and pass a qualifying examination before they can take office. They must also complete one week of continuing education each year in a program administered by the Minor Judiciary Education Board. (For more information on the Minor Judiciary Education Board see page 81.)

### *Philadelphia Municipal Court*

One of two special courts in Philadelphia County, Municipal Court is Pennsylvania's only court of record at the minor courts level. Its full complement of judges numbers 22 and all must be lawyers.

Municipal Court judges have the same jurisdiction as district justices with the following exceptions:

- jurisdiction includes all criminal offenses except summary traffic offenses that are punishable by a term of imprisonment not exceeding five years
- they may enter judgments in landlord-tenant matters that do not exceed \$5,000.

Municipal Court judges elect from their ranks a president judge who oversees the administration of the court. The president judge serves one five-year term, but may be reelected after a one-term interlude.

### *Philadelphia Traffic Court*

Philadelphia Traffic Court's jurisdiction covers all summary offenses under the Motor Vehicle Code as well as any related city ordinances.

Six judges sit on this court. As with district justices, the judges need not be lawyers, but must complete the certifying course and pass the qualifying examination administered by the Minor Judiciary Education Board.

Unlike the president judges in the Common Pleas and Philadelphia Municipal Courts, the president judge of Traffic Court is appointed by the governor.

### *Pittsburgh Magistrates Court*

The city of Pittsburgh has seven police magistrates in addition to the district justices who serve throughout Allegheny County. These magistrates, who are not required to be lawyers, sit on the Pittsburgh Magistrates Court. As members of Pennsylvania's only nonelective court, each magistrate is appointed by Pittsburgh's mayor to a four-year term.

Pittsburgh Magistrates may:

- issue arrest warrants
- preside at arraignments and preliminary hearings for criminal offenses occurring within the city
- preside over criminal cases brought by Pittsburgh police for violations of city ordinances and other specified offenses
- handle all summary offenses under the Motor Vehicle Code and any related city ordinances.

The special courts in Pennsylvania hold no jury trials. In summary cases, the district justice hears the case and reaches a decision on its merits. In misdemeanor and felony cases, the district justice first holds a preliminary arraignment at which charges are formally brought. Following the preliminary arraignment the district justice also holds a preliminary hearing, unless that hearing has been waived by the defendant to Common Pleas Court, the next level of the judicial pyramid. During the preliminary hearing the district justice determines whether sufficient evidence exists for the case to be tried in Common Pleas Court.

At some point in this process the district justice will also hold a bail hearing to determine what security is appropriate to ensure the defendant's appearance at later court proceedings.

Appeals of judgments made by special court judges may be taken to Common Pleas Court where the case is heard *de novo*, or anew.

## Common Pleas Courts

Common Pleas Courts are Pennsylvania's courts of general trial jurisdiction. They have original jurisdiction over all cases not exclusively assigned to another court and appellate jurisdiction over judgments from the special courts. They also hear appeals from certain state and most local government agencies.

The courts are organized into 60 judicial

districts which generally follow the geographic boundaries of the Commonwealth's counties; however, seven of the districts are comprised of two counties. They are: Perry-Juniata, Union-Snyder, Franklin-Fulton, Wyoming-Sullivan, Columbia-Montour, Warren-Forest and Elk-Cameron. Each district has from one to 90 judges.

Each district also has a president judge to administer the affairs of the court. In districts with seven or fewer judges, the judge with the longest continuous service holds this position. In districts with eight or more judges, the president judge is elected to a five-year term by his or her peers. The president judge may not serve consecutive terms, but may serve nonconsecutive ones.

## Appellate Court System

Pennsylvania's appellate courts form a two-tiered appeals system. The first, or intermediate, level has two courts: the Superior Court, which has 15 judges, and the Commonwealth Court, which has nine. At the second level is the seven-justice Supreme Court, the highest court in Pennsylvania.

In general, appeals of Common Pleas Court decisions are made to one of the two intermediate appellate courts.

### *Commonwealth Court*

The Commonwealth Court was created by the Constitutional Convention in 1968 as not only a means to reduce the workload of the Superior and Supreme Courts, but as a court to hear cases brought against and by the Commonwealth. It has, therefore, both original and appellate jurisdiction.

The court's **original** jurisdiction encompasses:

- most civil actions brought against the Commonwealth
- civil actions brought by the Commonwealth
- matters involving the Election Code.

Its **appellate** jurisdiction includes:

- appeals relating to decisions made by state administrative agencies
- civil or criminal appeals from Common Pleas Courts involving the Commonwealth or its administrative agencies
- interpretation of General Assembly acts
- interpretation of home rule charters
- interpretation of local ordinances or legislative acts governing local governments
- appeals from local administrative agencies
- matters relating to non-profit corporations and eminent domain proceedings.

### *Superior Court*

Because the Superior Court's main function is as an appeals court, its original jurisdiction is limited. Such jurisdiction includes mainly matters of *mandamus*, i.e., requirements by the Court for public officials to perform specified official acts or duties, and applications made by the attorney general and district attorneys under the Wiretapping and Electronic Surveillance Control Act.

As an appeals court, the Superior Court's jurisdiction is less specialized than the Commonwealth's; therefore, it hears a wide variety of petitions, both criminal and civil, from Common Pleas Courts. Such petitions include all manner of cases from child custody to armed robbery to breach of contract to property disputes.

### *Supreme Court*

Since the Supreme Court was established by the Pennsylvania Provincial Assembly in 1722, the Commonwealth's highest court has undergone several major changes that have

helped shape its composition today. The most far-reaching of these changes was the 1980 expansion of the Court's authority that allowed it to not only better administer the entire judicial system, but to devote greater attention to cases holding significant consequence for the Commonwealth and its citizens.

The Supreme Court's jurisdiction encompasses four main areas: original, appellate, exclusive and extraordinary.

The Court's **original** jurisdiction is nonexclusive and includes cases:

- of *habeas corpus*, cases involving detention of a party and determination of whether that party has been denied liberty without due process
- of *mandamus*
- prohibited to courts of inferior jurisdiction
- of *quo warranto*, questions of authority concerning any officer who has statewide jurisdiction.

The Court's **appellate** jurisdiction includes those cases it hears at its own discretion and various types of cases heard as a matter of right. These latter cases include appeals of cases originating in Commonwealth Court and appeals of certain final orders issued by either the Common Pleas Courts or specific constitutional and judicial agencies.

The Supreme Court has **exclusive** jurisdiction of appeals from the following boards/commissions:


- Legislative Reapportionment Commission
- Court of Judicial Discipline (under limited conditions)
- Minor Judiciary Education Board
- Pennsylvania Board of Law Examiners
- Disciplinary Board of the Supreme Court (attorneys).

The Court also has exclusive jurisdiction of appeals from Common Pleas Court involving the

death penalty. Such cases are automatically appealed to the Supreme Court.

Finally, the Court possesses **extraordinary** jurisdiction to assume adjudication of any case pending before a lower court involving an issue of immediate public importance. This it can do on its own or upon petition from any party and is known as King's Bench power.

As with president judges in lower courts having seven or fewer judges, the chief justice attains office by virtue of having the longest continuous service among the seven Supreme Court justices.

For a list of Pennsylvania's judges and their jurisdictions, please refer to The Directory 1996, beginning on page 101. 

**B**efore justices, judges and district justices can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but district justices and Philadelphia Traffic Court judges must be members of the Bar of the Pennsylvania Supreme Court.

Jurists are also subject to strict standards of conduct, and they may be removed, suspended or otherwise disciplined for misconduct in office. Those standards are specified in the Pennsylvania Constitution; the "Code of Judicial Conduct" in the *Pennsylvania Rules of Court*, which applies to appellate and trial court judges; the "Rules of Conduct, Office Standards and Civil Procedures for District Justices"; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. With the exception of the special courts judges, all justices and judges within the Unified Judicial System are elected to ten-year terms. District justices and judges of Philadelphia's Municipal and Traffic Courts are elected to terms of six years, while judges of Pittsburgh Magistrates Court are appointed by the mayor to four-year terms. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Judges and justices may serve an unlimited number of terms and are reelected at the pleasure of the electorate. The "merit retention" provision of Pennsylvania's constitution allows justices and judges to run for reelection on a "yes-no" vote, without ballot reference to political affiliation. This provision was designed to remove judges from the pressures of the political arena once they begin their first terms of office.

Mandatory retirement age for judges is 70 years, but retired judges may, with the approval of the Supreme Court, continue to serve the Commonwealth as senior judges. This service helps ease court backlogs.



**Judicial  
Qualifications,  
Election,  
Tenure,  
Vacancies**





**T**he Administrative Office of Pennsylvania Courts, also called the Administrative Office and the AOPC, is the administrative arm of the Pennsylvania Supreme Court. It was established in January 1969 following the Constitutional Convention of 1967-68, which defined the Supreme Court's authority for supervision and administration of all courts.

The Court Administrator of Pennsylvania has been empowered to carry out the Supreme Court's administrative duties and is responsible for assuring that the business of the courts is promptly and properly disposed.

The Administrative Office conducts business from offices in Philadelphia and the Harrisburg area with its seven operational units divided between each. In addition to the Court Administrator's office, the three units in Philadelphia include Policy Research and Statistics, Legal, and Judicial Services. The four departments in Mechanicsburg, just south of Harrisburg, are Administration, which includes Financial Systems, Payroll and Benefits; the Judicial Computer Project; Judicial Computer Services; and Communications/Legislative Affairs.

The Administrative Office's supervisory, administrative and long-range planning duties include:

- reviewing practices, procedures and efficiency at all levels of the court system and in all related offices
- developing recommendations to the Supreme Court regarding improvement of the system and related offices
- representing the judicial system before legislative bodies
- examining administrative and business methods used by offices in or related to the court system
- collecting statistical data
- examining the state of the dockets and making recommendations for expediting litigation

## Administrative Office of Pennsylvania Courts

- managing fiscal affairs, including budget preparation, disbursements approval, and goods and services procurement
- supervising all administrative matters relating to offices engaged in clerical functions
- maintaining personnel records
- conducting education programs for system personnel
- receiving and responding to comments from the public
- publishing an annual report
- providing legal services to system personnel.

A brief description of each unit of the AOPC and its functions follows.

### **Executive Office of the Court Administrator**

Staff provide visiting judges to assist with court backlogs and cases involving recusals and provide administrative support to the Court Administrator.

### **Policy Research and Statistics Department**

The Administrative Office's Policy Research and Statistics Department analyzes and evaluates the workings of the Unified Judicial System's various components by examining policies and operations. During any given year the department conducts a variety of studies, ranging from caseload management reviews of individual trial courts to statewide surveys of the structure and functioning of judicial support agencies, e.g., offices of the prothonotary and clerk of courts.

A core function of the department is to systematically assemble data on the caseloads of the county and local courts, including the numbers and types of new, disposed and pending cases, and, for certain categories of cases, the ages of the cases pending adjudication. The information is reviewed and

periodically verified through audits of county dockets. The Administrative Office annually publishes the data in the *Caseload Statistics of the Unified Judicial System of Pennsylvania*. This report is also available from the AOPC home page on the Internet, at <http://www.courts.state.pa.us> under "Administrative Office," in "AOPC Departments."

The Administrative Office uses the statistical information gathered for many purposes, including the monitoring of county court system operations and development of policy initiatives consistent with its mandate under the Rules of Judicial Administration.

Among the projects undertaken during the past year, the departmental director, together with staff of the Supreme Court's rules committees, has developed a series of formal policy recommendations to:

- unify and streamline local court procedures in order to facilitate the multi-jurisdictional practice of law across the state, reduce litigation delays and costs, and raise the standards of procedural justice in the Commonwealth (proposed Rule of Judicial Administration 103)
- facilitate prompt trial court decision-making (proposed Rule of Judicial Administration 703). This rule was recently promulgated by the Supreme Court with an effective date of January 28, 1997.

Within the Policy Research and Statistics Department, the Docket Transcript Section receives, reviews and corrects data on all misdemeanor, felony and escalating summary cases filed in the 60 judicial districts. The information is submitted on paper forms and computer tapes. Staff send extracts of the data to the Pennsylvania State Police, where individual criminal histories, or rap sheets, are compiled. The database is also used for statistical research by the AOPC and other state agencies.

Another responsibility of the department lies in the design of the many forms used in the state court system. The development of new forms and the modification of existing forms require extensive consultation with system personnel, especially those using the forms on a daily basis.

## Legal Department

The Legal Department provides advice and counsel to the Court Administrator and to the other units of the Unified Judicial System (UJS) while also engaging in a variety of administrative duties.

Specifically, the Chief Counsel's staff represents UJS personnel -- including those of the various courts of the Commonwealth, the Disciplinary Board, and the Pennsylvania Board of Law Examiners -- in litigation. Actions involving UJS personnel often include suits filed in the federal district courts that raise various civil rights and constitutional issues. Typical state court proceedings involving court personnel pertain to petitions for review of governmental actions and petitions to determine the rights and duties of public officials.

Other significant activities involving counsel staff include:

- active participation in planning and implementing the Judicial Computer Project, the statewide court automation program
- reviewing leases and contracts for appellate court offices and related offices, chambers and committees of the UJS
- providing legal and administrative assistance and advice to the Court Administrator
- assisting in the process of conducting proportionality reviews in first degree murder cases
- assisting in procurement matters
- reviewing legislation affecting the Judiciary.

## Communications/Legislative Affairs

In its role as both legislative and media liaison, the Office of Communications and Legislative Affairs represents the AOPC before the state's executive and legislative branches of government, as well as to the media. As media liaison, staff field inquiries from reporters, draft press releases, publish the AOPC annual report, develop other publications and set up press conferences.

The office also monitors the progress of legislation in the General Assembly; compiles and publishes a legislative summary when the General Assembly is in session; and, when appropriate, comments on the effect legislation may have on the fiscal and administrative operations of the judicial system. With the computerization of district justice offices, staff also monitor and report on legislation that may necessitate changes to the district justice software programs.

## Information Technology Department

The Information Technology Department, (formerly the Data Processing Department), provides staff and services for the Judicial Computer Project (JCP) to bring automation to the courts of Pennsylvania. The department also provides electronic judicial information to other agencies; supports the AOPC's financial, human resources, benefits and administrative functions; and supports the AOPC's day-to-day office automation requirements. It is organized into a software development unit and a computer operations unit.

The AOPC Web site provided increasing utility to courts and users of court information in Pennsylvania in 1996. By December over 1,500 different users were hitting the 536 pages of information available and downloading 213 megabytes of data per month.

An FTP (Internet File Transfer Protocol) site, accessible to the Commonwealth's Municipal Area Network (MAN), was installed early in the year, allowing data transfer between the AOPC and the Treasury Department, the Pennsylvania State Police and other agencies.

The AOPC also installed an Internet mail post office so that the staff can communicate via the Internet with the outside world. In addition, an imaging system, based on Adobe Acrobat PDF software, replaced paper files and gave users the ability to search DJS documentation from their desktops.

### *Software Development Unit*

#### Statewide District Justice Automation System

A major accomplishment in the Statewide District Justice Automation System (DJS) in 1996 was the implementation of the system changes resulting from the adoption of the new bail rules that went into effect on July 1, 1996. The changes required to be made in the system to accommodate the rules were extensive and complex. For example, the system had to be redesigned so that any combination of bail types could be accepted and recorded in the system. Thus, a defendant in a bid to satisfy a \$25,000 bail, may do so with any combination of real estate (in or outside of Pennsylvania), cash, surety and government bearer bonds.

The change necessitated the modification/creation of over 148 application objects in the system. This included the creation of 29 new screens, 25 new bail codes for use by district justice office staff in processing bail, four new forms, five new database files and five new case management reports. The creation of the database files consequently led to the conversion of data into the new database.

The implementation of these changes in the live environment was accomplished without

a hitch and the changes were in place on the effective date of the rule.

Another major change to the system in 1996 was the implementation of the new landlord/tenant rules. In addition, 457 routine changes based on user requests were made and implemented statewide.

Over 60,000 programming and analysis hours were expended in analysis, design, coding, testing and training.

The DJS is comprised of 2,723 software programs containing 453,000 lines of code.

#### Administrative Support Application Project

Work continued on the development of a client/server, Internet/Intranet-enabled application for the AOPC administrative offices, including Payroll, Finance, Procurement and Human Resources. Highlights of 1996 include:

- completion of 30 Functional Requirement Joint Application Development (JAD) sessions
- production of an eleven-volume Functional Requirements document, including process flowcharts, functional requirements listing, reports requirements listing, and forms requirement listing
- development and demonstration of a test payroll application on a client/server platform
- evaluation of application development tools, including Visual FoxPro, Visual Basic, Powerbuilder, Cold Fusion and HTML
- commencement of the conceptual design phase of the project, which includes procedural flows and designs for menus, screens, forms and reports.

#### Enhancements to Existing Administrative Support Processes

Other projects completed by the Software Development Unit in 1996 include:

- developing processing to allow direct download of Treasury warrant/check reconciliation

information via electronic transmission to replace manual entry procedures

- modifying existing State Employees Retirement System (SERS) reporting via magnetic tape to conform to new SERS computer system application requirements
- addition of work-related disability status and leave processing
- preparation of database files for downloading into Lotus, dBase and MS Access files.

### Electronic Data Interchange (EDI) and Public Access

The Administrative Office's EDI and Public Access section coordinates and manages public access to DJS data and the electronic interchange of this data with other county or state government agencies. In addition, this unit develops and maintains small PC-based systems.

The interchange of data between the AOPC and other state and local entities, a cost effective and efficient solution, continues to grow. During 1996 the original bulletin board system was converted completely to an Internet solution. Thirteen counties use the EDIOU data as input for their systems. The use of EDIOU has expanded with the addition of the Allentown and Erie Parking Authorities, bringing the total number of users to five. Specifications for Internet and e-mail submissions were piloted with Allentown.

In addition to the popular electronic filing procedures, specific court management reports based on newly revised statistical information are made available to county court administrators at established intervals for use in their day-to-day court management tasks and strategic planning. EDI also posts pertinent warrant, calendar and disposition information for these agencies' information systems to pick up.

Since the establishment of a public access policy in 1994, formal requests for data

have increased. The EDI/Public Access section received and responded to 48 formal requests for information in 1996. Of these, two recurring requests regarding civil cases and judgments were placed into production. Thirty-seven of the requests were from other state agencies, six were from the media and five were of a general public nature.

Such initiatives have required the coordination of several AOPC computer systems and allow the AOPC flexibility in sending or receiving information. They have also eliminated the problem of incompatible or overloaded computer systems, modems and communications lines between the AOPC and other agencies.

A change was made to the public access policy in 1996 to reflect the privacy concerns of juveniles, victims and witnesses. Additionally, specific identifiers such as Operator's License Numbers and Social Security Numbers were removed from access to protect all individuals appearing in the District Justice System.

EDI activities continue to save other state and local agencies an estimated \$5.5 million per year by eliminating redundant keying.

In addition to the above activities, the EDI/Public Access section maintained accounting adjustments for the District Justice System and changes to the Proportionality Review Database, and created and maintained a distributed Name and Address Database System that includes an Intranet-based Lookup component.

### *Computer Operations Unit*

Computer operations staff provide communications and hardware diagnostic service dispatching, archiving, backup, disaster recovery, and daily operation support for the Commonwealth's 577 district justice offices and night courts. This covers 3,367 registered users



as well as the AOPC and appeals courts fiscal, benefits, and personnel computer system. Additionally, operations continued to provide help to the Administrative Support Application Project (ASAP) for the testing of the AS/400 Advance Server as the new platform for the fiscal, benefits and personnel computer system.

The last 15 remote AS/400 RAID disk technology upgrades, providing additional data protection and virtually eliminating downtime attributed to disk failures, were completed in 1996. Additionally, the unit installed an AS/400 Advanced Server as a replacement for CEN02 and rewrote programs in RPG ILE to streamline processes.

A change management function provides installation verification, change coordination and version control for all DJS software developed. Technical support staff distributed a total of 457 program changes in this period on 198 different days. All changes are preannounced for additional testing and coordination using the facilities of an integrated calendaring and e-mail groupware package.

## **Judicial Computer Support Department**

The Judicial Computer Support Department handles training, equipment change requests, the help desk and legal issues related to the Judicial Computer Project. It also provides office automation training and user support for AOPC staff as need arises and resources permit.

### *Training Unit*

The training staff provide classes for district justices and for new employees in district justice offices. They also train new AOPC staff on the automated District Justice System (DJS), provide instruction for AOPC staff on PC applications, and prepare and present a class for district justice continuing education classes at Wilson College in Chambersburg each year.

In addition to training, staff test new software code and develop all electronic help text and laser faxes that are released with any new program change to the DJS. The trainers also research and provide solutions for second-level help desk calls and create and download queries for information from the system for users on request.

Trainers serve as facilitators at Joint Application Design (JAD) sessions and as advocates for the user when design changes are being made to the DJS. This unit is also frequently called upon to conduct statewide surveys, analyze information gathered and create reports for AOPC staff. Individual DJ audit reports performed by the State Auditor General's office are reviewed by the unit and recommendations are made for remediation to the State Court Administrator.

In prior years the training unit has provided instruction for district justices and their employees within the counties. Due to staff reductions prompted by inadequate funding, however, this training has been curtailed. Regional one-day seminars that were beneficial to the operation of the district courts have also been canceled.

### *Equipment Change Request Unit*

All statewide requests for additional hardware, to move hardware or to add new cable are coordinated through this unit. In 1996 district justices and court administrators made 144 requests for this service.

This unit also monitors the telecommunications billings of over \$1.4 million from over 21 telephone service providers statewide.

### *Help Desk Unit*

The Help Desk's staff receive approximately 5,000 calls per month from district justices and their employees. These calls,

which average three minutes in length, cover every possible topic related to the DJS, from hardware to software to procedural matters, from simple questions to complex problems.

Each call received is logged into an automated call management system. Problems referenced in the calls are used to create a historical database, which enables Help Desk staff to quickly find answers to future calls by using the solution database.

The Help Desk Unit also processes requests for expungements of defendant records. In 1996 it received court orders to expunge 6,657 records from the automated system.

The unit also monitors the IBM service contract to ensure calls are being answered within contract limits.

### *Legal Services Unit*

Staff attorneys assigned to this unit have specific knowledge and expertise in legal issues related to the operation of DJ offices and the DJS. They provide support to the programming staff on program design, play an active role in JAD sessions, provide an interface with the statewide Supreme Court procedural rules committees and address questions of a legal nature that are asked of the help desk staff. They also provide ad hoc support to AOPC staff on district justice-related court management issues in lieu of a formal court management department.

### **Administration Department**

The Administration Department, with staff in both Harrisburg and Philadelphia, is responsible for the day-to-day operations of the AOPC, providing support and services to other units of the Administrative Office, the appellate courts and the Unified Judicial System as a

whole. It includes Human Resources, Financial Systems, Administrative Services and Payroll.

### *Human Resources Unit*

Human Resources staff responsibilities include:

- monitoring and ensuring UJS compliance with state and federal employment statutes such as the Fair Labor Standards Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Pennsylvania Human Relations Act, the Civil Rights Act of 1964 and the State Employees' Retirement Code
- maintaining the UJS's fringe benefits programs and counseling Judiciary personnel regarding them. These programs include various primary and supplemental medical insurance plans, the UJS's life insurance, paid leave, and Unemployment Compensation and Workers Compensation programs. Staff also administer separate work-related disability and accidental death programs for members of the Judiciary.
- developing and administering the personnel policies that govern the personnel operations of the UJS, and assisting supervisors and employees in the proper implementation of these policies
- assisting incoming and departing employees with a variety of questions and concerns relating to their Judiciary employment, and maintaining the Judiciary's COBRA Continuation Medical Insurance Program for former employees and dependents of Judiciary personnel
- maintaining the Judiciary's Retiree and Survivor Medical Insurance Programs that provide medical insurance coverage to retirees of the Judiciary and surviving spouses of deceased Judiciary personnel.

In addition to its day-to-day human resource responsibilities, the AOPC Office of Human Resources is continuing its ongoing efforts with the AOPC Payroll Office and the Office of Financial Management to design and develop a fully integrated payroll, personnel and financial management system that will serve to fully automate these interrelated functions for the twenty-first century.

Finally, the AOPC Office of Human Resources is playing an integral role in ongoing efforts (1) to assess the impact of statewide funding of the courts on the Unified Judicial System, and (2) to develop a strategic plan for the development and implementation of the new human resource policies and procedures that will be necessary to maintain the much larger and more diverse workforce that may result from actions to implement statewide funding of the Unified Judicial System.

### *Financial Systems Unit*

Financial Systems is responsible for managing all budgets and accounting for the Unified Judicial System. This responsibility includes:

- developing necessary policies and procedures on accounting and budget issues
- monitoring and preparing the budget request for 29 UJS line items in the Commonwealth's annual budget. This includes not only appropriations for the Administrative Office, but for all of the Commonwealth's courts; some court committees; juror cost reimbursements; and county court reimbursements. Staff also monitor budget trends, participate in independent audits of all 29 line items and deal with operational issues and policies.
- managing \$197.8 million in annual appropriations to the Judiciary, including \$36 million in grants
- serving as the central clearinghouse for all financial transactions impacting the Judiciary
- overseeing the finances of the First Judicial

District/AOPC Procurement Unit. The procurement unit, under an agreement between the Administrative Office and Philadelphia City government, was established to improve procurement in Philadelphia's three courts, including purchases, service contracts and reconciliation. Since the agreement was put into effect, the First Judicial District has seen a significant reduction in its procurement expenses.

- completing special projects, e.g., assisting in analyzing legislation for fiscal impact
- responding to questions on the Judiciary's financial operations posed by the legislature, the executive branch, other Judiciary employees and the public.

### *Administrative Services Unit*

Administrative Services oversees a variety of administrative-related tasks, including procurement for the Administrative Office and for Philadelphia courts under the First Judicial District/AOPC Procurement Unit. It also handles all issues related to the operation of AOPC office buildings and provides support to many UJS agencies in a variety of ways.

### *Payroll Unit*

The Payroll Unit administers the monthly, biweekly and supplemental payrolls for more than 1,600 jurists and staff. Together with the Human Resources Unit it also orients and answers any questions new employees may have as the employees become members of the Judiciary staff.

## **Judicial Services Department**

The Judicial Services Department plans, coordinates, administers and provides staff support for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.




In 1996 the department coordinated eight major conferences:

- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*  
Philadelphia  
February 22-25, 1996
- *New Judges Conference*  
Harrisburg  
March 14-17, 1996
- *Pennsylvania Conference of State Trial Judges/National Judicial College, Trying and Settling Land Use Cases*  
Farmington  
March 27-29, 1996
- *Pennsylvania Conference of State Trial Judges/National Judicial College, Financial Statements in the Courtroom*  
Farmington  
April 1-3, 1996
- *President Judges/Pennsylvania Association of Court Management Annual Meeting*  
Pittsburgh  
June 9-12, 1996
- *Pennsylvania Conference of State Trial Judges Annual Conference*  
Hershey  
July 25-28, 1996
- *Pennsylvania Conference of State Trial Judges Computer Proficiency Conference*  
Williamsport  
October 17-19, 1996

- *Pennsylvania Joint Family Law Annual Conference*  
State College  
December 1-4, 1996

Through aggressive negotiation and detailed knowledge of Pennsylvania's hospitality industry, the Judicial Services Department is able to ensure that multi-day conferences proceed effectively under terms which are favorable to the Commonwealth.

Judicial Services also negotiates office space for judicial offices across the Commonwealth, subject to final legal review by the chief counsel's staff, and maintains a computerized data bank of contact information for the Unified Judicial System's affiliated groups. It also maintains and updates all Pennsylvania state department lists, handles all financial disclosures, and disseminates news clippings of interest statewide for the Pennsylvania Judiciary.

Judicial Services' other functions include publishing *Jurisprudence*, a judicial newsletter linking Pennsylvania's trial judges across the state; serving as liaison and secretariat for the Supreme Court Ad Hoc Committee on Evidence; working with the Joint Task Force to insure Gender Fairness in the Courts and the Joint Task Force to insure Racial & Ethnic Fairness in the Courts; and acting as liaison to the Minor Judiciary Education Board. 



## Judicial Computer Project

A slight hope glimmered during the year that the legislature would begin to provide the necessary funding required to provide both the continued operation and much-needed expansion of the Judicial Computer Project (JCP). In response to the Judiciary's continued pleas, the General Assembly took action on one legislative front, but delayed action on a number of other pieces of legislation.

On July 11 the governor signed Act 104 of 1996, which increased from \$80 million to \$100 million the lifetime cap on deposits into the JCP Augmentation Account. The increase helped ensure the continued operation of the District Justice System (DJS) for at least another two years. An amendment to eliminate the \$10 million annual cap on deposits into the fund was defeated on the floor of the House. This disappointing failure to remove the cap meant that the Judiciary again was blocked from moving ahead with expansion of automation to the next logical level, the Common Pleas criminal courts.

The General Assembly's failure to provide additional funding came despite the strenuous efforts of those legislators who are aware of the growing necessity of automating the Judiciary. Senator Stewart Greenleaf and 16 of his colleagues sponsored a bill to provide funding for the Common Pleas - Criminal phase of the JCP. The bill was reported out of the Senate Judiciary Committee by a 9-1 vote, but died in the Senate Appropriations Committee. An amendment to HB 2637 that would have eliminated the \$10 million annual cap on deposits was removed by the House Appropriations Committee. Another bill, SB 563, was amended in the House Judiciary Committee to remove the annual and lifetime caps on deposits into the computer fund. After being reported out of the House Judiciary Committee, the bill was referred to the House Appropriations Committee, where it died when the legislative session ended.

From its inception in 1984, the goal of the JCP has been to eventually connect all of the Commonwealth's courts by means of an integrated statewide communications network. Following automation of the district justice offices, the Judiciary planned to expand computerization to the Common Pleas Courts, starting with the criminal division, and eventually expanding to include the family, civil and orphans' divisions.

Original financing for the JCP was provided by Act 64 of 1987. Funding was based on collections of fines on a variety of offenses beyond amounts collected in the base 1986-87 fiscal year. The act also placed a limit on the amount of money which could be deposited annually into the JCP restricted receipts account. (Table 2.5.1 on page 30 shows the history of collections received through Acts 64 and 59.)

This funding, however, proved to be inadequate and unpredictable. Additional funding, therefore, was provided by Act 59 of 1990, which initiated a user fee. Unfortunately, the act also placed a cap of \$80 million on total funds that could be deposited into the JCP restricted receipts account for staffing, operating and maintenance of the present system, and for all future automation of the courts.

The legislation introduced by Senator Greenleaf and his colleagues contained three provisions which the Judiciary considers vital to the continued operation of the DJS and for expansion of the computer system to the Common Pleas Courts. They were:

- increasing the user fee to \$11
- deleting the annual cap on deposits into the JCP Augmentation Account
- eliminating the cap on total funds deposited into the computer account.

None of these fiscal necessities has yet been accomplished. While increasing the total cap to \$100 million has given the Judiciary

some "breathing room," the specter of inane- quite funding still remains a strong concern and serves as a barrier to mapping out the long-range plans which are critical for the Judiciary to serve the citizens of this Commonwealth in a responsible manner.

Despite the lack of funds, the District Justice System and its counsel continue to provide a high level of service and support to many individuals. A few statistics will help illustrate this effectiveness:

- the Help Desk responded to 46,850 calls from users in 1996
- 1,704 people, including district justices, court administrators and staff members were trained in 1996
- 27 district justice offices or night courts were relocated and assistance in adding, moving or replacing equipment was provided to 103 offices
- statewide automation responded to 122 district justice audits submitted by the Auditor General in 1996.

The AOPC's legal counsel also provided extensive support in a number of areas. For example, counsel:

- acted as a liaison between the Minor Court Rules Committee and the JCP and in drafting new and amended Rules of Civil Procedure for District Justices. Specifically, counsel assisted the committee in drafting
  - proposed Rule 113 to authorize the use of facsimile signatures by district justices on certain documents
  - proposed amendments to Pa.R.C.P.D.J. 504, setting the date for hearing, delivery for service
  - proposed amendment to Pa.R.C.P.D.J. 516 pertaining to issuance and reissuance of an order for possession

- proposed amendment to Pa.R.C.P.D.J. 517 regarding notation of time of receipt and service of order for possession
  - proposed amendments to Pa.R.C.P.D.J. 517 and 1002 pertaining to time and method of appeal.
  - acted as a liaison between the Criminal Procedural Rules Committee and the JCP in implementing amendments to the Pennsylvania Rules of Criminal Procedure to the District Justice Automated System, including the implementation of new Rules 87, pertaining to withdrawal of charges in summary cases, and 88, pertaining to dismissal in summary cases upon satisfaction or agreement.
  - assisted in the revision of the AOPC's policy pertaining to public access to records within the magisterial district courts.
  - drafted regulations to be followed statewide by counties seeking to implement the services of collection agencies on behalf of magisterial district courts.
  - tracked pending legislation and worked extensively with representatives from the other departments of the JCP to anticipate and prepare for potential programming changes to the DJS. For instance, counsel has been actively involved with the implementation of Act 119 of 1996 (Jen and Dave's Law).
  - implemented statutory changes into the DJS following enactment by the General Assembly and passage by the governor. This included several amendments to the Motor Vehicle Code and to the Crimes Code.
  - provided information on a daily basis to district justices and court administrators who contact the AOPC with questions involving legal procedural issues.
  - reviewed the legal content of all forms issued by the AOPC for use in the district courts and worked extensively on the redesign of both the private criminal complaint form and the police complaint form.
  - responded to legal inquiries relevant to the AOPC raised by staff in the Mechanicsburg facility.
- Of the total development contract costs for the DJS, \$9 million was financed through IBM Credit Corporation. Additionally, a five-year maintenance contract with IBM totaling nearly \$2.5 million was financed. Over the life of the finance agreement, **more than \$1.5 million interest charges** will have been incurred due to a lack of adequate JCP funding over the project's first phase term. The last payment on these loans is scheduled to be made in February 1997. Table 2.5.2 on page 31 provides details of the loans and their terms.



Judicial Computer Augmentation Account History of Collections			
Fiscal Year	Act 64*	Act 59	Total
87-88	\$2,983,252	\$0	\$2,983,252
88-89	4,700,000	0	4,700,000
89-90	5,275,344	0	5,275,344
90-91	5,270,203	3,212,692	8,482,895
91-92	6,433,681	4,735,659	11,169,340
92-93	6,617,361	4,638,374	11,255,735
93-94	4,263,013	4,330,971	8,593,879
94-95	5,252,345**	4,747,655	10,000,000
95-96	5,163,503**	4,836,497	10,000,000
96-97	5,279,541+	4,720,459	10,000,000
TOTAL	\$51,238,243	\$31,222,307	82,460,550

\* For fiscal years 88-89 and 89-90, the amounts shown are nets of refunds to the Game and Boat funds.

\*\* Collections totaled \$8,775,028 for FY 94-95 and \$11,019,896 for FY 95-96. The amounts shown reflect the actual deposit into the augmentation account, which were limited by the \$10 million cap on annual deposits into the account. As a result of the cap, the JCP lost \$3,522,684 in FY 94-95, \$5,856,393 in FY 95-96, and \$9,379,077 cumulatively over the two years.

+ Revenues totaled \$8,772,380 for FY 96-97. The amounts shown reflect the actual deposit into the augmentation account. The \$10 million annual cap on deposits and the lifetime cap were removed by Act 32 of 1997, which took effect July 1, 1997. The difference between collections and the amount deposited, \$3,492,839, was reserved for deposit into the account after the effective date of the act.

Table 2.5.1

Judicial Computer Project  
Principal and Interest Payments on IBM Loans  
As of June 30, 1996

	Milestone 16-3	Milestone 16-4	Milestone 16-5	Milestone 16-6	Maintenance Contract*	TOTALS
Total Amount Financed	\$936,435.00	\$2,916,805.00	\$2,684,406.00	\$2,488,760.00	\$2,477,693.00	
Interest Rate - APR	6.46%	6.56%	6.04%	6.32%	6.23%	
Number of Payments	Two annual	Five annual	Five annual	Three annual	Three annual	
Principal Paid to Date	\$936,435.00	\$2,281,073.42	\$2,100,159.20	\$2,488,760.00	\$2,477,693.00	\$10,284,120.62
Principal Remaining	0.00	635,731.58	584,246.80	0.00	0.00	1,219,978.38
<b>Total Principal</b>	<b>936,435.00</b>	<b>2,916,805.00</b>	<b>2,684,406.00</b>	<b>2,488,760.00</b>	<b>2,477,693.00</b>	<b>11,504,099.00</b>
Interest Paid to Date	60,041.96	428,651.38	378,007.16	320,782.48	300,964.75	1,488,447.73
Interest Remaining	0.00	41,699.62	35,294.79	0.00	0.00	76,994.41
<b>Total Interest</b>	<b>60,041.96</b>	<b>470,351.00</b>	<b>413,301.95</b>	<b>320,782.48</b>	<b>300,964.75</b>	<b>1,565,442.14</b>
Payments Made to Date	996,476.96	2,709,704.80	2,478,166.36	2,809,542.48	2,778,657.75	11,772,568.35
Payments Remaining	0.00	677,431.20	619,541.59	0.00	0.00	1,296,972.79
<b>Total Payments</b>	<b>996,476.96</b>	<b>3,387,156.00</b>	<b>3,097,707.95</b>	<b>2,809,542.48</b>	<b>2,778,657.75</b>	<b>13,069,541.14</b>

\* A five-year maintenance contract with IBM to provide service on the EDP equipment installed in district justice offices was paid with a \$500,000 down payment, and the remainder, shown above, was financed over a period of three years.

Table 2.5.2

**Appellate**

**Court**

**Procedural**

**Rules**

**Committee**

**1996 Membership:**

Robert L. Byer, Esq., *Chairman*  
Jane Campbell Moriarty, Esq., *Vice Chairman*  
Anthony W. DiBernardo, Jr., Esq.  
Burton A. Rose, Esq.  
Gerald J. Williams, Esq.  
Wendell G. Freeland, Esq.  
David B. Fawcett, Jr., Esq.  
John C. Howett, Jr., Esq.  
Gabriel L. I. Bevilacqua, Esq.  
Charles W. Bowser, Esq.  
Gaele McLaughlin Barthold, Esq.  
Maria L. Dantos, Esq.  
Peterclyde N. Papadakos, Esq.  
Honorable Joseph M. Augello

**Staff:**

Dean R. Phillips, Esq., *Counsel*  
Tricia W. Nagel, *Executive Director*

**Legal Authorization:**

Pa. Constitution Article V, § 10(c)  
42 Pa. C.S., § 1722

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## History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function is to make recommendations to the Supreme Court for updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

Committee members and staff counsel also respond to many informal inquiries from lawyers, trial judges and trial court officials. Questions and suggestions with potentially greater impact are studied by the committee as a whole and frequently result in recommendations for changes in the rules.

The committee's name was changed by Supreme Court order on March 31, 1994.

## 1996 Activities

The committee met twice in 1996, in Pittsburgh in March and in Philadelphia in October.

The committee finalized its work on Recommendation 28, which involves amendments to Rules 121, 123, 311, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513-1515, 1532, 1571, 1734, 1751, 1782, 2132, 2136, 2140, 2153, 2154, 2185-2187, 2311, 2313, 2315, 2542, 2543, 2546, 5101 and 5102 of the Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.).

Much of the recommendation as originally published contained amendments to conform with previous rules changes regarding **finality**. Following comment and further committee discussion, it was expanded to include **technical changes** to eliminate out of date references and citations and to simplify and clarify the rules and notes.

Because of the numerous revisions after the recommendation was originally published, the recommendation was published again for comment and will be resubmitted to the Court in April 1997. Revisions to Pa.R.J.A. 5000.5(b), consistent with the proposed rule changes contained in Recommendation 27 will be submitted at the same time.

Recommendation 30 was published on March 30, 1996. It contains amendments to Pa.R.A.P. 1701, **Effect of Appeal Generally**, and was published simultaneously with a proposal from the Criminal Procedural Rules Committee, viz., amendments to Rule 1410 and addition of new Rule 1411 of the Pennsylvania Rules of Criminal Procedure. These rules deal with the procedures for Commonwealth motions to modify **sentence**.

The committee also completed review of recent criminal legislation and made recommendations to the Court concerning such legislation.

Counsel for the Appellate Court Procedural Rules Committee continues to actively participate in various court-related meetings regarding appellate rules and rules of judicial administration as well as responding to numerous requests from the Administrative Office of Pennsylvania Courts. The committee's chairman and counsel have also responded to numerous telephone and written requests. Chairman Robert L. Byer actively participates in continuing legal education courses throughout Pennsylvania as an instructor on appellate practice and procedure.

## Web Site

The Appellate Court Procedural Rules Committee maintains a site on the Home Page of the Administrative Office of Pennsylvania Courts. The site is located at <http://www.courts.state.pa.us/pub/appeals/rules/acprc/index.htm>. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

## 1996 Plans

The committee plans to meet twice in 1997. During these meetings it will continue to review the work of its subcommittee specifically created to review Chapter 15, **Judicial Review of Governmental Determinations**.

Also on the agenda are:

- review of **cross-appeal rules**
- review of Pa.R.A.P. 3306, Procedures for **Taxation of Costs**
- review of Pa.R.A.P. 3518, statement of the **Scope and Standard of Review**
- review of Pa.R.A.P. 1301, **Form of Papers; Number of Copies**
- consideration of the effect of the Local Government Unit Debt Act upon Pa.R.A.P. 903, 1113 and 1512
- joint review with the Orphans' Court Rules Committee of **post-trial practice in orphans' courts** and its relationship to recent amendments of Rule 341 governing finality.

## Contact Person

Anyone wishing to speak to a member of the Advisory Committee can contact any of the following:

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**Board  
of  
Law  
Examiners**

**1996 Membership:**

Honorable Eugene H. Clarke, Jr., *Chairman*  
Carl W. Brueck, Jr., Esq., *Vice Chairman*  
Honorable Charles R. Alexander  
Michael G. DeFino, Esq.  
Thomas A. Decker, Esq.  
Honorable James M. Munley  
Jonathan H. Newman, Esq.

**Staff:**

Amy C. Dynda, Executive Director  
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Melody Greish-Richardson, Office Manager

**Legal Authorization:**

Pa. Constitution Article V, § 10(c)  
Pa. B.A.R. 104 (c) (3)

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## History/Background

**T**he Pennsylvania Board of Law Examiners holds the responsibility of recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications for those who wish to sit for the bar examination and for practicing attorneys in other states seeking admittance to the bar without sitting for the exam, along with administering the bar exam itself.

Seven members of the Pennsylvania Bar of the Supreme Court comprise the Board of Law Examiners. They serve regular terms of three years each and may be reappointed to a second term.

The board office staff includes the executive director, counsel to the board, an office manager and six administrative clerks. The board also employs eight examiners and one supervising examiner, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and eight readers, who assist the examiners in grading the essay answers.

## Bar Procedures

The Board of Law Examiners administers the bar exam over two days twice a year, on the last Tuesday and Wednesday in February and July. In February it is held in King of Prussia and in Pittsburgh. In July it is held in King of Prussia, Pittsburgh and Mechanicsburg.

The exam is comprised of two parts, the multiple choice Multistate Bar Examination and an eight-question essay section. To pass the exam, applicants must pass both sections with scores of 135 or greater.

The most recent results of the exam can be found on the Administrative Office's home page at <http://www.courts.state.pa.us>.

At the conclusion of each bar exam,

board staff send copies of the essay questions and the examiners' proposed analyses and grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible.

### *Application Approval/Denial and Hearing Process*

In addition to passing the bar exam, prospective members of the bar of Pennsylvania must meet certain requirements relating to character and prior conduct. To aid the board in determining whether applicants have met such requirements, candidates must file with the board office a written application setting forth those matters the board deems necessary. This includes background information pertaining to character, education and employment. Board office staff then review the applications, occasionally investigating further, to determine an applicant's fitness and qualifications.

If upon initial review, the board's executive director finds that the applicant does not appear to possess the fitness and general qualifications requisite for a member of the bar, the applicant is notified in writing. Unless the denial was for scholastic reasons, the applicant then has 30 days to request a hearing appealing the denial. Present at the hearing are the applicant; the applicant's counsel, if he/she has retained counsel; and a board member who serves as the hearing officer. A stenographer is also present to record the hearing.

The length of each hearing varies, depending on the issues set forth; the number

of issues involved; and the number of witnesses, if any, that testify. Only one applicant is considered at a hearing, and only applicants who are denied permission to sit for a bar examination or certification recommending admission, may request one.

Approximately 40 hearings were held in 1996.

### 1996 Activities

Statistics for 1996, including a comparison with 1995's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 42 details the percentage of those who have passed the bar since 1987 while Chart 3.2.3 on page 43 is a comparison of the number of persons who have sat for the exam versus the number who have passed it over the past ten years.

The board met eleven times in 1996 to review bar admission rules and recommend specific rule changes, review proposed essay questions and analyses, approve examination results, and set policy.

It made the following recommendations to the Supreme Court in 1996:

**Recommendation No. 1:** Amendment to Pa.B.A.R. 213, changing hearing procedures.

**Recommendation No. 2:** Amendment changing Pa. B.A.R. 203(a)(3) to 203(b)(2).

**Recommendation No. 3:** Amendment requiring a score of 75 on Multistate Professional Responsibility Exam for admission.

**Recommendation No. 4:** Amendment changing Pa. B.A.R. 205 from five of seven years practice of law to five of eight years.

All four recommendations were approved by the Court.

The board also held two semiannual meetings, one each following the February and July bar examinations. These meetings were attended by the board members, the examiners and readers, board staff, and representatives from each of Pennsylvania's law schools and were held to review the essay examination questions, analyses and proposed grading guidelines.

### Filing Fees

The filing fees charged for processing applications remained unchanged in 1996 and are as follows:

- \$400 first-time filing fee
- \$400 reexamination fee
- \$500 for admission on motion.

Application revenues for fiscal year 95-96 totaled approximately \$1.3.

Admission applications	approx. 3,300	
Sitting for February exam		809
Change from 1995	341	73%
Persons passing February exam		472
Persons failing February exam		337
Passing percentage		58%
1995 Passing Percentage		48%
Sitting for July exam		2,065
Change from 1995	(59)	(3%)
Persons passing July exam		1,475
Persons failing July exam		590
Passing percentage		71%
1995 Passing Percentage		69%

Table 3.2.1

### Looking Ahead to 1997

The chair and executive director plan to design an informational brochure for law school

students and potential students regarding the bar admissions process. They will also be available to speak to the students at each of the Pennsylvania law schools. Additionally, the board has formed an ad hoc committee to review its current character and fitness policies and procedures and to make recommendations to the board regarding the same.

### Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact Executive Director Amy Dynda by calling (717) 795-7270 or by writing to her at 5035 Ritter Road, Suite 1100; Mechanics-burg, PA 17056

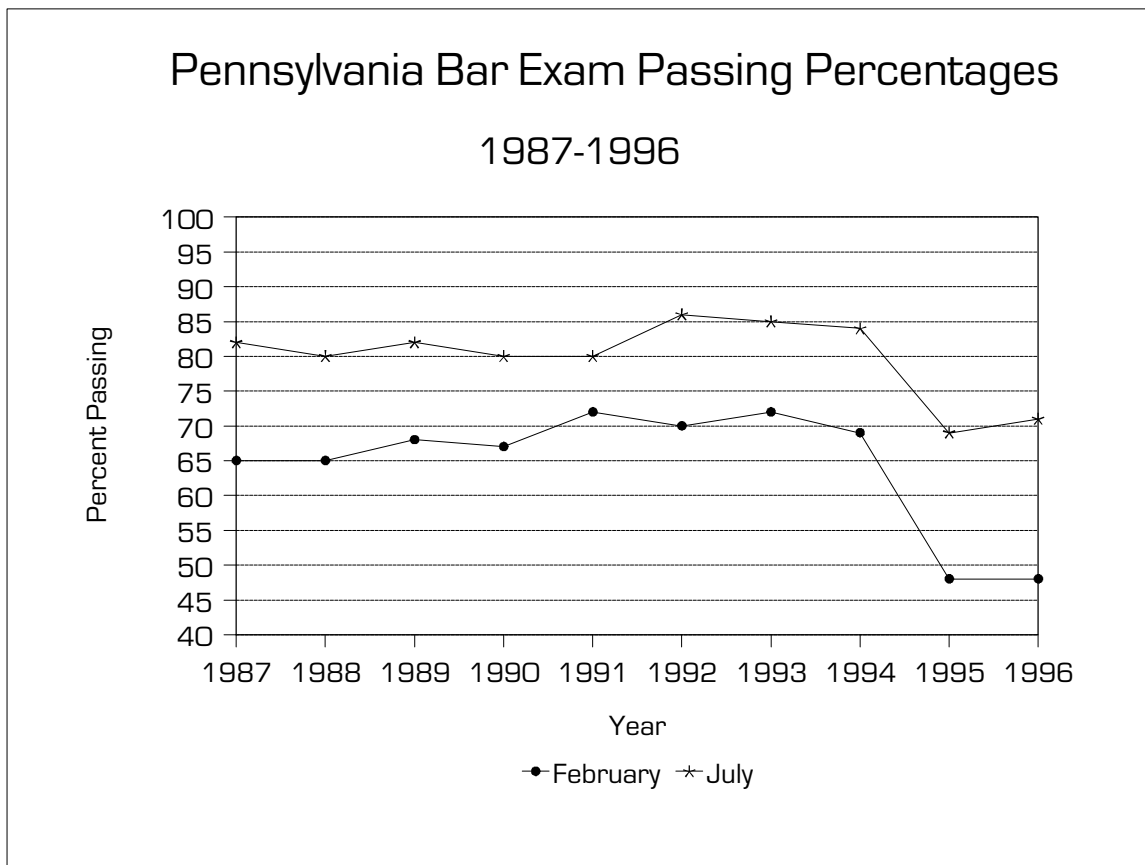


Table 3.2.2

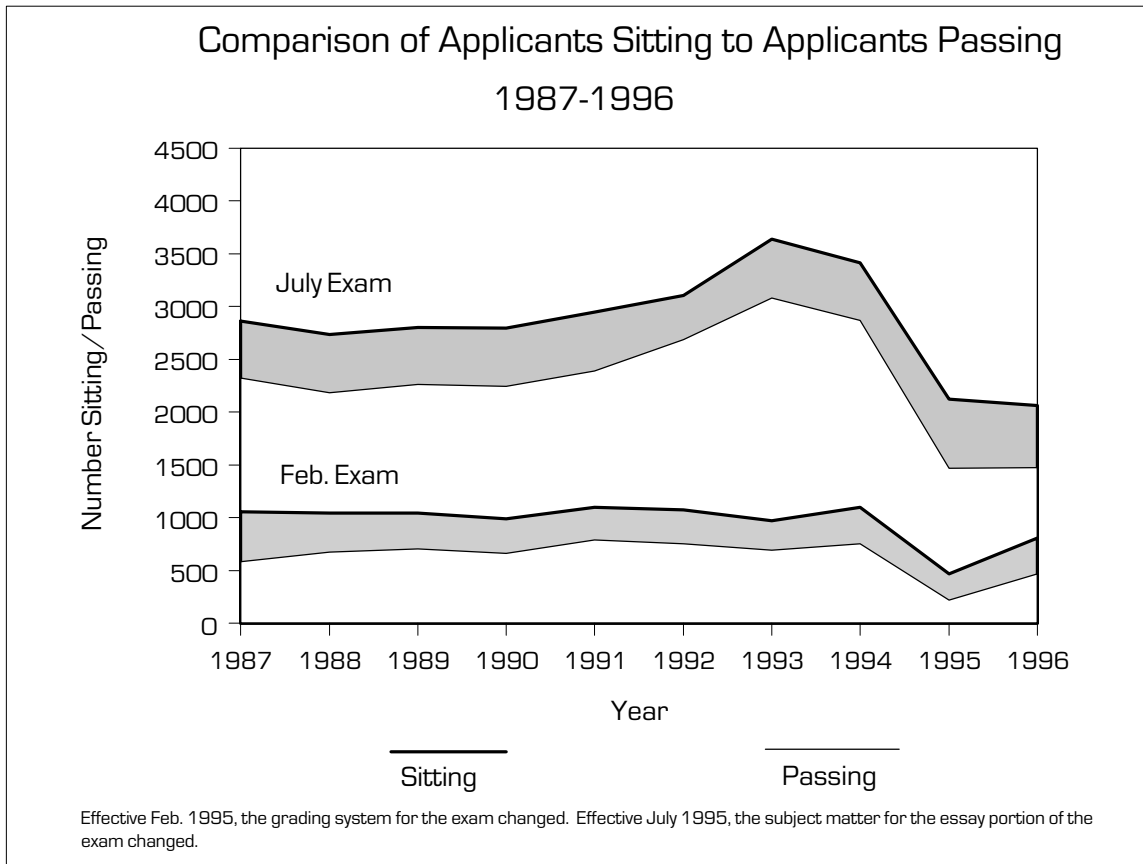


Table 3.2.3

### 1996 Membership:

Edwin L. Klett, Esq., *Chairman*  
Donald J. Farage, Esq., *Vice Chairman*  
David F. Binder, Esq.  
Ernest J. Buccino, Jr., Esq.  
Kathy K. Condo, Esq.  
Almeta E. Cooper, Esq.  
Paul S. Diamond, Esq.  
Professor John L. Gedid  
H. Paul Kester, Esq., *ex officio*  
James D. McDonald, Jr., Esq.  
Honorable Debra Ann Pezze\*  
William Pietragallo, II, Esq.  
Frank S. Poswistilo, Esq.  
Honorable Keith B. Quigley  
Diane Barr Quinlin\*\*  
Shanin Specter, Esq.  
Rea Boylan Thomas, Esq.  
Paul H. Titus, Esq.  
Honorable R. Stanton Wettick, Jr.

### Staff:

Harold K. Don, Jr., Esq., *Executive Director*  
Margaret A. Stein, Esq., *Research Assistant*  
Sharon L. Ciminera, *Office Manager*

\* Resigned 4-17-96

\*\* Appointed 4-22-96; term expires 6-30-97

### Legal Authorization:

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722

**Civil**

**Procedural**

**Rules**

**Committee**

Suite 700  
5035 Ritter Road  
Mechanicsburg, PA 17055  
(717) 795-2110  
cprc@courts.state.pa.us



## History/Background

The Civil Procedural Rules Committee sets the rules of procedure and practice for civil actions in Pennsylvania's Courts of Common Pleas. This includes all aspects of civil matters except those issues relating to the work of the Orphans' Court and Family Court divisions. It was first commissioned by the Supreme Court in 1937.

Committee members are appointed to three-year terms by the Court and each may serve a maximum of two full terms. The current committee is composed of 18 lawyers and judges.

The committee's office is located in Mechanicsburg and the staff of three includes an executive director/counsel, a research assistant and an office manager. The executive director and research assistant are both members of the bar of the Supreme Court of Pennsylvania.

## 1996 Activities

The Civil Procedural Rules Committee held five meetings in 1996 as follows:

February	Philadelphia
April	Mechanicsburg
June	Pittsburgh
September	Hollicong, Bucks County
November	Philadelphia

It continued work on projects begun in prior years. Principal among these were Recommendations 126, 127 and 128 relating to confession of judgment and summary judgment.

In addition, the committee's 1996 agenda included such topics as

- technology as affecting civil procedure
- service of original process
- court-annexed alternative dispute resolution techniques
- compulsory arbitration
- minors as parties

- depositions and discovery
- juries and jurors
- trial practice

The committee also continued to furnish assistance to the Supreme Court and to act as a clearinghouse for numerous amendments suggested by members of the bench and bar. The chairman and counsel answered countless inquiries regarding the Rules of Civil Procedure from local courts and attorneys and from courts and attorneys in sister states.

## Internet

Nineteen-ninety-six saw the advent of the Civil Procedural Rules Committee's presence on the Internet. The committee now publishes electronically its proposed recommendations as well as those new rules and amendments promulgated by the Supreme Court along with the schedule of effective dates amendments. The committee's publications can be found on the home page of the Administrative Office of Pennsylvania Courts at <http://www.courts.state.pa.us>. Comments regarding the Web page or any of the amendments may be sent to the committee at [cprc@courts.state.pa.us](mailto:cprc@courts.state.pa.us).

The committee's presence on the Internet will allow the bench and bar continuous access to the committee's recommendations, enable them to respond to the recommendations electronically and also alert them to and provide the text of new rules and amendments.

## 1996 Amendments to the Rules of Civil Procedure

The Supreme Court acted upon numerous committee recommendations in 1996,

promulgating new rules and amending existing ones. The committee issued several additional recommendations, which were published to the bench and bar for comment. These recommendations are described below and are listed in the Status of Recommendations chart which follows this report.

### *Recommendations Promulgated by the Supreme Court*

**Recommendation 112: Case Submitted on Stipulated Facts** New Rule 1038.1 added to govern submission of a case on stipulated facts for decision by a judge without a jury. Practice and procedure follow a known model, i.e., a trial without jury under Rule 1038. Also, new Rule 1038.2 was added to abolish the common law procedure of a case stated, which has been variously described in case law as "an anachronistic procedure," "a misunderstood procedure" and "a trap for the unwary." Promulgated August 9, 1996, effective January 1, 1997.

**Recommendation No. 126: Confession of Judgment for Money** Revises rules governing confession of judgment for money by abolishing confession of judgment in a consumer credit transaction and imposing a requirement to notify the defendant prior to or with execution upon a confessed judgment. The notice requirement was prompted by the decision of the U.S. Third Circuit Court of Appeals in *Jordan v. Fox, Rothschild, O'Brien & Frankel*, 20 F.3d 1250 (C.A. 3 1994), under which a judgment creditor and the judgment creditor's attorney may be held liable under § 1983 of the Civil Rights Act if judgment by confession is entered without a valid waiver of the due process rights to notice and hearing. Promulgated April 1, 1996, effective July 1, 1996.

**Recommendation No. 127: Confession of Judgment in Ejectment for Possession of Real Property** Abolishes confession of judgment for the possession of real property in connection

with a residential lease and requires that a notice be served upon the defendant in the confessed judgment. Promulgated April 1, 1996, effective July 1, 1996.

**Recommendation No. 128: Summary Judgment** Rescinds former Rule 1035 governing summary judgment and replaces it with Rules 1035.1 through 1035.4 governing definitions, motion, answer, affidavits and the procedure when judgment is denied or not rendered upon the whole case. The new rules take note of the *Nanty-Glo* rule relating to the effect of oral testimony upon a motion for summary judgment and expressly authorizes the filing of a motion when the record does not contain sufficient evidence to make out a *prima facie* cause of action or defense. Promulgated February 14, 1996, effective July 1, 1996.

**Recommendation No. 132: Minors and Incapacitated Persons** Identical amendments to three rules governing compromise, settlement, discontinuance and distribution conform the rules to Act 102 of 1994, which increased from \$10,000 to \$25,000 the size of a small estate for which a guardian is not required. Rules covered include Rule 2039 (Minors), Rule 2064 (Incapacitated Persons) and Rule 2206 (Wrongful Death Actions). The amendments also provide for the use of a trust or a structured settlement and enlarge the categories of investments permitted under the rule. Adopted October 3, 1996, effective January 1, 1997.

**Recommendation No. 135: Deficiency Judgments** New Rules 3276 *et seq.* supply the procedure governing proceedings for deficiency judgments and authorize filing a petition for a deficiency judgment as a proceeding supplementary to an action of mortgage foreclosure, an *action de terris*. The Deficiency Judgment Law of 1941 had been repealed by the Judiciary Act Repealer Act and the successor provision, § 8103 of the Judicial Code, omitted much of the procedure previously contained in the repealed statute. Promulgated December 6, 1996, effective January 1, 1997.

**Miscellaneous Technical Amendments:**

Amendments to the notes to Rules 227.1(c) and 1557 and to the explanatory comment to Rule 1038.1 to update obsolete references. The amendments do not affect practice or procedure. Promulgated December 5, 1996, effective immediately.

*Recommendations Published to Bench and Bar*

**Recommendation No. 130: Voir Dire** Proposes adoption of new Rule 220.1 to further the goal of establishing a uniform civil practice throughout the Commonwealth with respect to the information which the parties may obtain concerning prospective jurors. The proposed rule does not dictate the mechanics of voir dire, but leaves that to the local Courts of Common Pleas.

**Recommendation No. 131: Production of Documents and Things; Entry Upon Property** Proposes rescission of Discovery Rule 4009 governing production of documents and things and entry upon land and replacement with a new chapter of rules, Rule 4009.1 *et seq.* The new chapter would be divided into two parts, one relating to production of documents and things and the other relating to entry upon property. The proposed rules also feature new procedures governing discovery from persons not parties to an action. These include a subpoena to produce documents and things under proposed Rule 4009.21 *et seq.* and a motion for entry upon land under proposed Rule 4009.33.

**Recommendation No. 133: Service of Original Process** Proposes amendment of Rules 401 and 404 to facilitate parties in their attempts to make a good faith effort to effectuate service of original process. The recommendation and the broader subject of service of original process remain under consideration by the committee.

**Recommendation No. 134: Compulsory Arbitration** Proposes to amend in several respects Rule 1305(b), which relaxes the rules of evidence

as to the introduction of certain types of written evidence at a hearing before a board of arbitrators in compulsory arbitration. One revision would broaden the categories of such evidence to include business and governmental records and expert reports and qualifications. Another revision would direct the board of arbitrators in its consideration and use of the documents admitted into evidence.

**Recommendation No. 136: JARA Amendments** The Judiciary Act Repealer Act (JARA), enacted in 1978, repealed thousands of statutory provisions governing civil practice and procedure and amended many others. Since that time the references to these repealed and amended statutes contained in the Rules of Civil Procedure have been eliminated gradually. Recommendation No. 136 proposes to continue this process, rescinding certain rules which preserve or suspend repealed statutes and amending other rules by eliminating obsolete references and citations.

The rules affected by this recommendation include those governing transfer of judgments (Rules 3001 through 3011) and the enforcement of judgments in special actions (Rules 3160 through 3190). In addition, the recommendation proposes to rescind as obsolete the following rules governing the abolition of special actions: Rules 1480 and 3249 (Attachment) and Rules 1481 and 3250 (Arrest before and after Judgment).

**Recommendation No. 137: Discovery** Present Rule 4011(c), which prohibits the discovery of "matter which is privileged" is incomplete since Rules 4003.1 through 4003.6 governing the scope of discovery refer to other matters as well as privilege. Recommendation No. 137 proposes to broaden Rule 4011(c) to refer to Rules 4003.1 through 4003.6 and thereby encompass all of the concepts of those rules.

**Recommendation No. 138: Compulsory Arbitration** Proposes to amend Rule 1303 to provide that, upon notice and agreement of all parties present in a compulsory arbitration, the matter may be heard by the Common Pleas Court on the day of the scheduled arbitration hearing. The hearing before the court would avoid the two-step procedure of arbitration award and appeal to the court. The matter would proceed like any other matter in Common Pleas Court with the entry of a *non pros* if the plaintiff does not appear or a decision if the defendant does not appear.

This proposal comes about because of instances in which a party fails to appear for a hearing before a board of arbitrators in compulsory arbitration and then files an appeal for a trial *de novo* in Common Pleas Court. Currently, no remedy exists for this situation in which a party flouts the compulsory arbitration process.

**Recommendation No. 139: Sheriff's Interpleader** Proposes to delete obsolete references to the Act of June 22, 1931, P.L. 883, 12 P.S. § 2358 *et seq.*, which formed the basis for both the substantive and procedural law governing sheriff's interpleader, but was repealed in 1978 by the Judiciary Act Repealer Act (JARA).

**Recommendation No. 140: Delay Damages and Post-Trial Practice** Proposes several revisions, including an amendment to Rule 238(c)(3)(I) to prohibit entry of judgment until

disposition of a pending motion for delay damages has been made by order of court, by *praecipe* pursuant to revised Rule 238(c)(2), or by other resolution. Under present practice, a party may enter judgment under Rule 227.4 upon a verdict or decision if a motion for post-trial relief is not decided within a 120-day period. One Common Pleas Court ruled that the entry of judgment under Rule 227.4 prior to the disposition of an unopposed motion for delay damages under Rule 238 precludes the award of such damages.

## Continuing Responsibilities

The Judicial Code and the JARA have provided the committee with the basis for much of its work since 1978 and continue to do so. During 1996 the committee continued to review the rules for obsolete references and to close gaps in procedure resulting from these statutes. This project will continue into the coming year as well.

## Contact Person

Anyone wishing to learn more about the Civil Procedural Rules Committee or having questions regarding civil rules may contact Executive Director Harold Don at (717) 795-2110 or write to him at Suite 700; 5035 Ritter Road; Mechanicsburg, PA 17055 or via e-mail at [cprc@courts.state.pa.us](mailto:cprc@courts.state.pa.us).



Status of Recommendations		
Recommendation	Subject	Status
112	Revises Rule 237.1 governing notice of intention to file praecipe for default judgment	Promulgated 8-9-96, effective 1-1-97
126	Amendment of Rule 2950 et seq., governing confession of judgment for money	Promulgated 4-1-96, effective 7-1-96
127	Amendment of Rule 2970 et seq. governing confession of judgment in ejectment for possession of real property	Promulgated 4-1-96, effective 7-1-96
128	Revision of Rule 1035 and promulgation of new Rule 1035.1 et seq. governing summary judgment	Promulgated 2-14-96, effective 7-1-96
130	Proposing new Rule 220.1 governing voir dire	Pending in committee
131	Proposing revision of Rule 4009 governing production of documents and things and entry upon land	Pending in committee
132	Amendment of Rules 2039, 2064 and 2206 governing settlement of actions involving minors and incapacitated persons	Promulgated 10-3-96, effective 1-1-97
133	Amendment of Rules 401 and 404 governing service of original process	Pending in committee
134	Amendment of Rule 1305 governing compulsory arbitration	Pending in committee
135	Promulgation of Rule 3276 et seq. governing deficiency judgments	Promulgated 12-6-96, effective 1-1-97
	Amendment of Notes to Rule 227.1(c) governing post-trial practice and Rule 1557 governing partition of real property	Promulgated 12-5-96, effective immediately
136	Technical amendment (JARA) of Rules 3001 through 3011 and Rules 3160 through 3190	Pending in committee

continued...

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### Status of Recommendations, continued

Recommendation	Subject	Status
137	Amendment of Rule 4011 governing discovery	Pending in committee
138	Amendment of Rule 1303 governing compulsory arbitration	Published to bench and bar for comment
139	Technical Amendment (JARA) of Rule 3201 et seq. governing sheriff's interpleader	Published to bench and bar for comment
140	Amendment of Rule 238 governing damages for delay	Published to bench and bar for comment

Table 3.3.1, contd.

**Committee  
for  
Proposed  
Standard  
Jury  
Instructions**

**1996 Membership:**

Civil Instructions Committee

James E. Beasley, Esq., *Chairman*

Perry S. Bechtle, Esq.

Honorable John C. Dowling

James Lewis Griffith, Esq.

Lee C. Swartz, Esq., *Reporter*

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Chairman*

Honorable Robert E. Dauer, *Co-chairman*

William H. Lamb, Esq., *Co-chairman*

Honorable John N. Sawyer

Professor Arthur A. Murphy, *Reporter*

**Staff:**

Susan Howard Swope, *Assistant Reporter and Secretary*

**Legal Authorization:**

Pa. Constitution Article V, § 10(c)

c/o Pa. Bar Institute  
5080 Ritter Road  
Mechanicsburg, PA 17055  
(717) 796-0804  
(800) 932-4637  
sswope@pbi.org



## History/Background

**T**he Pennsylvania Supreme Court Committee for Proposed Standard Jury Instructions was first appointed in 1968 by Chief Justice John C. Bell for the express purpose of developing pattern jury charges for the assistance of both the bench and the bar. The committee's mission from the outset has been to assist the administration of justice in both civil and criminal court proceedings through the availability of model jury instructions.

As a result, the committee has published comprehensive volumes of suggested civil and criminal jury instructions. The suggested instructions guide judges and lawyers and support research and preparation of instructions during the trial process.

With the publication of these volumes, the ongoing function of the committee is to monitor developments in civil and criminal law, recommending and publishing revised and new instructions as required.

In developing updates to the civil and criminal instructions, the committee, through its subcommittees, makes every effort to ensure that the instructions are useful to judges and lawyers and at the same time comprehensible to jurors. In the initial publication of the instructions a Socio-Legal Subcommittee was formed to review the language of each instruction in order to assist jurors in their understanding of the principles of law. This subcommittee is no longer in existence.

Since 1979 the Pennsylvania Bar Institute (PBI) has provided both administrative and publishing support for the committee, as

well as funding for this important work. Project costs are underwritten through the sale and distribution of the published suggested standard instructions to the legal community.


## 1996 Activities

The seventh supplement to the Criminal Jury Instructions was published in 1995. With this supplement, the criminal instructions are now available on computer diskette. In 1996 the reporter continued his research toward future supplements.

The Civil Jury Instructions subcommittee also continued researching and drafting revised and new jury instructions for a third supplement to the Civil Jury Instructions. It is planned that this supplement will be published within the next year. At that time, the civil jury instructions will also be available on diskette.

## Contact Person

Members of the bench and bar are urged to provide their comments and suggestions to the committee. Such comments are of great assistance to the reporters and subcommittee members in their ongoing efforts to ensure that the instructions reflect the current state of the law in Pennsylvania.

Those interested may write to Susan Howard Swope, Esq. at Pennsylvania Bar Institute; 5080 Ritter Road; Mechanicsburg, PA 17055-6903, may e-mail her at [sswope@pbi.org](mailto:sswope@pbi.org), or may call either 800-932-4637 or 717-796-0804, ext. 260. 



## Pennsylvania

## Continuing

## Legal

## Education

## Board

### 1996 Membership

James C. Schwartzman, Esq., *Chairman*  
Charles P. Gelso, Esq., *Vice Chairman*  
John A. Carpenter, Esq.  
Thomas L. Cooper, Esq.  
Vincent J. Grogan, Esq.  
Phoebe A. Haddon, Esq.  
Harold E. Kohn, Esq.  
Marvin S. Lieber, Esq.  
James F. Mundy, Esq.\*  
Diane W. Perer, Esq.

### Staff:

Karen K. Spicer, *Administrator*

\* Resigned 12-96

### Legal Authorization:

Title 204 - Judicial System General Provisions Part V.  
Professional Ethics and Conduct [204 PA Code C. 82]  
Pennsylvania Rules for Continuing Legal Education; No. 99  
Supreme Court Rules Doc. No. 1

5035 Ritter Road  
Suite 500  
Mechanicsburg, PA 17055  
(717) 795-2139  
(800) 497-2253  
[www.pacle.org](http://www.pacle.org)

## History/Background

With the promulgation by the Pennsylvania Supreme Court of the Pennsylvania Rules for Continuing Legal Education on January 7, 1992, Pennsylvania became the thirty-eighth state in the union to require attorneys to participate in formal continuing legal education (CLE).

It is the responsibility of the Continuing Legal Education Board to administer the rules pertaining to such education for attorneys. This responsibility began with establishing the entire continuing legal education requirements system and continues to include updating the requirements and rules as necessary, monitoring each attorney's compliance with the requirements, notifying attorneys of CLE status and accrediting and monitoring CLE providers.

The board established the following goals early in its existence:

- create and maintain a credible and respected CLE program in Pennsylvania
- be lawyer friendly
- make compliance easy for lawyers
- minimize paperwork for lawyers
- utilize the most modern, efficient and effective methods of communication
- automate as much as possible through computerization.

The board is comprised of ten active Pennsylvania attorneys appointed by the Supreme Court. Member terms are three years in length and no member may serve more than two consecutive terms.

## Compliance Requirements and Deadlines

Annual CLE credit-hour requirements are met by completion of accredited courses in the areas of substantive law, practice and procedure, ethics, professionalism or substance abuse. As of September 1, 1995, lawyers

in each compliance year group must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

Compliance deadlines and CLE requirements are based on the annual compliance period to which lawyers have been assigned by random selection of lawyer identification numbers. CLE requirements and group deadlines can be found in Chart 3.5.1 below.

## Board Organization

In order to best accomplish the requirements set forth by the Pennsylvania Rules for Continuing Legal Education, the Continuing Legal Education Board is organized into four committees, each covering a major area

Compliance Deadlines/Requirements	
<u>Compliance Period Ending</u>	<u>Education Requirements</u>
Group One	
4-30-93	5 hours ethics
4-30-94	6 hours total, minimum 1 hour ethics
4-30-95	6 hours total, minimum 1 hour ethics
4-30-96	9 hours total, minimum 1 hour ethics
4-30-97	12 hours total, minimum 1 hour ethics
Group Two	
8-31-93	5 hours ethics
8-31-94	6 hours total, minimum 1 hour ethics
8-31-95	9 hours total, minimum 1 hour ethics
8-31-96	12 hours total, minimum 1 hour ethics
8-31-97	12 hours total, minimum 1 hour ethics
Group Three	
12-31-93	5 hours ethics
12-31-94	6 hours total, minimum 1 hour ethics
12-31-95	9 hours total, minimum 1 hour ethics
12-31-96	12 hours total, minimum 1 hour ethics
12-31-96	12 hours total, minimum 1 hour ethics

Chart 3.5.1

of operations: Accreditation, Administration, Audit and Compliance. A description of each committee follows.

#### *Accreditation Committee*

The Accreditation Committee has four members: Thomas L. Cooper, Esq., chairman; Charles P. Gelso, Esq.; Harold E. Kohn, Esq.; and James F. Mundy, Esq. Its duties include certification of providers and courses, CLE program standards, publicity for CLE programs, communications with lawyers, adequacy of course availability, and course and provider accreditation standards.

#### *Administration Committee*

The Administration Committee includes Charles P. Gelso, Esq., chairman; Vincent J. Grogan, Esq.; Marvin S. Lieber, Esq.; and James F. Mundy, Esq. It handles matters involving staff, employee relations, benefits, office equipment, office operations, fees and banking and those enhancements to program administration necessary to ensure quality and efficiency.

#### *Audit Committee*

The Audit Committee has three members: Marvin S. Lieber, Esq., chairman; Thomas L. Cooper, Esq.; and James C. Schwartzman, Esq. It oversees the budget, annual independent audit, and audit of board operations. It continues to monitor the board's financial software, operating procedures and reporting. It is also the liaison between the board and the board's accountants, KPMG Peat Marwick.

#### *Compliance Committee*

James C. Schwartzman, Esq., chairman; John A. Carpenter, Esq.; Diane W. Perer, Esq.; and Phoebe A. Haddon, Esq. comprise the Compliance Committee. This committee over-

sees attorney compliance; reviews requests for waivers, extensions and deferrals from lawyers; reviews determination of lawyer noncompliance; and makes recommendations to the board for action regarding these issues.

### **1996 Board Actions and Operations Highlights**

The board met three times in 1996. Key activities included:

- amendment of the rules and regulations to allow accreditation of courses given by for profit providers when courses are conducted outside the Commonwealth on or after January 1, 1997
- amendment of the rules and regulations to allow extra credit for lawyers who teach CLE courses
- regulation change to clarify CLE requirements for lawyers placed on inactive status for failure to meet CLE requirements and who request reinstatement
- requirement that, beginning in 1997, new providers seeking accreditation complete a training program administered by the CLE board staff. This addition to the regulations requires successful completion of training before application for accredited status can be approved.
- reduction of the initial fee for provider accreditation from \$250 to \$25.00.

The rules adopted by the Supreme Court require that administrative expenses be funded by fees paid from providers and lawyers. The board's income during 1996 was \$2,148,733. The majority of income is derived from course attendance fees (65%). Operating expenditures, including capital expenditures totaled \$1,861,415.

The board has established designated reserves to fund future anticipated needs. Based upon operating efficiencies, it decided in

September of 1995, to reduce course attendance fees from \$5.00 to \$2.50 per credit hour. The fee was again reduced, effective August 1, 1996, to \$2.00 per credit hour. In December the board further reduced the credit hour fee to \$1.50 to be effective for courses held on or after May 1, 1997.

### *Attorney Compliance*

Attorney compliance with CLE requirements has remained exceptionally high, averaging over 99%. Chart 3.5.2 on page 59 displays the compliance rate and the numbers of non-compliant lawyers reported to the Court for the compliance year ending prior to December 31, 1996.

The names of those attorneys who failed to comply with the requirements were submitted to the Supreme Court Disciplinary Board.


### **Looking Ahead to 1997**

Plans for 1997 include:

- implementation of Pennsylvania CLE on the Internet, especially to provide course availability information to lawyers

- implementing the program to train prospective accredited providers early in the year
- alternative methods of data submission will be fully explored with the goal of achieving paperless entry and speeding up information processing
- Further efficiencies for computer program applications, including the development of provider hardware and software for paperless processing will also be pursued.

### **Contact Person**

Questions about CLE or the Pennsylvania Continuing Legal Education Board may be directed to Karen K. Spicer, Administrator, at (800) 497-2253 or (717) 795-2139. Or you may write to the board at 5035 Ritter Road, Suite 500; Mechanicsburg, PA 17055 or our Web site at [www.pacle.org](http://www.pacle.org). 

Attorney Compliance				
Compliance Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates
<b>Group 1</b>				
92-93 - April 93	17,100	16,959	141	99.2%
93-94 - April 94	17,300	17,179	121	99.3%
94-95 - April 95	17,619	17,552	67	99.6%
95-96 - April 96	17,873	17,768	105	99.4%
<b>Group 2</b>				
92-93 - August 93	17,124	16,868	256	98.5%
93-94 - August 94	17,289	17,134	155	99.1%
94-95 - August 95	17,649	17,540	109	99.4%
95-96 - August 96	17,595	*	*	*
<b>Group 3</b>				
92-93 - December 93	17,269	16,936	333	98.1%
93-94 - December 94	17,474	17,414	60	99.7%
94-95 - December 95	17,679	17,574	105	99.4%
95-96 - December 96	17,542	+	+	+
* Information for this compliance period will be available April 17, 1997.				
+ Information for this compliance period will be available July 16, 1997.				

Table 3.5.2

## 1996 Membership

Francis Barry McCarthy, Jr., Esq., *Chairman*  
Emmanuel H. Dimitriou, Esq., *Vice Chairman\**  
Honorable Tama Myers Clark  
Joseph P. Conti, Esq.\*\*  
John L. Doherty, Esq.\*\*  
Arthur T. Donato, Esq.  
Honorable J. Michael Eakin  
Ronald Eisenberg, Esq.  
Susan R. Friedman, Esq.  
Robert A. Graci, Esq.  
Honorable Jane Cutler Greenspan\*  
Maureen Lally-Green, Esq.  
Thomas King Kistler, Esq.  
Paul S. Kuntz, Esq., *ex-officio*  
Anthony Mark Mariani, Esq.\*  
Kemal A. Mericli, Esq.  
John P. Moses, Esq.  
John W. Packel, Esq.\*\*  
Francis Recchuiti, Esq.  
William H. Ryan, Jr., Esq.  
Lenora M. Smith, Esq.  
Stuart Brian Suss, Esq.\*\*  
Joel P. Trigiani, Esq.

\* Term expired 6-1-96

\*\* Appointed 10-4-96

### Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*  
Jennifer Degenfelder, Esq., *Staff Counsel*  
Patricia R. Kephart, *Office Manager*

### Legal Authorization:

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722

**Criminal**

**Procedural**

**Rules**

**Committee**

5035 Ritter Road  
Mechanicsburg, PA 17055  
(717) 795-2100

## History/Background

**T**he Criminal Procedural Rules Committee is an advisory arm to the Supreme Court, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing criminal practice and procedure throughout Pennsylvania.

The committee monitors recent developments in criminal procedure in Pennsylvania and in other jurisdictions to identify areas in which the criminal rules need to be amended, revised, streamlined or simplified. The committee also reviews and responds to the numerous questions raised by judges, lawyers, and court personnel; the public; and agencies within the criminal justice system.

In addition, the committee reviews Pennsylvania appellate court cases and Pennsylvania legislation, earmarking those decisional or statutory law changes which affect the criminal process and necessitate amendments to the rules or other action by the Court.

The committee also monitors all local criminal rules as required by Pennsylvania Rules of Criminal Procedure 6.

The committee periodically publishes reports explaining the committee's proposals for new rules and rule amendments. These reports, called simply *Reports*, can be found in the *Pennsylvania Bulletin* and in the *Atlantic Reporter 2d (Pennsylvania Reporter Series)*. In them the committee encourages the bench, bar and public to submit comments and recommendations concerning the proposals. All comments are considered and, when appropriate, a proposal is modified before final submission to the Court.

If a recommendation is adopted, the committee prepares a final explanatory report for publication with the Court's order. These *Final Reports* are useful sources of information about the rule changes and the committee's

considerations in developing the proposal for the rule changes.

In addition to reports, the committee prepares, as a public service, a "Calendar of the Effective Dates," which lists recently adopted criminal procedural rule changes and their effective dates. These calendars are published in various legal journals and newsletters to provide easy access to the effective dates of criminal rule changes.

Committee membership is appointed by the Supreme Court. During the first half of 1996, it included a Superior Court judge, two Common Pleas Court judges, four prosecutors, nine attorneys in private practice, two law professors and a district court administrator. During the second half, following the expiration of some members' terms and the appointment of new members, membership was composed of a Superior Court judge, one Common Pleas Court judge, the Chief Disciplinary Counsel for the Supreme Court's Disciplinary Board, five prosecutors, one public defender, seven attorneys in private practice, two law professors, and a district court administrator. Each member's term is three years in length and members may serve a maximum of two full terms.

The committee has a staff of three: two staff attorneys and an office manager. It maintains its office in Mechanicsburg at the Administrative Office's Central Site.

## 1996 Activities

The committee met bi-monthly in 1995. Its work addressed a number of areas of criminal practice and procedure, including

- issues affecting the minor judiciary
- discovery and other pretrial procedures
- sentencing proceedings
- issues related to post-sentence practice
- post-conviction collateral proceedings.



The committee communicated regularly with the Administrative Office and with the Supreme Court's other committees on various procedural matters in an effort to achieve uniformity and consistency among interrelated procedural and administrative matters.

At various venues statewide, committee staff were able to provide the bench, the bar and others involved in the criminal justice system with information about recent changes in Pennsylvania's criminal procedures. At these functions, the committee also receives valuable input concerning Pennsylvania's criminal practice.

## 1996 Committee Action

The Supreme Court acted on a number of committee recommendations for rule changes in 1996. A number of other recommendations changes remained pending with the Supreme Court. These are described below. A chart indicating the status of the proposals and recommendations pending in 1996 can be found beginning on page 66.

### *Proposals Adopted by the Supreme Court*

**Recommendation No. 5, Criminal Rules 1994:** Amendments to Rule 1114 addressing *Commonwealth v. Foster* concerning **written or otherwise recorded confessions** being permitted in the possession of the jury during deliberations. See *Final Report* at 26 *Pa.B.* 439 (2-3-96) and 668 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 6, Criminal Rules 1995:** Amendments to Rules 106, 108 and 6003 clarifying the procedures concerning district attorney approval of **private criminal complaints** and court review of denials. See *Final Report* at 26 *Pa.B.* 1690 (4-13-96) and 672 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 10, Criminal Rules 1995:** Amendments to Rules 6006, 6008, 6009 and 6011 expressly recognizing **petitions for writs of certiorari** from the Philadelphia Court of Common Pleas. See *Final Report* at 26 *Pa.B.* 991 (3-9-96) and 670 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 11, Criminal Rules 1995:** Comment revisions to rules 51, 55 and 101 address the use of **field acknowledgments of guilt** in summary cases and jurisdiction over summary offenses in **juvenile cases**. See *Final Report* at 26 *Pa.B.* 437 (2-3-96) and 668 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 1, Criminal Rules 1996:** Amendments to Rules 1405, 1409, and 1410 add **intermediate punishments** within the scope of Rule 1409, establish new procedures governing **sentencing** and motions to modify sentence in probation and parole violation cases, add Rule 1409 cross-references in the Rules 1405 and 1410 Comments, and require that notice of **Gagnon II hearing** be given to the clerk of courts. See *Final Report* at 26 *Pa.B.* 4900 (10-12-96) and 682 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 2, Criminal Rules 1996:** Rule 305 amendments providing the procedures for the preparation and disclosure of **expert witnesses' reports**. See *Final Report* at 26 *Pa.B.* 2488 (6-1-96) and 674-675 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 3, Criminal Rules 1996:** Amendments to Rules 61 and 95 permitting the electronic filing of **parking citations**. See *Final Report* at 26 *Pa.B.* 3629 (8-3-96) and 678 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 4, Criminal Rules 1996:** Changes to Rules 27, 109, 180, 181, 304, 1503(a), and 6001 to reflect the **abolition of the indicting grand jury**. See *Final Report* at 26 *Pa.B.* 3128 (7-6-96) and 676 A.2d (*Pennsylvania Reporter Series*).



**Recommendation No. 5, Criminal Rules 1996:** Amendments to Rule 9022 requiring the clerk of courts to forward to counsel of record any **documents filed by defendant**. See *Final Report* at 26 *Pa.B.* 3532 (7-27-96) and 677 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 6, Criminal Rules 1996:** Revisions to Rules 102 and 182 Comments. Rule 102 revision adds a cross-reference to 18 Pa.C.S., § 2711 and to 23 Pa.C.S., § 6113(c) concerning **domestic violence**. Rule 182 revision adds a cross-reference to 42 Pa.C.S., § 9782 concerning **collection of restitution** in an ARD program. See *Final Report* at 26 *Pa.B.* 4895 (10-12-96) and 682 A.2d (*Pennsylvania Reporter Series*).

**Recommendation No. 9, Criminal Rules 1996** Amendments to Rule 1406 require that judges state in the **sentencing** order whether the sentences imposed are to run concurrently or consecutively, and eliminate the sentence presumptions created by the rule before these amendments. See *Final Report* at 26 *Pa.B.* 5694 (11-23-96) and 683 A.2d (*Pennsylvania Reporter Series*).

#### *Proposals Pending with the Supreme Court*

**Recommendation No. 7, Criminal Rules 1995:** New rule 85 and amendments to rules 75, 76, 83, 84 and 86. Would clarify the procedures in **summary cases** for the imposition of fines, costs and restitution; require the issuing authority to send a notice of default before issuance of an arrest warrant; and clarify the procedures for stays of sentence relating to appeals in summary cases. See *Report* at 25 *Pa.B.* 942 (3-18-95).

**Recommendation No. 8, Criminal Rules 1995:** New Rules 30, 31, 32 and 39. Would establish procedures for handling **summary criminal contempt** by the minor judiciary when authorized by statute. See *Report* at 25 *Pa.B.* 12 (1-7-95) and *Supplemental Report* at 25 *Pa.B.* 1841 (5-13-95).

**Recommendation No. 7, Criminal Rules 1996:**

Chapter 1500 amendments would align the chapter with the recent amendments to the **Post Conviction Relief Act**, 42 Pa.C.S. §§ 9541-9546, and the new **Unitary Review Act**, 42 Pa.C.S. §§ 9570-9579. See *Report* at 26 *Pa.B.* 2302 (5-18-96).

**Recommendation No. 8, Criminal Rules 1996:** Revision to Rule 86 Comment would clarify the procedures concerning a **police officer's presence** at summary trial and trial *de novo* to address the holding in *Commonwealth v. High-tower*. See *Report* at 26 *Pa.B.* 2167 (5-11-96).

**Recommendation No. 10, Criminal Rules 1996:** New Rule 1411 and amendments to Rule 1410 would provide the procedures for Commonwealth motions to modify **sentence**. The Appellate Rules Committee submitted a correlative recommendation concerning the Comment to Appellate Rule 1701(b)(3). See *Report* at 26 *Pa.B.* 1346 (3-30-96).

**Recommendation No. 11, Criminal Rules 1996:** Amendments to Rules 75 and 84 would clarify the procedures for **summary trials in absentia** and the issuance of warrants of arrest in these cases. See *Report* at 25 *Pa.B.* 5920 (12-23-95).

**Recommendation No. 12, Criminal Rules 1996:** Revisions to Rules 1403 and 1405 Comments would cross-reference the recent legislation concerning "**Megan's Law**" and repeat offenders, 42 Pa.C.S., §§ 9714(c) and 9791-9799.5. This recommendation was submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3).

**Recommendation No. 13, Criminal Rules 1996:** Rule 51 Comment revision would update the citation to *Commonwealth v. Beatty* (**summary violations** under the Vehicle Code) for purposes of 18 Pa.C.S. § 110 by adding citations to *Commonwealth v. Taylor* (summary violations of Crimes Code) and *Commonwealth v. Kresge* (summary violations of Game and Wildlife Code). This recommendation was

submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3).

**Recommendation No. 14, Criminal Rules 1996:** New Rules 87 and 88 and amendment to Rule 145 would provide **summary case procedures** comparable to the procedures in Rule 151 for withdrawals and in Rule 145 for dismissals in court cases. See *Report* at 26 *Pa.B.* 3632 (8-3-96).

**Recommendation No. 15, Criminal Rules 1996:** Rule 1405 amendments would make it clear that a violation of the Rule 1405 time limits, by itself, is not sufficient grounds to **vacate a conviction**. This recommendation was submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3).

**Recommendation No. 16, Criminal Rules 1996:** Amendments to Rules 71 and 81 would clarify the procedures related to **collateral in summary cases**, and expressly address the exceptions to the immediate trial requirement in Rule 71. See *Report* at 26 *Pa.B.* 4893 (10-12-96).

*Proposals Published in 1996 and Pending with the Committee*

**Rules 110, 112, 113, 140, 141, 142, 143, 146, 224, 225, 231, 9024, 6000, 6001, and 6003:** The proposed changes would address the procedures for handling cases in which a defendant fails to appear for a **preliminary**

**hearing**, and make related changes to other rules in Chapter 100. See 25 *Pa.B.* 828 (3-11-95) and 26 *Pa.B.* 2307 (5-18-96).

**59, 64 and 69:** Proposed Comment revisions would bring rules in line with other summary case rules which require the **recording of guilty pleas** when a defendant mails in the fine and costs but fails to sign the citation.

**Rule 149:** The proposed amendments would make it clear that in a court case following a **guilty plea** and imposition of sentence by a district justice, the case is to be forwarded to the Court of Common Pleas for all further proceedings, including the collection of fines, costs, and restitution. See 26 *Pa.B.* 4895 (10-12-96).

*Other Recommendations*

The Court declined to adopt **Recommendation No. 8, Criminal Rules 1994**, amendments to Rules 83, 316, 317, and 318 addressing the **appointment of counsel** in summary cases.

**Contact Person**

Should you wish to speak to someone at the Criminal Procedural Rules Committee, you may contact Anne Panfil at (717) 795-2100 or write in care of the committee to P.O. Box 1325; Doylestown, PA 18901.



Status of Recommendations		
Recommendation	Subject	Status
5, 1994	Amendments to Rule 1114 addressing Commonwealth v. Foster concerning written or otherwise recorded confessions in possession of jury during deliberations	Adopted by Court 1-16-96, effective 7-1-96
8, 1994	Amendments to Rules 83, 316, 317, 318 regarding appointment of counsel in summary cases	Court declined to adopt
6, 1995	Amendments to Rules 106, 108, 6003 clarifying the scope of judicial review following a district attorney's disapproval of a private criminal complaint	Adopted by Court 3-22-96, effective 7-1-96
7, 1995	New Rule 85; amendments to Rules 75, 76, 83, 84, 86 clarifying procedures in summary cases for imposition of fines, costs, and restitution; requiring issuing authority to send a notice of default before issuance of arrest warrant; and clarifying procedures for stays of sentence relating to appeals in summary cases	Submitted to Court 7-11-95; pending with Court
8, 1995	New Rules 30, 31, 32, 39 establishing procedures for handling summary criminal contempt by the minor judiciary when authorized by statute	Submitted to Court 7-11-95; pending with Court
10, 1995	Amendments to Rules 6006, 6008, 6009, 6011 to expressly recognize petitions for writs of certiorari in Philadelphia Municipal Court cases	Adopted by Court 2-21-96, effective 7-1-96
11, 1995	Revisions to Rules 51, 55, 101 Comments clarifying use of citations and field acknowledgments of guilt, recognizing recent statutory changes in district justices' jurisdiction over summary offenses in juvenile cases, deleting the outdated citation to Grady v. Corbin	Adopted by Court 1-16-96, effective immediately

continued...

Table 3.6.1

Status of Recommendations, continued

Recommendation	Subject	Status
1, 1996	Amendments to Rule 1409 regarding intermediate punishments	Adopted by Court 9-26-96, effective 1-1-96
2, 1996	Amendments to Rule 305 providing procedures for the preparation and disclosure of expert witnesses' reports	Adopted by Court 5-13-96, effective 7-1-96
3, 1996	Amendments to Rules 61 and 95, permitting electronic filing of parking citations	Adopted by Court 7-17-96, effective 1-1-97
4, 1996	Amendments to Rules 27, 109, 180, 181, 304, 1503(a), and 6001 to reflect the abolition of the indicting grand jury	Adopted by Court 6-19-96, effective 7-1-96
5, 1996	Amendments to Rule 9022 requiring clerk of courts to forward to counsel of record any documents filed by defendant	Adopted by Court on 7-9-96, effective 9-1-96
6, 1996	Revisions to Rules 102 and 182 Comments adding cross-references concerning domestic violence and collection of restitution in an ARD program, respectively	Approved by Court 9-26-96, effective immediately
7, 1996	Amendments to Chapter 1500 aligning chapter with recent amendments to the Post Conviction Relief Act and the new Unitary Review Act	Submitted to Court 7-19-96; pending with Court
8, 1996	Revision to Rule 86 Comment clarifying procedures concerning a police officer's presence at summary trial and trial de novo to address the holding in Commonwealth v. Hightower	Submitted to Court 8-1-96, pending with Court
9, 1996	Amendments to Rule 1406 requiring that judges state in sentencing order whether sentences imposed are to run concurrently or consecutively	Adopted by Court 11-7-96, effective immediately

continued...

Table 3.6.1, cont'd.

Status of Recommendations, continued		
Recommendation	Subject	Status
10, 1996	Amendments to Rule 1410 and new Rule 1411 providing procedures for Commonwealth motions to modify sentence	Submitted to Court 10-1-96; pending with Court
11, 1996	Amendments to Rules 75 and 84 clarifying procedures for summary trials in absentia and issuance of arrest warrants in these cases	Submitted to Court 10-10-96; pending with Court
12, 1996	Revisions to Rules 1403 and 1405 Comments cross-referencing recent legislation concerning "Megan's Law" and repeat offenders	Submitted to Court 10-10-96; pending with Court
13, 1996	Revision to Rule 51 Comment updating citation to Commonwealth v. Beatty, summary violations under the Vehicle Code	Submitted to Court 10-9-96; pending with Court
14, 1996	Addition of new Rules 87 and 88, amendment to Rule 145 providing summary case procedures comparable to the procedures in Rule 151 for withdrawals and in Rule 145 for dismissals in court cases	Submitted to Court 11-12-96; pending with Court
15, 1996	Amendments to Rule 1405 making it clear that a violation of Rule 1405 time limits, by itself, is not sufficient grounds to vacate a conviction	Submitted to Court 11-19-96; pending with Court
16, 1996	Amendments to Rules 71 and 81 clarifying the procedures related to collateral in summary cases	Submitted to Court 12-10-96; pending with Court

Table 3.6.1, cont'd.

**Disciplinary  
Board  
of the  
Supreme  
Court**

**1996 Membership:**

Thomas A. Leonard, Esq., *Chairman*  
Stephen T. Saltz, Esq., *Vice Chairman*  
Patricia S. McGivern, Esq.  
Gerald C. Paris, Esq.  
Michael J. Witherel, Esq.  
Robert J. Kerns, Esq.  
Leonard A. Sloane, Esq.  
Dean Mary Watson Carson  
Alfred Marroletti, Esq.  
Carolyn "Raven" Rudnitsky  
Robert N.C. Nix, III, Esq.  
Gregory P. Miller, Esq.  
Duke George, Jr., Esq.  
William R. Caroselli, Esq.  
Thomas J. Elliott, Esq.  
Angelo L. Scaricamazza, Jr., Esq.

**Staff:**

Elaine M. Bixler, *Secretary*

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
Rule 103, Pa. Rules of Disciplinary Enforcement  
Rule 205(a), Pa. Rules of Disciplinary Enforcement  
Rule 205(c), Pa. Rules of Disciplinary Enforcement

First Floor  
Two Lemoyne Drive  
Lemoyne, PA 17043  
(717) 731-7073

## History/Background

**T**he Disciplinary Board was created by the Supreme Court in 1972 to consider and investigate the conduct of any person subject to the Pennsylvania Rules of Disciplinary Enforcement (Pa. R.D.E.). Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney of another jurisdiction specially admitted to the bar of the Supreme Court for a particular proceeding
- any disbarred, suspended or inactive attorney, with respect to violation of any rules committed prior to disbarment, suspension or transfer to inactivity
- any justice, judge or district justice, with respect to any violation of rules committed prior to taking office, if the Judicial Conduct Board declines jurisdiction
- any attorney who resumes practice of law with respect to any nonjudicial acts performed while in office as a justice, judge or district justice.

Investigations may be initiated by the Disciplinary Board on its own motion or upon complaint from another person. [See Rules 103, 205(a) and 205 (c)(1)(2) of the Pa. R.D.E.]

Through December of 1996, 51,540 active attorneys were registered in Pennsylvania. This is an increase of 0.06% over 1995.

During 1996, 4,914 complaints were filed with the Disciplinary Board, an average of 410 per month. Of these 4,914 plus the 1,246 complaints active at the start of the year, 4,857 complaints, or 78.85%, were disposed of in 1996, including 3,429 dismissed as "frivolous." At the start of 1997, 1,259 active complaints remained on hand.

## 1996 Activities

The board held seven meetings in 1996. The results of the executive sessions can be

found in Table 3.7.1 on page 71. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.7.2 on page 72. Comparisons of cumulative actions taken and actions taken in 1995 can be found in Chart 3.7.3 on page 73.

## Rules Changes

The following are some of the recent amendments to the Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.), the Rules of Professional Conduct (R.P.C.) and the Disciplinary Board Rules Committee:

**Pa.R.D.E. 219:** Amended in April 1996 to clarify that the proper subject of the **overdraft reporting rules** is fiduciary accounts being maintained in connection with the practice of law in Pennsylvania.

**R.P.C. 8.5:** Amended in August 1996 to clarify that a lawyer who engages in misconduct may be subject to the **disciplinary authority** of both this jurisdiction and another jurisdiction where the lawyer is admitted, for the same conduct.

**R.P.C. 5.7:** Adopted in August 1996 to permit **lawyers to act as nonlawyers** when they are providing law-related rather than legal services.

**R.P.C. 1.15, Pa.R.D.E. 219, 221 and 601:** Amended in September 1996 to establish the **Interest on Lawyer Trust Accounts Program (IOLTA)**.

**Board Rule 85.11:** Amended in April 1996 to establish a procedure to be followed when filing motions for the **recusal** of board or hearing committees members or special masters.

**Board Rules 89.272, 89.273, 89.274 and 89.275:** Amended to provide expressly that **reinstatement** may not be sought by a suspended or disbarred attorney until all taxed costs have been paid and reimbursement to the Lawyers Fund for Client Security has been made.



### Education Committee

The Education Committee conducted a training session for newly appointed hearing committee members in August 1996. Twenty-four of the 26 newly appointed members participated.

In addition, the Education Committee continued its efforts to establish a Mandatory Bridge-the-Gap Program for law students passing the bar examination prior to their admission to the Pennsylvania bar. Letters were sent to currently accredited CLE providers giving them an opportunity to submit proposals to offer this specialized course.

### Hearing Committees

Currently, 168 regular hearing committee members and 24 alternates appointed by the Disciplinary Board are serving on a *pro bono* basis to conduct hearings into formal charges. This includes nine additional members appointed in 1996 in the Harrisburg (District III) area.

Since April 1994, when the Pa.R.D.E. were amended to permit the use of alternate hearing committee members, 21 alternates have been appointed to replace regular members who were unable to participate in those hearings.

In March 1996 the Disciplinary Board conducted a convocation in Hershey for all hearing committee members. Due to an unexpected snow storm, only 90 members were in attendance.

1996 Executive Session Results	
Action	Total
Adjudications involving formal charges	50
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rules 208(a)(5) Pa. R.D.E.]	30
Respondents appearing before Board to receive private reprimands	27
Oral arguments before three-member panels of board members	11
Board referrals to Supreme Court, including report and recommendation for public discipline	36
Supreme Court Orders for disbarment on consent (resulting from verified statements submitted by respondents)	30
Supreme Court Orders reinstating previously disbarred or suspended attorneys*	12
Supreme Court denials for reinstatement	0
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	19
* Action taken following hearing on petition for reinstatement.	

Table 3.7.1

### Contact Person


Anyone having questions about the Disciplinary Board may contact Elaine M. Bixler, Secretary to the Board, at (717) 731-7073 or write in care of the board to First Floor; Two Lemoyne Drive; Lemoyne, PA 17043. 



Table 3.7.2

## Disciplinary Board Actions: 1973-1996

Disciplinary Cases	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	Total	
Informal Admonition	37	55	95	81	96	102	121	98	113	156	137	125	123	101	110	106	123	98	115	82	85	75	74	70	2,378	
Private Reprimand	0	7	8	9	7	14	5	5	4	6	9	21	19	27	17	25	31	26	46	42	30	41	48	31	478	
Probation	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	1	1	7	5	5	7	3	32	
Public Censure	0	2	5	8	10	7	6	1	1	2	6	1	3	2	3	0	2	1	4	1	0	1	6	3	75	
Suspension	3	12	12	8	10	13	17	8	17	12	7	7	16	5	10	17	17	18	10	20	12	23	26	37*	337	
Disbarment	3	4	6	5	13	6	12	12	21	33	24	21	16	29	23	32	18	26	27	38	20	32	35	41+	497	
<b>TOTAL</b>	<b>43</b>	<b>80</b>	<b>126</b>	<b>111</b>	<b>138</b>	<b>143</b>	<b>161</b>	<b>124</b>	<b>156</b>	<b>209</b>	<b>183</b>	<b>175</b>	<b>177</b>	<b>164</b>	<b>163</b>	<b>180</b>	<b>191</b>	<b>170</b>	<b>203</b>	<b>190</b>	<b>152</b>	<b>177</b>	<b>196</b>	<b>185</b>	<b>3,797</b>	
<b>Reinstatement</b>																										
Cases Petitions Granted	1	2	2	3	3	4	2	6	42	21	22	25	21	17	24	34	27	34	35	27	29	24	44	31#	480	
Petitions Denied	1	2	2	0	0	3	1	5	4	0	0	2	0	2	1	1	0	1	0	1	1	0	1	0	28	
<b>TOTAL</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>11</b>	<b>46</b>	<b>21</b>	<b>22</b>	<b>27</b>	<b>21</b>	<b>19</b>	<b>25</b>	<b>36</b>	<b>27</b>	<b>35</b>	<b>35</b>	<b>28</b>	<b>30</b>	<b>24</b>	<b>45</b>	<b>31</b>	<b>508</b>	

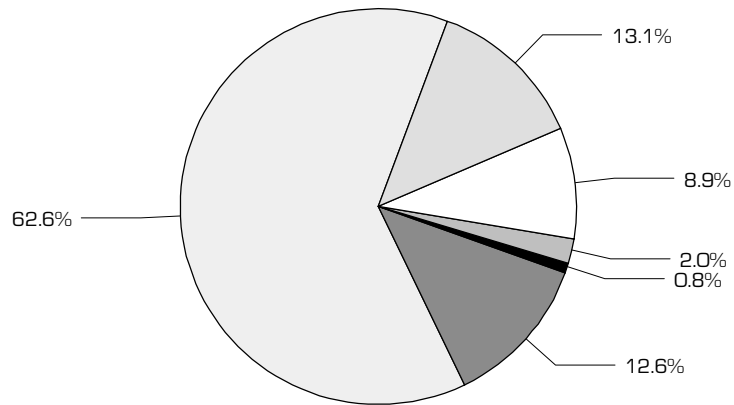
\* This figure does not include 17 temporary suspensions (Rule 214 Pa.R.D.E.) and one emergency temporary suspension (Rule 208(f) Pa.R.D.E.).

+ This figure includes 30 disbarments on consent (Rule 215 Pa.R.D.E.).

# This figure includes reinstatement to active status of 19 attorneys who had been inactive three or more years and who had never been suspended or disbarred.

## Disciplinary Board Actions Comparisons

1973-1996



1996

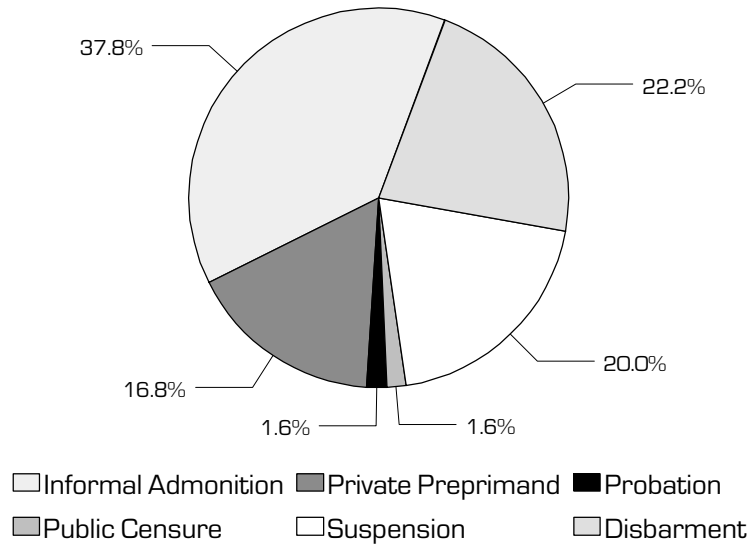


Table 3.7.3

**Domestic  
Relations  
Committee**

**1996 Membership:**

Honorable Max Baer, *Chairman*  
Mark M. Dalton  
Joseph J. DiPrimio, Esq.  
Gary G. Gentile, Esq.  
Honorable Renee C. Hughes  
Lucille Marsh, Esq.  
David S. Rasner, Esq.  
Joanne Ross Wilder, Esq.  
Honorable Paul P. Panepinto

**Staff:**

Sophia P. Paul, Esq., *Counsel*

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722(a)

429 Forbes Avenue  
Suite 300, Allegheny Bldg.  
Pittsburgh, PA 15219  
(412) 350-4541  
Fax (412) 565-2336  
spaul@.court.state.pa.us.

## History/Background

**E**stablished by order of the Supreme Court on June 30, 1987, the Domestic Relations Committee strives to simplify domestic relations practice by recommending amendments to the procedural rules relating to support, custody, divorce and protection from abuse. It reviews new legislation and court decisions to ensure that the rules conform with developments in the law as well as the realities of domestic relations practice. In all of its work, the committee's goals include promoting statewide standardization of practice, streamlining procedure and encouraging the expeditious disposition of domestic relations matters.

The Domestic Relations Committee consists of seven judges and attorneys and one district court administrator appointed by the Supreme Court for maximums of three full three-year terms.

## 1996 Activities

The committee met four times in 1996 to consider lengthy agendas. It spent a significant amount of time on developing procedures to expedite the process of establishing paternity. These procedures include the entry of an order establishing paternity if the defendant fails to appear for conference, hearing or genetic testing as well as a provision affording the parties an opportunity to stipulate that genetic tests will control the outcome of the case. Paternity forms were streamlined for easier use by *pro se* litigants.

The committee also proposed changing the current rule prohibiting discovery in family cases without leave of court. The new proposal would permit discovery without leave of court in equitable distribution, alimony, counsel fees and expenses, and complex support cases.

The committee has substantially completed the revisions to the protection from abuse procedures, which included the

development of standard form pleadings and orders, after extensive consultation with police officers, court representatives and domestic violence advocates.

Finally, the committee has proposed changing the current venue rule in support cases so that it conforms with the newly-enacted Uniform Interstate and Intrastate Family Support Acts. This change will facilitate the establishment and collection of child support by permitting the action to be filed in the county in which the child resides even though that county was not where the family last resided together.

The staff attended conferences and seminars in order to present information relating to domestic relations rules and receive comments from practitioners and other persons affected by them. The staff also attended meetings of various organizations interested in domestic relations, including the Pennsylvania Bar Association and the Domestic Relations Association of Pennsylvania.

In addition, the staff continues to consult extensively with the team responsible for developing a federally mandated computer network, the Pennsylvania Automated Child Support Enforcement System (PACSES), which will automate all child support establishment and enforcement activities statewide.

## 1996 Recommendations

The following recommendations were pending either with the Court or the committee during 1996 or have been withdrawn by the committee. Numbers are assigned in the order in which each is submitted for publication. The statuses of the recommendations are set forth in Table 3.8.1 on page 78.

**Recommendation 38:** Proposes to amend Rules 1910.22 and 1910.31 to provide for allocation and distribution of **support payments**. Pending in committee.

**Recommendation 39:** Proposes creation of new Rule 1930.5, which would provide that **final orders** in domestic relations matters constitute judgments for the purposes of appeal, and further provides that all final orders are to be served by the prothonotary. Pending in committee.

**Recommendation 40:** Proposes to amend Rules 1910.15 and 1910.28 to provide expedited procedures in **paternity** as well as standard forms for use in those proceedings. Pending with Court.

**Recommendation 41:** Proposes to amend Rules 1910.9, 1910.11, 1910.12, 1915.5, 1920.91 and 4001, rescind 1920.22 and create new Rule 1930.5 to permit **discovery** without leave of court in equitable distribution, alimony, counsel fees and expenses, and complex support cases. Published 4-20-96; pending with Court.

**Recommendation 42:** Proposed to amend **protection from abuse** procedures. Published 5-24-96; withdrawn by committee.

**Recommendation 43:** Proposes to amend Rule 1920.72(e) to require the **divorce form** to state that all economic claims to be filed prior to the date of the notice of intention to request a divorce decree and to correct technical errors in Rules 1920.42 and 1920.73. Published 6-29-96; pending with Court.

**Recommendation 45:** (Revision of Recommendation 42.) Proposes to amend Rule 1901 *et*

*seq.* relating to **protection from abuse** actions, to standardize court pleadings and orders and other forms for easier use in Pennsylvania. Published 2-8-97; pending in committee.

**Recommendation 46:** Proposes to amend Rule 1910.2 relating to **venue in support actions** to permit an action for support to be filed. Published 2-8-97; pending in committee.

## Plans for 1996

The committee will continue its efforts to make the domestic relations rules as useful as possible for courts, practitioners and litigants. In addition to pursuing the recommendations which are still pending in committee, the committee will continue its ongoing review of the support guidelines, as required by 23 Pa. C.S., §4322, and will begin the process of developing mediation guidelines for divorce and custody cases, as required by 23 P.S., §3901.

## Contact Person

Anyone having questions about the committee and its work may call Sophia P. Paul, Esq. at (412) 350-4541 or direct written inquiries to her attention at Suite 300, Allegheny Building; 429 Forbes Avenue; Pittsburgh, PA 15219.



Status of Recommendations 1996		
Recommendation	Subject	Status
38	Allocation and distribution of support payments	Published 7-29-95; pending in committee
39	Final orders in domestic relations matters constitute judgments	Published 8-19-95; pending in committee
40	Expedited paternity procedures	Published 12-9-95; pending with Court
41	Discovery	Published 4-20-96; pending with Court
42	Protection from abuse procedures	Published 5-24-96; withdrawn
43	Omnibus divorce rules	Published 6-29-96; pending with Court
44	Venue in support actions	Published 8-3-96; withdrawn

Table 3.8.1

**Interest  
on  
Lawyers  
Trust  
Account  
Board**

**1996 Membership:**

Gerald A. McHugh, Jr., Esq., *Chairman*  
Robert C. Burd  
Harold I. Goodman, Esq.  
Sallie Updike Mundy, Esq.  
Carl Oxholm, III, Esq.  
Eric W. Springer, Esq.  
Thomas M. Thompson, Esq.  
David Unkovic, Esq.  
Ernestine Watlington

**Staff:**

Alfred J. Azen, *Executive Director*

**Legal Authorization:**

Supreme Court Order No. 252 (Disciplinary Docket No. 3, July 17, 1996)  
Rule 1.15, Pennsylvania Rules of Professional Conduct

115 State Street  
P.O. Box 1025  
Harrisburg, PA 17108  
(717) 238-2001  
fax (717) 238-2003



## History/Background

The Interest on Lawyers Trust Account (IOLTA) program was first established in 1988 as a voluntary means to raise money to provide civil legal services to the poor and disadvantaged of Pennsylvania. With the issue of Supreme Court Order 252, Disciplinary Docket No. 3 on July 17, 1996, this program became mandatory.

The program works as follows: clients often ask attorneys to hold particular sums of money for them. When this involves a large amount of money or a lengthy period of time, attorneys invest the money for their clients. When the amount is small or will be held for a relatively short period of time, however, investing is not practical. It is these funds which the IOLTA program targets.

These small or short-term funds are deposited into special, interest-bearing IOLTA accounts at financial institutions which have been approved by the Supreme Court. On a quarterly basis, the financial institutions transfer the interest from these accounts to the Pennsylvania Interest on Lawyers Trust Account Board, which administers the program. The board, upon approval from the Supreme Court, then distributes the funds to non-profit organizations, law school-administered clinics and administration of justice projects that provide civil legal services free of charge to the poor and disadvantaged.

Attorneys may apply for exemption from IOLTA requirements. This is usually granted when attorneys infrequently handle fiduciary funds or when the service charges on an IOLTA account routinely and significantly exceed the interest that might be generated by the account. Currently, the IOLTA Board has established that accounts with an average daily balance of \$3,500 or less over a twelve-month period (higher for accounts at banks that assess higher service charges) will be exempted from the requirements. Other exemption requests are considered on a case by case basis.

Revenues gained by the IOLTA program are affected by several factors, including interest rates, bank service charges, attorney compliance and the economy in general. Estimates for the fund's first year, however, suggest that the fund will double its revenues to as high as \$4.7 million. This figure could increase as more attorneys begin to comply with requirements.

### *The IOLTA Board*

The IOLTA Board is comprised of nine members who are appointed by the Supreme Court. Appointments are made based upon recommendation from the Pennsylvania Bar Association, which provides the Court with three nominees for each vacancy. The chairman of the board is appointed by the Supreme Court. Members serve terms of three years and may serve maximums of two consecutive terms.

## Attorney Compliance

To assure attorney compliance with the IOLTA program requirements, attorneys must report their fiduciary accounts on the attorney fee form, which is filed annually with the Disciplinary Board of the Supreme Court. Follow-up with attorneys is made if the data on the form does not match the IOLTA Board's records.

### *Rules & Regulations for IOLTA*

To assist attorneys and others in learning the requirements under the new IOLTA program, the IOLTA Board has published a booklet entitled *Rules & Regulations for IOLTA*. This booklet has been distributed to bar associations, bar leaders, and attorneys requesting information on IOLTA requirements. It will also be mailed yearly to newly licensed attorneys in Pennsylvania.

## IOLTA Grants

Under Rule 1.15 of the Rules of Professional Conduct, IOLTA program funds may be used for the following purposes:

- providing civil legal assistance to the poor and disadvantaged in Pennsylvania
- educational legal clinical programs and internships administered by law schools located in Pennsylvania
- administration and development of the IOLTA program in Pennsylvania
- the administration of justice in Pennsylvania.

Board policy states that IOLTA funds may not be used to provide legal assistance with respect to any of the following purposes:

- fee-generating cases
- the defense of any criminal prosecution
- civil actions brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of a criminal conviction
- advancement of any political party or association or candidate for any public office or to support or oppose any ballot question
- support of activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation or to influence the introduction, amendment, passage or defeat of any legislation
- seeking the freedom to choose abortion or the prohibition of abortion.

Upon careful consideration the board, with Supreme Court approval, has decided on the following priorities for distribution of funds:

- Before any allocation of funds is made, \$300,000 will be deducted annually for administrative expenses associated with operation of the program.
- After this initial deduction, the first \$5 million generated by the program will be distributed as follows:
  - 85% to legal services programs
  - 15% to qualified law school clinical and internship programs.
- Income between \$5.3 million and \$7.3 million will be allocated in the following manner:
  - 50% to legal services programs
  - 50% to law school clinical and internship programs.
- Any income over \$7.3 million will be distributed to legal services programs and administration of justice programs.

## Grant Process

In December of each year the IOLTA Board will project its expected annual revenues for the upcoming fiscal year grant cycle (July 1 - June 30). In mid-January the board will announce the availability of funds..

Grant applications must be made to the board by early February. The board will then review all requests and submit its recommendations to the Supreme Court in late May. Upon approval by the Court, grant applicants will be notified and grant agreements executed with the successful organizations and law schools.

## Applicant Qualifications

The IOLTA Board has determined the following qualifications for prospective applicants to be considered for an IOLTA grant:

### Legal Services Organizations

Organizations must:

- be not-for-profit Pennsylvania corporations
- be tax exempt under section 501(c)(3) of the Internal Revenue Code
- operate primarily within Pennsylvania
- have as their primary purpose the provision of civil legal services without charge.

Organizations may provide *pro bono* legal services directly and/or administer provision of services.

### Law Schools

Law schools must meet the following requirements:

- the funds must be used to address the current unmet civil legal needs of the poor, organizations assisting the poor or other charitable organizations
- the schools must consult with local area *pro bono* or legal services programs that provide free or low-fee legal services to the poor
- the funds must be used for live-client or other real-life practice experience
- the school must demonstrate its own funding participation for clinical and internship programs.

Other factors considered by the board when reviewing law school applications include whether:

- the clinical/internship program is for credit
- specific and measurable training goals and objectives are defined

- the IOLTA-funded program is integrated with the school's curriculum
- the school's standing faculty has made an articulated commitment to the IOLTA-funded program
- the school has an articulated *pro bono* or public service policy
- the funds are being used to expand clinical educational opportunities for students and not simply to replace existing financial commitments by the law schools.


### Administration of Justice

The board has not yet defined this grant category.

### Interim Grant Program

Because the Lawyer Trust Account Board, the board which administered the previous, voluntary IOLTA program, was in the process of awarding its grants when the mandatory program went into effect, an interim grant program was approved by the Supreme Court. Grants totaling \$1,733,227 are providing funding for legal services organizations from December 1, 1996, through June 30, 1997. This program has allowed organizations to continue their operations while the new board develops grant criteria for law schools.

### Contact Person

Anyone with questions regarding the IOLTA program or who wishes to learn more about it may contact Executive Director Alfred J. Azen at 717-238-2001 or at Pennsylvania Interest on Lawyers Trust Account Board; 115 State Street; P.O. Box 1025; Harrisburg, PA 17108-1025. 

**Minor  
Court  
Rules  
Committee**

**1996 Membership:**

Honorable Dennis R. Joyce, *Chairman*  
Honorable Alberta Thompson  
Honorable Linda Baumunk  
Honorable Kenneth E. Deatelhauser  
Honorable Fred A. Pierantoni, II  
Honorable Christine Sereni-Massinger  
Honorable Peter P. Simoni  
Michael F. Krimmel, *ex officio*

**Staff:**

John, Marsh, Esq., *Liaison, Statewide Automation Project*

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No.  
2) April 17, 1990

136 Bradford Avenue  
Pittsburgh, PA 15205  
(412) 921-5559

## History/Background

In 1990, pursuant to Pennsylvania Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2), issued April 17, 1990, the Minor Court Civil Procedural Rules Committee was reestablished as the Minor Court Rules Committee. The committee was charged by the Supreme Court with examining and evaluating the rules and standards regarding district justices' conduct, the rules and standards pertaining to the offices of district justices, and the rules of civil and criminal procedures for district justices. It also recommends to the Court new rules it concludes should be adopted or current rules that should be amended.

The committee is comprised of seven members who serve terms of three years. Members may serve a maximum of three full terms.

## 1996 Activities

The Minor Court Rules Committee began the year by completing work on new rules for landlord-tenant cases. These proposed rules were published on January 27, 1996, and the committee met on February 16, 1996, to discuss the comments to them. The committee then forwarded the proposal to the Supreme Court for approval and new rules were promulgated on May 28, 1996. This was an extensive change in the rules for the recovery of Possession of Real Property.

Major changes also occurred in the composition of the committee. Carl G. Wass, Esq., who had been committee chairman since March of 1993, completed his term and should be congratulated for many years of service to the committee and to the minor judiciary

system. District Justice Dennis R. Joyce was appointed the new chairman in April of 1996. Five other new members were welcomed to the committee at the same time. They were District Justices Linda M. Baumunk; Kenneth E. Deatelhauser; Fred A. Pierantoni, II; and Christine Sereni-Massinger, as well as Peter A. Simoni, Esq.


Other activities for the committee in 1996 included:

- reviewing and recommending several changes to the landlord-tenant rules
- discussing Rule 207 regarding the practice of law before district justices
- working with the Criminal Procedural Rules Committee to review criminal rules as they affect district justices and the minor courts
- beginning discussions on the use of facsimile stamps in district courts.

## Looking Ahead to 1997

The committee will continue to monitor its recommendations to the Supreme Court regarding technical changes to the landlord-tenant rules. It is also proceeding to draft a rule for the use of facsimile stamps and will continue to work with the Civil Procedural Rules Committee and the Criminal Rules Committee on ways to improve the rules affecting district justices and the minor judiciary.

## Contact Person

Anyone wishing to contact the Minor Court Rules Committee may call District Justice Dennis R. Joyce at (412) 921-5559 or write to him at District Court 05-2-23; 136 Bradford Avenue; Pittsburgh, PA 15205. 

**Minor**

**Judiciary**

**Education**

**Board**

**1996 Membership:**

Honorable Donald O. Riehl, *Chairman\**  
Honorable Sherwood R. Grigg, *Vice Chairman*  
Harvey Freedenberg, Esq., *Secretary*  
Honorable Elaine M. McGraw, *Treasurer*  
Gregory E. Dunlap, Esq.  
Michael Cibik, Esq.  
Terry R. Marolt

\* Retired 12-13-96

**Staff:**

Robert E. Hessler, *Executive Director*

**Legal Authorization:**

Pa. Constitution, Article V, § 12  
42 Pa. C.S., § 31  
42 Pa. C.S., § 2131  
42 Pa. C.S., § 3118

1001 Philadelphia Avenue  
Chambersburg, PA 17201  
(717) 263-0691  
fax (717) 263-4068

## History/Background

**A**rticle V, §12 of the Pennsylvania Constitution requires that district justices and judges of the Philadelphia Traffic Court either be members of the Bar of the Supreme Court or, before taking office, complete a course and pass an examination in the duties of their respective offices.

It is the responsibility of the Minor Judiciary Education Board (MJEB) to instruct and certify individuals wishing to become district justices, Philadelphia Traffic Court judges or Philadelphia Bail Commissioners. The board approves the curriculum, appoints and evaluates instructors, establishes course content, reviews all tests, and issues certificates to successful program participants.

In addition, the board conducts continuing education for district justices, senior district justices, Philadelphia Traffic Court judges, senior Philadelphia Traffic Court judges, Philadelphia Bail Commissioners and for those individuals who wish to maintain a current certification in one or more of these areas. It also conducts a one-week practicum, or orientation course, for newly elected or appointed district justices.

The board has seven members who are appointed by the governor with a two-thirds approval by the Senate.

## 1996 Curriculum

During this past year approved subjects for the four-week certifying course included:

- Criminal Law and Procedure
- Civil Law and Procedure
- Rules of Evidence
- Judicial Ethics
- Motor Vehicle Law
- Arrest/Search and Seizure
- Pennsylvania Drug/Device and Cosmetics Act

Continuing education for the Common-

wealth's district justices and Philadelphia Bail Commissioners is mandated by the Judicial Code (42 Pa. C.S., § 3118). This year during the 14 scheduled weeks the following courses made up the 32 required course hours for district justices:

- review and update of Civil and Criminal Procedure
- Motor Vehicle Code
- Pennsylvania Game Law
- Pennsylvania Environmental Law.

The one-week mandatory continuing education course for Philadelphia Bail Commissioners included:

- stress management
- search and seizure update
- case law review
- Crimes Code
- preliminary arraignment
- bail update and review
- Philadelphia administrative issues
- a presentation by representatives from the public defenders office
- Pennsylvania Game Law

The orientation course for new district justices included:

- judicial ethics
- Special Court Judges Association training tapes
- DNA
- sexual harassment
- communications skills
- caseload management
- management techniques.

The Minor Judiciary Education Board approved a continuing education program for Philadelphia Traffic Court Judges in compliance with Rule 22. That program included:

- Criminal Contempt/Criminal Law review and update
- Americans with Disabilities Act
- caseload management



- trial court standards
- Bail Continuances/Procedures
- Pennsylvania Motor Vehicle Code review and update

The Minor Judiciary Education Board provided continuing education to 651 individuals; certification classes to 32 prospective district justices, one prospective Philadelphia Traffic Court judge and three prospective Philadelphia Bail Commissioners; and continuing legal education credits to 68 attorney district justices.

### Other Activities

In addition to conducting educational courses at its facility in Chambersburg, the

Minor Judiciary Education Board provided staff assistance to the minor judiciary, court administrators, president judges and related court agencies in answering questions pertaining to the board, the minor courts system and the board's courses of instruction

### Contact Person

Robert E. Hessler serves as Executive Director of the MJEB and may be contacted at (717) 263-0691.





**Orphans'  
Court  
Procedural  
Rules  
Committee**

**1996 Membership:**

Honorable Robert A. Kelly, *Chairman*  
Honorable I. Martin Wekselman  
Honorable Kathryn Streeter Lewis  
Honorable John M. Cleland  
Henry G. Beamer, III, Esq.  
Samuel Y. Stroh, Esq.  
Honorable Judith Jamison

**Staff:**

Dean R. Phillips, Esq., *Counsel*

**Legal Authorization:**

Pa. Constitution, Article V, § 10(c)  
42 Pa. C.S., § 1722

1700 Frick Building  
437 Grant Street  
Pittsburgh PA 15219  
(412) 350-5404

## History/Background

The Orphans' Court Rules Committee was established under Article V, § 10(c) of the 1968 Pennsylvania Constitution and 42 Pa. C.S., § 1772. It responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules as necessary. The committee also responds to questions and comments received from the Judiciary, lawyers, the public and various agencies.

## 1996 Activities

The committee met three times in 1996, in February, July and December.

Among the action taken in 1996, the committee reviewed and submitted to the Supreme Court proposals regarding **notice to intestate heirs**, Rule 5.6 and proposed Rule 5.7, and **incapacitated persons**.

## 1997 Plans

The committee continues to address whether a rule of statewide application should

govern exceptions. It is also addressing issues related to finality and appealability of orphans' court orders.

## Contact Persons

Questions about the committee and its work may be directed to either of the following individuals:

Honorable Robert A. Kelly, Chairman  
Court of Common Pleas of Allegheny County  
1700 Frick Building  
437 Grant Street  
Pittsburgh, Pennsylvania 15219  
telephone (412) 350-5404

Dean R. Phillips, Esq., Counsel  
Orphans' Court Rules Committee  
Exton Office Court, Suite 150  
300 North Pottstown Pike  
Exton, Pennsylvania 19341  
telephone (610) 524-5892 or  
(215) 977-1000.



**Pennsylvania**

**Lawyers**

**Fund**

**for**

**Client**

**Security**

**1996 Membership:**

Evans Rose, Jr., Esq., *Chairman\**  
Richard A. Zappala, *Vice Chairman, Treasurer/Chairman\*\**  
Robert L. Capoferri, *Vice Chairman+*  
Honorable Maxwell E. Davison  
Jan R. Van Gorder, Esq.  
Carl E. Esser, Esq.  
George J. Amonitti, M.D.

**Staff:**

Arthur R. Littleton, Esq., *General Counsel*  
Tricia W. Nagel, *Executive Director++*  
Kathryn J. Peifer, *Executive Director#*  
Susan Erdman, *Secretary*

- \* Appointment as Chairman expired 4-15-97
- \*\* Appointed Chairman 4-16-97
- + Appointed Vice Chairman 5-15-97
- ++ Resigned 5-97
- # Effective 5-97

**Legal Authorization:**

Pa. Constitution, Article V, § 12  
Pennsylvania Rules of Disciplinary Enforcement, §501 *et seq.*

5035 Ritter Road  
Suite 900  
Mechanicsburg, PA 17055  
(717) 691-7503  
(800) 962-4618  
fax: (717) 691-9005

## History/Background

Originally known as the Pennsylvania Client Security Fund, the Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court on April 30, 1982, as a means of helping clients recover some or all losses of money and/or property stolen from them by their attorneys. It is funded by a special annual assessment paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$50,000 for any claim.

The fund is supervised by the Pennsylvania Lawyers Fund for Client Security Board. This board includes five members of the bar of the Supreme Court and two non-lawyer public members. Each member's term is three years in length and a member may serve a maximum of two consecutive terms. Approximately one-third of the terms expire each year.

## 1996 Claims Statistics

Although the board met only three times in the 1995-1996 fiscal year, it adjudicated the greatest number of claims ever for the fund. Statistics are as follows:

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
Awarded	101	\$1,381,438
Rejected	53	1,472,905
Discontinued	20	239,783
TOTAL	174	3,094,126
Pending	94	

Table 3.12.1

The fund received 215 claims during fiscal year 1995-96, the second highest in its history. The highest ever received was 245 claims filed in 1994-95.

Chart 3.12.2 on page 90 is a breakdown

of amounts claimed by category. Charts 3.12.3 and 3.12.4 on page 91 give comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.13.5 on page 92 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 1996.

The timely processing of claims filed against attorneys normally takes from six to nine months. With the sudden increase in the number of claims, however, this period has increased to nearly twelve months. The assistance provided by the Office of Disciplinary Counsel of the Disciplinary Board has been invaluable in keeping the fund board's response time as brief as possible.

## Claims Categories

**Fiduciary funds** - Theft of estate funds and trust/escrow funds consistently tops the list of claims filed against attorneys. Combined, these two types of theft during the 1995-96 fiscal year cost the fund \$2,028,506.82, or 81.2%, of total award dollars. Eighty-five claims were paid alleging attorney theft from estate or trust/escrow monies.

**Fraud and deceit** - Although only five claims in this category were paid during 1995-96, the category ranks as the second highest in award dollars, with \$232,500, or 9%, of total dollars awarded.

Claims involving fraud and deceit often occur where an attorney induces a client to permit him/her to hold the client's monies for a certain period of time with the promise of interim interest payments and/or immediate access to the monies. Interest payments are then either not made and/or access is not provided when requested, or an attorney abuses the trust placed in him/her by obtaining a loan from a client, not repaying it and never intending to repay it.

**Lawsuit Settlement Proceeds** - The embezzlement of lawsuit settlement proceeds represents the third highest payment category with awards for ten claims totaling \$139,939.53, six percent of the fund's total dollar awards for the fiscal year. This figure is a significant reduction from the previous year's awards, which totaled 14.6% of client dollar losses.

## 1996 Activities

The board met in State College, Pittsburgh and Harrisburg in 1996. Because of the move of the fund's office from Philadelphia to Mechanicsburg in October 1995, along with adverse weather conditions, a fourth meeting was eliminated.

New Pennsylvania Rule of Disciplinary Enforcement (Pa. R.D.E.) 221, bringing mandatory overdraft notification to Pennsylvania, went into effect on March 1, 1996. The fund received 30 overdraft notices in the first year, which resulted in five attorneys receiving referrals to the Office of Disciplinary Counsel. The remaining 25 files were reviewed and the incidents dismissed as having satisfactory explanations.

The fund's subrogation efforts in its lawsuit against a financial institution in Delaware County resulted in a settlement recovery in the amount of \$450,000. Settlement was deemed appropriate in this matter by the board due to substantial difficulties which the fund would have had in successfully meeting its burden of proof at trial.

The fund is currently involved in no other major litigation in which it has chosen to exercise its subrogation rights, although it is considering litigation in one forgery matter involving \$45,000.

Finally, the board continued to make educating the legal community about the fund a high priority in 1996. This included hosting dinners on the eves of board meetings for the *PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY*

judiciary and bar leaders in and around the counties in which the board meets.

## County Bench, Bar Meetings

The board has been holding meetings with leaders of the county benches and bars in conjunction with the board's quarterly business meetings since 1989. These meetings keep the county bench and bar leaders informed about the fund's activities, both statewide and regionally, and request the assistance of the bench and bar in carrying out the fund's mission.

To date, the fund has met with the following counties:

Allegheny County (1989, 1991-1996)  
 Beaver County (1991)  
 Berks County (1989)  
 Bucks County (1990)  
 Butler County (1991)  
 Carbon County (1992)  
 Chester County (1990, 1994)  
 Dauphin County (1989, 1994, 1996)  
 Delaware County (1990)  
 Erie County (1989, 1992, 1994)  
 Fayette County (1992)  
 Greene County (1992)  
 Lackawanna County (1990)  
 Lancaster County (1990)  
 Lebanon County (1989, 1990, 1996)  
 Lehigh County (1989, 1994)  
 Luzerne County (1990, 1992)  
 Monroe County (1990, 1992)  
 Montgomery County (1990)  
 Northampton County (1989)  
 Philadelphia County (1989-1993, 1995)  
 Pike County (1990, 1992)  
 Somerset County (1992)  
 Susquehanna County (1990)  
 Washington County (1990-1992)  
 Wayne County (1990)  
 Westmoreland County (1990, 1992)  
 York County (1990)

## Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to non-profit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during the 1996 fiscal year, \$114,081 of funding was given to the organization known as Lawyers Concerned for Lawyers.


## National Ranking

The Pennsylvania Lawyers Fund for Client Security continues to rank among the top four funds in the United States in terms of both awards made and claims processed, as determined through the most recent American

Bar Association Survey of Client Protection Funds. The funds in California, New York and New Jersey are the other most active organizations.

Pennsylvania attorneys should note the extent of their fund's operations and that it provides meaningful services to the profession in return for that portion of the annual lawyer assessment fee, which each active attorney contributes to its funding.

## Contact Person

The contact person for the fund is executive director, Kathryn J. Peifer. She may be reached in care of the fund at 5035 Ritter Road, Suite 900; Mechanicsburg, PA 17055; (800) 962-4618 or (717) 691-7503. 

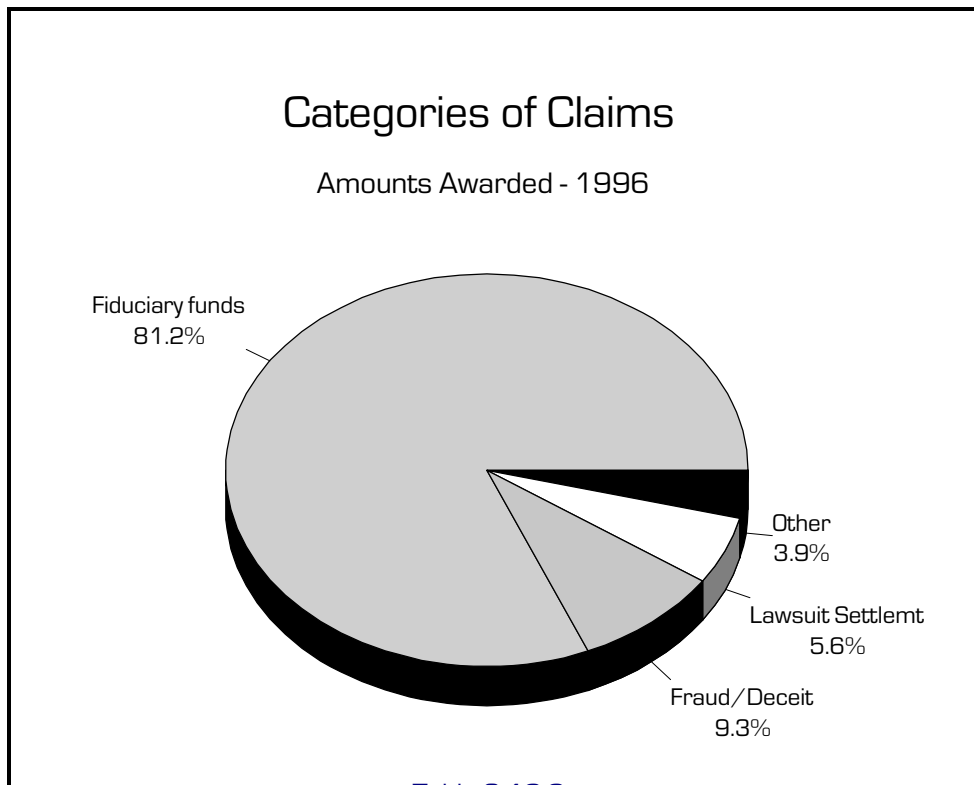


Table 3.12.2

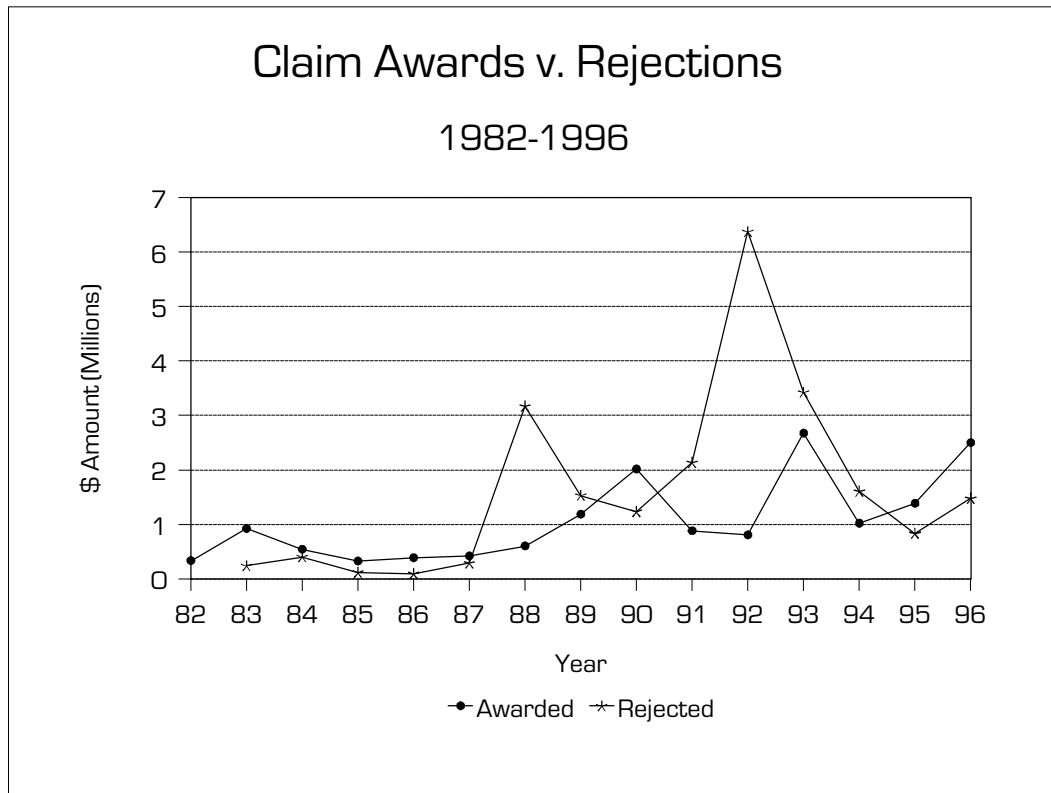


Chart 3.12.3

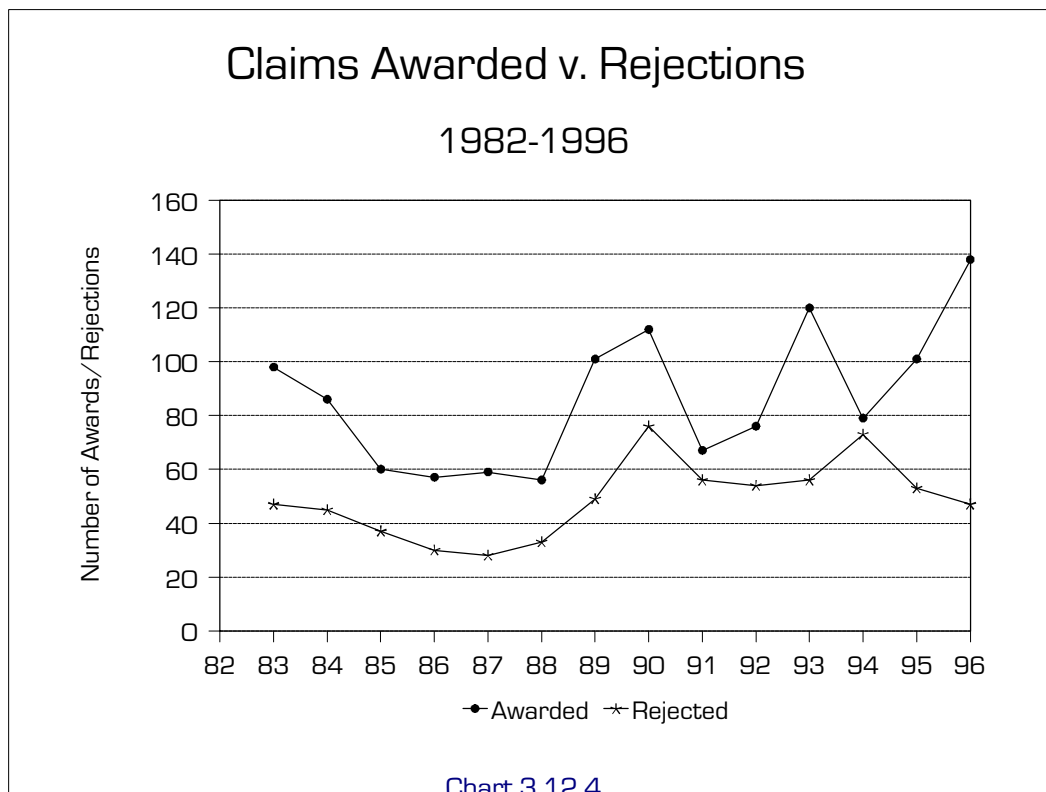
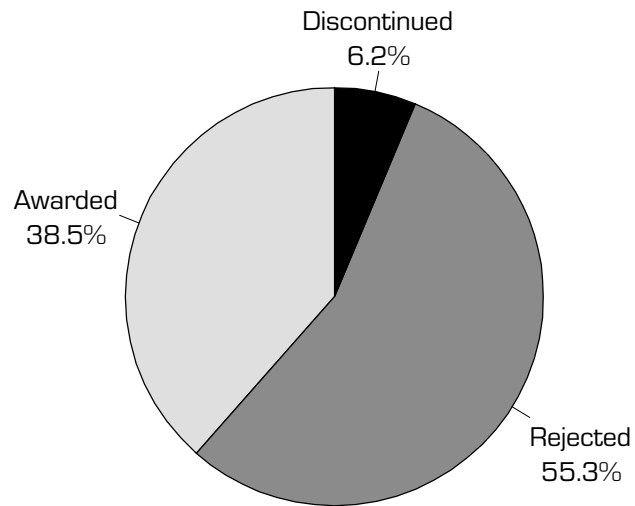


Chart 3.12.4

## Comparison of Claim Dispositions

1982-1996



1996

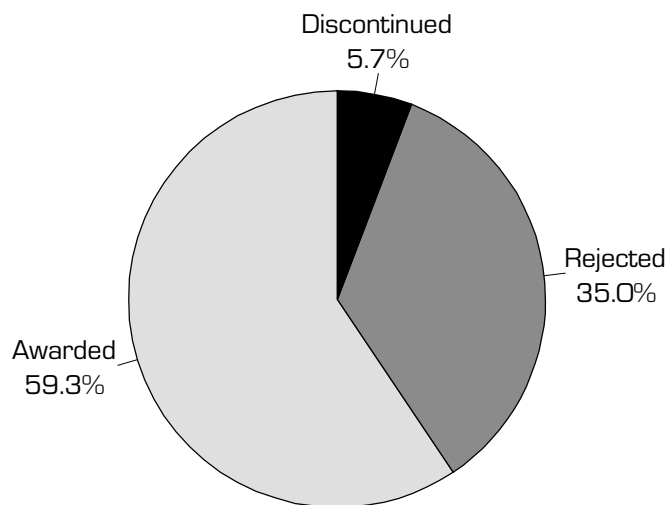


Table 3.12.5





**F**unding for the Unified Judicial System derives from both state and county appropriations. The state pays the salaries for all judicial officers as well as the personnel and operating costs of the entire appellate court system, including the committees and boards of the Supreme Court and the Administrative Office of Pennsylvania Courts. Table 4.1 on page 95 provides a break-down of these state-funded expenditures for fiscal year 1996-1997.

Of the total state government expenditures for fiscal year 1996-97, *administrative costs for the Judiciary accounted for less than one-half of one percent.* Table 4.2 on page 96 shows the distribution of expenditures across the three branches of government.

### County Reimbursement Program

The Commonwealth also provides reimbursement to the counties for costs incurred in support of the Common Pleas Courts. Counties are reimbursed for a percentage of juror costs incurred when a trial or grand jury proceeding lasts longer than three days.

In addition, counties have traditionally been reimbursed for personnel and operating costs associated with the administration of both district justice offices and the Courts of Common Pleas. Reimbursement is based on a flat rate established by the General Assembly for each authorized district justice or Common Pleas judge position.

For each Common Pleas judge position, the General Assembly also requires that counties spend an amount at least equal to the flat rate per judge, which was \$70,000 for FY 1996-97.

*COURT FINANCES*

**Court  
Finances -  
Fiscal  
Year  
1996-1997**

No funding was provided for the district justice reimbursement grant in FY 1996-97. The grant was last funded in FY 1991-92 when it received partial funding. It was last fully funded in FY 1990-91.

Table 4.3 on page 97 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 1996-97.

One exception to the current funding pattern is the Pittsburgh Magistrates Court, where all costs are borne by the City of Pittsburgh. In fiscal year 1995-96, however, the Commonwealth for the first time reimbursed the city for costs related to the Magistrates Court by the payment of a \$1.2 million grant. The grant was reauthorized in 1996-97 at the \$1.2 million level.

## Local, State Government Revenue

The Unified Judicial System is a source of considerable revenue to local and state government. An example of this revenue can be

collected by the appellate courts, the Minor Judiciary Education Board and the Pennsylvania Board of Law Examiners. Appropriated by the General Assembly, these fees are used to support state-funded court operations.

Although exact figures are not available, the court system raises millions of dollars in revenue for local municipalities. Depending on the police department (local or state) from

which a citation is issued, a portion of fines collected is disbursed to local political subdivisions after adjudication within the Unified Judicial System. Some examples of these fines include traffic violations under the vehicle code, violations of local ordinances and certain violations of summary offenses.

Counties also receive court-collected fines, fees and costs. Fees are generated in connection with the commencement of actions or the filing of liens, appeals and accounts, etc. On an annual basis, the collections amount to tens of millions of dollars. The monies are collected by courts at all levels of the system.

Finally, a portion of the revenues collected by the courts is earmarked for the state. Some of these funds are program specific, e.g., Pennsylvania's Emergency Medical Fund and the Crime Victims' Compensation Board. Others are used, through Act 64 of 1987 and Act 59 of 1990, to provide funding for the statewide Judicial Computer Project. (For more information on JCP funding see page 27.) Still other monies collected, such as motor vehicle fines, revert to the state general fund.

As part of the reform of the judicial discipline process the Judicial Conduct Board and the Court of Judicial Discipline were established as independent organizations responsible for their own affairs, including financial matters. Pursuant to Act 56 of 1993, however, their annual budget requests are made as separate line items in the Supreme Court's request to the General Assembly on behalf of the judicial branch.



APPROPRIATIONS

APPROPRIATION	1996-97 (thousands)
Supreme Court*	\$8,808
Justice Expenses*	180
Office of Legal Systems	250
Civil Procedural Rules Committee	317
Criminal Procedural Rules Committee	324
Domestic Relations Committee*	145
PA Board of Law Examiners	0
Superior Court*	17,661
Judges' Expenses*	237
Commonwealth Court	10,965
Judges' Expenses	143
Court Administrator	4,554
Statewide Judicial Computer System**	10,000
Judicial Computer System* +	95
Court of Common Pleas*	48,042
Common Pleas Senior Judges	3,216
Common Pleas Judicial Education	458
District Justices*	41,127
District Justice Education	482
Philadelphia Traffic Court*	544
Philadelphia Municipal Court*	3,678
Philadelphia Law Clerks	39
Domestic Violence	200
Pittsburgh Magistrates Court	1,200
Juror Cost Reimbursement	1,469
County Court Reimbursement	29,071
District Justice Reimbursement	0
Judicial Conduct Board	838
Court of Judicial Discipline	341
<b>TOTAL</b>	<b>\$184,384</b>

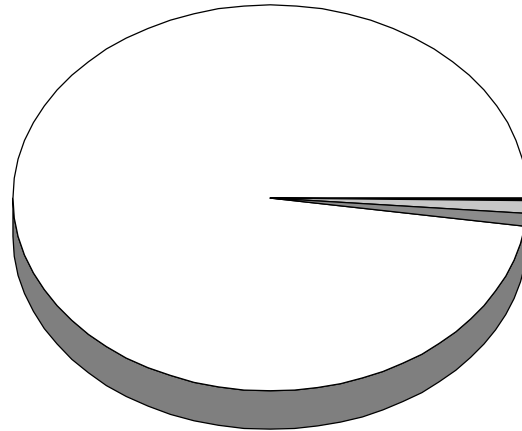
\* As authorized by Act 1-A of 1996, funds were transferred from other judiciary appropriations and made available to the Statewide Judicial Computer System as a miscellaneous augmentation for use in FY 1997-98 in the following amounts: Supreme Court - \$400,000; Supreme Court Justice Expenses - \$82,000; Domestic Relations Committee - \$15,000; Superior Court - \$162,000; Superior Court Judges' Expenses - \$40,000; Judicial Computer system - \$59,000; Common Pleas - \$218,000; District Justices - \$1,840,000; Philadelphia Traffic Court - \$67,000; and Philadelphia Municipal Court - \$131,000, for a total of \$3,014,000. These transfers reduced the funds available to the respective appropriations but did not reduce the various appropriated amounts.

\*\* The Statewide Judicial Computer System is funded through a restricted account in accordance with Act 64 of 1987 and Act 59 of 1990 and not with state general fund money. This appropriation was supplemented by \$2,807,300 in augmentations which represented funds transferred from various FY 1995-96 Judiciary appropriations and \$12,685 derived from fees charged to users for information generated by the District Justice System. The total amount available to the Judicial Computer system in FY 1996-97 was \$12,819,985.

+ Reflects a special FY 1996-97 supplemental appropriation of state funds for the Judicial Computer System for start-up costs associated with functions mandated by Act 119 of 1996 (Jen and Dave's Law).

Table 4.1

## Pennsylvania Government FY 1996-97 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.89%
- Legislative Branch - .54%
- Judicial Branch - .48%
- County Reimbursement for Courts - .09%

Totals shown exclude capital expenditures.

NOTE: The Governor's budget showed FY 1996-97 funds available to the Judiciary as \$155,813,000. Actual total available funds were \$157,544,000. The state total operating expenditure shown here was adjusted upward to reflect this difference.

Source: FY 1997-1998 Governor's Recommended Budget

Table 4.2

COUNTY REIMBURSEMENTS FOR COURTS  
FY 1996-97

COUNTY	JUROR COST	DISTRICT JUSTICE	COUNTY COURT	TOTAL
Adams	\$5,055.25	0.00	140,000.00	\$145,055.25
Allegheny	161,592.62	0.00	2,870,000.00	3,031,592.62
Armstrong	7,823.62	0.00	140,000.00	147,823.62
Beaver	5,903.73	0.00	350,000.00	355,903.73
Bedford	595.07	0.00	70,000.00	70,595.07
Berks	14,560.85	0.00	700,000.00	714,560.85
Blair	10,241.04	0.00	280,000.00	290,241.04
Bradford	723.47	0.00	140,000.00	140,723.47
Bucks	40,442.44	0.00	770,000.00	810,442.44
Butler	11,634.01	0.00	280,000.00	291,634.01
Cambria	14,383.81	0.00	350,000.00	364,383.81
Cameron	0.00	0.00	9,800.00	9,800.00
Carbon	696.16	0.00	140,000.00	140,696.16
Centre	3,071.20	0.00	140,000.00	143,071.20
Chester	18,203.08	0.00	630,000.00	648,203.08
Clarion	2,886.34	0.00	70,000.00	72,886.34
Clearfield	3,312.91	0.00	140,000.00	143,312.91
Clinton	1,120.39	0.00	140,000.00	141,120.39
Columbia	1,513.97	0.00	109,200.00	110,713.97
Crawford	10,182.92	0.00	140,000.00	150,182.92
Cumberland	14,238.84	0.00	350,000.00	364,238.84
Dauphin	49,620.63	0.00	490,000.00	539,620.63
Delaware	23,468.55	0.00	1,120,000.00	1,143,468.55
Elk	329.10	0.00	60,200.00	60,529.10
Erie	21,346.29	0.00	560,000.00	581,346.29
Fayette	7,364.78	0.00	350,000.00	357,364.78
Forest	0.00	0.00	7,000.00	7,000.00
Franklin	4,438.45	0.00	189,000.00	193,438.45
Fulton	1,004.01	0.00	21,000.00	22,004.01
Greene	343.52	0.00	70,000.00	70,343.52
Huntingdon	1,362.20	0.00	70,000.00	71,362.20
Indiana	273.73	0.00	140,000.00	140,273.73
Jefferson	307.33	0.00	70,000.00	70,307.33
Juniata	0.00	0.00	46,200.00	46,200.00
Lackawanna	32,163.38	0.00	420,000.00	452,163.38
Lancaster	21,202.17	0.00	630,000.00	651,202.17
Lawrence	15,705.98	0.00	210,000.00	225,705.98
Lebanon	4,261.12	0.00	210,000.00	214,261.12
Lehigh	21,912.30	0.00	560,000.00	581,912.30
Luzerne	46,307.69	0.00	560,000.00	606,307.69
Lycoming	15,290.34	0.00	280,000.00	295,290.34
McKean	4,183.19	0.00	70,000.00	74,183.19
Mercer	7,856.27	0.00	210,000.00	217,856.27
Mifflin	820.92	0.00	70,000.00	70,820.92
Monroe	16,630.45	0.00	280,000.00	296,630.45
Montgomery	60,035.78	0.00	1,120,000.00	1,180,035.78

**COUNTY REIMBURSEMENTS FOR COURTS  
FY 1996-97**

COUNTY	JUROR COST	DISTRICT JUSTICE	COUNTY COURT	TOTAL
Montour	0.00	0.00	30,800.00	30,800.00
Northampton	12,298.19	0.00	420,000.00	432,298.19
Northumberland	853.34	0.00	140,000.00	140,853.34
Perry	1,297.07	0.00	93,800.00	95,097.07
Philadelphia	540,620.00	0.00	9,750,316.00	10,290,936.00
Pike	813.26	0.00	70,000.00	70,813.26
Potter	2,058.11	0.00	70,000.00	72,058.11
Schuylkill	8,423.50	0.00	350,000.00	358,423.50
Snyder	203.12	0.00	70,000.00	70,203.12
Somerset	5,505.25	0.00	140,000.00	145,505.25
Sullivan	0.00	0.00	12,600.00	12,600.00
Susquehanna	1,706.55	0.00	70,000.00	71,706.55
Tioga	0.00	0.00	70,000.00	70,000.00
Union	0.00	0.00	70,000.00	70,000.00
Venango	3,273.17	0.00	70,000.00	73,273.17
Warren	2,701.96	0.00	63,000.00	65,701.96
Washington	18,323.33	0.00	350,000.00	368,323.33
Wayne	0.00	0.00	70,000.00	70,000.00
Westmoreland	26,096.21	0.00	700,000.00	726,096.21
Wyoming	631.81	0.00	57,400.00	58,031.81
York	33,766.48	0.00	630,000.00	663,766.48
<b>TOTAL</b>	<b>\$1,342,981.25</b>	<b>\$0.00</b>	<b>\$29,070,316.00</b>	<b>\$30,413,297.25</b>

**FUNDING METHODOLOGIES:**

**Juror Cost** - The reimbursement grant funds 80 percent of juror costs (compensation and travel) beyond the third day of service if the juror is participating in a trial or grand jury proceeding.

**District Justice** - The grant provides reimbursement for costs incurred in the administration and operation of the offices of district justices and Philadelphia Traffic and Municipal Court judges at a rate established per authorized position or calculated based on available appropriations. No funding was appropriated for this grant in FY 1996-97. The last year in which funding was provided was in FY 1991-92.

**County Court** - The grant provides reimbursement for costs associated with the administration and operation of the Court of Common Pleas. For FY 1996-97, the reimbursement was paid at a rate of \$70,000 per authorized Common Pleas position whether filled or vacant. In order for counties to receive the full reimbursement, they must demonstrate a level of support equal to the reimbursement rate per authorized position. This information is obtained from each county's annual audit and financial report, which is submitted to the Department of Community and Economic Development. Nevertheless, no county will receive less than 75% of the actual reimbursement for court costs provided to them from state funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

## FEES THAT SUPPORT STATE OPERATIONS

APPROPRIATION	1996-97 (thousands)
Supreme Court	\$332
PA Board of Law Examiners	1,133
Judicial Computer System	13
Superior Court	281
Commonwealth Court	224
District Justice Education	40
Court Administrator	3
 TOTAL	 \$2,026

Note: Not included above are revenues collected under Act 119 of 1996 (Jen and Dave's Law). Collections under this law were minimal in FY 1996-97; the law took effect February 4, 1997. None of the funds were spent as of June 30, 1997

Table 4.4

## Supreme Court Justices

Complement 7  
Vacancy 1

Nix, Robert N. C., Jr.\*  
*Chief Justice*

Flaherty, John P.\*\*  
*Chief Justice*

Zappala, Stephen A.  
Papadakos, Nicholas P.  
Cappy, Ralph J.

Castille, Ronald D.  
Nigro, Russell M.  
Newman, Sandra Shultz

\* Resigned 7-31-96

\*\* Appointed Chief Justice  
effective 8-1-96

## Superior Court Judges

Complement 15  
Vacancy 1

Rowley, James E.\*\*  
*President Judge*

McEwen, Stephen J., Jr.+  
*President Judge*

Cirillo, Vincent A.  
Cavanaugh, James R.  
Wieand, Donald E.++  
Del Sole, Joseph A.  
Beck, Phyllis W.  
Tamilia, Patrick R.  
Popovich, Zoran  
Johnson, Justin M.

Kelly, John T. J., Jr.  
Hudock, Joseph A.  
Elliott, Kate Ford  
Saylor, Thomas G.  
Eakin, J. Michael  
Jamieson, D. Donald\*  
Schiller, Berle M.#

\* Confirmed 10-3-95; term  
ended; reappointed 2-12-96;  
retired 4-6-96

\*\* Retired 1-8-96

+ Elected president judge  
effective 1-9-96

++ Died 4-12-96

# Confirmed 5-13-96

## Commonwealth Court Judges

Complement 9

Colins, James Gardner  
*President Judge*

Pellegrini, Dante R.  
Kelley, James R.  
Friedman, Rochelle S.  
Flaherty, James J.  
Leadbetter,  
Bonnie Brigance\*

Doyle, Joseph T.  
McGinley, Bernard L.  
Smith, Doris A.

\* Confirmed 5-7-96

**Appellate**

**Court**

**Judges**

(As of 7-31-97)



**Appellate  
Court  
Senior  
Judges**

**Superior Court  
Senior Judges**

Brosky, John G.  
Cercone, William F.  
Hester, John P.  
Hoffman, J. Sydney  
Montemuro, Frank, J. Jr.\*  
Olszewski, Peter Paul  
Rowley, James E.\*\*

\* Effective 1-2-96; previously  
serving as senior justice on  
Supreme Court

\*\* Effective 1-9-96; sitting in  
Common Pleas Court

**Commonwealth  
Court Senior  
Judges**

Jiuliante, Jessamine S.#  
Keller, John W.##  
Kelton, George T.+  
Lord, Charles A.\*  
Narick, Emil E.\*\*  
Morgan, Warren G.▲  
Mirarchi, Charles P., Jr.\*  
Rodgers, Samuel L.++  
Ross, Eunice L.▲▲  
Silvestri, Silvestri\*\*

\* Philadelphia County senior  
Common Pleas judge assigned  
to Commonwealth Court

\*\* Allegheny County senior  
Common Pleas judge assigned  
to Commonwealth Court

+ Bucks County senior Common  
Pleas judge assigned to  
Commonwealth Court

++ Washington County senior  
Common Pleas judge assigned  
to Commonwealth Court

# Erie County senior Common  
Pleas judge assigned to  
Commonwealth Court

## Franklin/Fulton Counties  
senior judge; sits on occasion  
each month in Commonwealth  
Court

▲ Dauphin County senior judge;  
sits on occasion each month in  
Commonwealth Court

▲▲ Effective 3-1-97; Allegheny  
County senior Common Pleas  
judge; sits on occasion each  
month in Commonwealth  
Court

(As of 7-31-97)

**ADAMS COUNTY (51)**  
Complement 2

*Spicer, Oscar F.*  
Kuhn, John D.

**ALLEGHENY COUNTY (05)**  
Complement 41

*Dauer, Robert E.*

Administrative Judges  
Baer, Max  
Cercone, David S.  
Kelly, Robert A.  
Musmanno, John L.

Baldwin, Cynthia A.  
Bigley, Gerard M.  
Cashman, David R.  
Craig, Cheryl Allen  
Durkin, Kathleen A.

Farino, S. Louis  
Folino, Ronald W.  
Friedman, Judith L.A.  
Gallo, Robert C.  
Horgos, Robert P.

Jaffe, Joseph A.  
James, Joseph M.  
Johnson, Livingstone M.  
Kaplan, Lawrence W.  
Little, Walter R.

Lutty, Paul F., Jr.  
Machen, Donald E.  
Manning, Jeffrey A.  
Mazur, Lee J.  
McDaniel, Donna Jo

McFalls, Patrick  
McGowan, Bernard J.  
McGregor, James R.  
McLean, James H.  
Melvin, Joan Orié

Mulligan, Kathleen R.  
Novak, Raymond A.  
O'Brien, W. Terrence  
O'Reilly, Timothy P.  
O'Toole, Lawrence J.

Penkower, Alan S.  
Strassburger, Eugene B., III  
Wekselman, I. Martin  
Wettick, R. Stanton, Jr.  
Zavarella, Paul R.  
Zottola, John A.

**ARMSTRONG COUNTY (33)**  
Complement 2

*Nickleach, Joseph A.*  
Valasek, Kenneth G.

**BEAVER COUNTY (36)**  
Complement 5

*Reed, Robert C.*  
Kunselman, Robert E.  
Mannix, Thomas C.  
Steege, Peter O.  
Walko, Joseph S.

**BEDFORD COUNTY (57)**  
Complement 1

*Howsare, Daniel L.*

**BERKS COUNTY (23)**  
Complement 10

*Schaeffer, Forrest G., Jr.*  
Ehrlich, Elizabeth G.  
Eshelman, Thomas J.  
Grim, Arthur E.  
Keller, Scott D.  
Lieberman, Stephen B.  
Ludgate, Linda K.M.  
Schmehl, Peter W.  
Sprecher, Jeffrey K.  
Stallone, Albert A.

**BLAIR COUNTY (24)**  
Complement 4

*Peoples, Thomas G., Jr.*  
Callan, Norman D.

**Common  
Pleas  
Judges**

(As of 7-31-97)

(Judicial District  
listed in  
parentheses)

(*Italics denotes President  
Judge*)

**BLAIR COUNTY, continued**

Carpenter, Hiram A., III  
Kopriva, Jolene Grubb

**BRADFORD COUNTY (42)**

Complement 2

*Smith, Jeffrey A.*  
Mott, John C.

**BUCKS COUNTY (07)**

Complement 11

*Biehn, Kenneth G.*  
Biestler, Edward G., Jr.  
Clark, Ward F.  
Garb, Isaac S.  
Kane, Michael J.  
Lawler, Daniel J.  
McAndrews, R. Barry  
Rufe, John J.  
Rufe, William H., III  
Scott, Susan Devlin  
Weaver, Cynthia M.

**BUTLER COUNTY (50)**

Complement 4

*O'Brien, Martin J.\*\**  
Brydon, John H.\*  
Hancher, George H.+  
Horan, Marilyn J.+  
Doerr, Thomas J.

\* Appointed president judge  
effective 1-1-96; resigned  
2-29-96

\*\* Appointed president judge  
effective 3-1-96

+ Confirmed 5-14-96

**CAMBRIA COUNTY (47)**

Complement 5

*Long, Gerald*  
Creany, Timothy P.  
Krumenacker, Norman A., III

Leahy, Francis J.  
Swope, Thomas A., Jr.

**CARBON COUNTY (56)**

Complement 2

*Lavelle, John P.*  
Webb, Richard W.

**CENTRE COUNTY (49)**

Complement 2

*Brown, Charles C., Jr.*  
Grine, David E.

**CHESTER COUNTY (15)**

Complement 9

*Gavin, Thomas G.*  
Carroll, Jacqueline M.  
MacElree, James P., II  
Melody, M. Joseph, Jr.  
Ott, Paula Francisco  
Riley, Howard F., Jr.  
Shenkin, Robert J.  
Sugarman, Leonard  
Wood, Lawrence E.

**CLARION COUNTY (18)**

Complement 1

*Alexander, Charles R.*

**CLEARFIELD COUNTY (46)**

Complement 2

*Reilly, John K., Jr.*  
Ammerman, Frederic J.

**CLINTON COUNTY (25)**

Complement 2

*Saxton, Richard N., Jr.*  
Williamson, J. Michael

**COLUMBIA-MONTOUR  
COUNTIES (26)**

Complement 2

*Keller, Gailey C.*  
Naus, Scott W.

**CRAWFORD COUNTY (30)**

Complement 2

*Miller, Gordon R.*  
Vardaro, Anthony J.

**CUMBERLAND COUNTY (09)**

Complement 5

*Sheely, Harold E.*  
Bayley, Edgar B.  
Hess, Kevin A.  
Hoffer, George E.  
Oler, J. Wesley, Jr.

**DAUPHIN COUNTY (12)**

Complement 7

*Morrison, Clarence C.*  
Clark, Lawrence F., Jr.  
Evans, Scott A.  
Hoover, Todd A.  
Kleinfelter, Joseph H.  
Lewis, Richard A.  
Turgeon, Jeannine

**DELAWARE COUNTY (32)**

Complement 16

*Sereni, A. Leo*  
Battle, Joseph F.  
Bradley, Harry J.  
Clouse, Kenneth A.  
Cronin, Joseph P., Jr.

Fitzpatrick, Maureen F.  
Hazel, Frank T.  
Jenkins, Patricia H.

**DELAWARE COUNTY,  
continued**

Keeler, Charles C.  
Koudelis, George  
McGovern, Clement J., Jr.  
Proud, James F.\*\*  
Semeraro, Anthony R.\*  
Surrick, R. Barclay  
Toal, William R., Jr.

Wright, Robert C.  
Zetusky, Edward J., Jr.

\* Died 4-20-96  
\*\* Confirmed 11-25-96

**ELK-CAMERON  
COUNTIES (59)**  
Complement 1

*Roof, Vernon D.\**

\* Confirmed 6-18-96

**ERIE COUNTY (06)**  
Complement 8

*Bozza, John A.*  
Anthony, Fred P.  
Connelly, Shad F.  
Cunningham, William R.  
DiSantis, Ernest J., Jr.  
Domitrovich, Stephanie A.  
Fischer, Roger M.  
Joyce, Michael T.

**FAYETTE COUNTY (14)**  
Complement 5

*Franks, William J.*  
Capuzzi, Conrad B.  
Solomon, Gerald R.  
Wagner, John F., Jr.  
Warman, Ralph C.\*

\* Confirmed 5-15-96

**FRANKLIN-FULTON  
COUNTIES (39)**  
Complement 3

*Walker, John R.*  
Herman, Douglas W.  
Kaye, William H.

**GREENE COUNTY (13)**  
Complement 1

*Grimes, H. Terry*

**HUNTINGDON COUNTY (20)**  
Complement 1

*Kurtz, Stewart L.*

**INDIANA COUNTY (40)**  
Complement 2

*Ruddock, W. Parker*  
Martin, William J.

**JEFFERSON COUNTY (54)**  
Complement 1

*Henry, William L.*

**LACKAWANNA  
COUNTY (45)**  
Complement 6

*Walsh, James J.*  
Eagen, Francis P., III  
Harhut, Chester T.  
Minora, Carmen D.  
Munley, James M.  
O'Malley, Carlon M., Jr.

**LANCASTER COUNTY (02)**  
Complement 9

*Eckman, D. Richard*  
Allison, Paul K.

Cullen, James P.  
Farina, Louis J.  
Georgelis, Michael A.  
Hummer, Wayne G., Jr.  
Kenderdine, Henry S., Jr.  
Perezous, Michael J.  
Stengel, Lawrence F.

**LAWRENCE COUNTY (53)**  
Complement 3

*McCracken, Glenn, Jr.*  
Motto, Dominick  
Pratt, Ralph D.

**LEBANON COUNTY (52)**  
Complement 3

*Eby, Robert J.*  
Kline, Samuel A.  
Tylwalk, John C.

**LEHIGH COUNTY (31)**  
Complement 8  
Vacancy 1

*Diefenderfer, James N.\**  
*Gardner, James Knoll\*\**  
Brenner, Lawrence J.  
Ford, William E.  
McGinley, Carol K.  
Platt, William H.  
Reibman, Edward D.  
Wallitsch, Thomas A.

\* Resigned 1-3-97  
\*\* Elected president judge  
effective 1-4-97

**LUZERNE COUNTY (11)**  
Complement 8

*Toole, Patrick J., Jr.\**  
*Augello, Joseph M.\*\**  
Ciavarella, Mark A.  
Conahan, Michael T.  
Lokuta, Ann H.

**LUZERNE COUNTY,  
continued**

Mundy, Hugh F.  
Muroski, Chester B.  
Stevens, Correale F.

\* President judge term expired 1-5-97

\*\* Elected president judge effective 1-6-97

**LYCOMING COUNTY (29)  
Complement 4**

*Smith, Clinton W.*  
Brown, Kenneth D.  
Butts, Nancy L.  
Kieser, William S.

**MCKEAN COUNTY (48)  
Complement 1**

*Cleland, John M.*

**MERCER COUNTY (35)  
Complement 3**

*Fornelli, Francis J.*  
Dobson, Thomas R.  
Wherry, Michael J.

**MIFFLIN COUNTY (58)  
Complement 1**

*Searer, Timothy S.*

**MONROE COUNTY (43)  
Complement 4**

*Vican, Ronald E.*  
Cheslock, Jerome P.  
Miller, Linda Wallach  
O'Brien, Peter J.

**MONTGOMERY  
COUNTY (38)  
Complement 16**

*Nicholas, William T.\**  
*Smyth, Joseph A., Jr.\*\**  
Albright, Kent H.  
Bertin, Emanuel A.  
Carpenter, William R.

Corso, S. Gerald  
Daniele, Rhonda Lee  
Furber, William J., Jr.  
Hodgson, Richard J.  
Lawrence, Marjorie C.

Moore, Bernard A.  
Ott, Stanley R.  
Rossanese, Maurino J., Jr.  
Salus, Samuel W., II  
Subers, Albert R.  
Tressler, Paul W.

\* President judge term expired 1-6-97

\*\* Elected president judge effective 1-7-97

**NORTHAMPTON  
COUNTY (03)  
Complement 6**

*Freedberg, Robert A.*  
Hogan, James C.  
McFadden, F. P. Kimberly  
Moran, William F.  
Panella, Jack A.  
Simpson, Robert E., Jr.

**NORTHUMBERLAND  
COUNTY (08)  
Complement 2**

*Feudale, Barry F.*  
Sacavage, Robert B.

**PERRY-JUNIATA**

**COUNTIES (41)  
Complement 2**

*Quigley, Keith B.*  
Rehkamp, C. Joseph

**PHILADELPHIA  
COUNTY (01)  
Complement 90  
Vacancy 2**

*Bonavitacola, Alex\**

Administrative Judges

Herron, John W.\*\*  
Lewis, Kathryn S.+  
Panepinto, Paul P.++  
Tucker, Petrese B.++

Abramson, Howland W.  
Ackerman, Norman  
Allen, Jacqueline F.  
Avellino, Bernard J.  
Bernstein, Mark I.

Berry, Willis W., Jr.  
Bradley, Edward J.  
Bright, Gwendolyn N.  
Brinkley, Genece E.  
Brown, Joan A.

Carrafiello, Matthew D.  
Chen, Ida K.  
Clark, Tama Myers  
Cohen, Gene D.  
Cohen, Pamela Prylor

Colins, Mary D.  
Cooperman, Amanda  
D'Alessandro, Nicholas M.  
Davis, Legrome D.  
DeFino, Anthony J.

Dempsey, Thomas E.  
DiBona, Alfred J., Jr.  
DiNubile, Victor J., Jr.  
Field, Myrna P.  
Fitzgerald, James J., III

**PHILADELPHIA COUNTY,  
continued**

Fox, Idee C.  
 Geroff, Steven R.  
 Glazer, Gary S.  
 Goldman, Murray C.  
 Goodheart, Bernard J.  
  
 Gordon, Levan  
 Greenspan, Jane C.  
 Hamlin, Lynn B.  
 Hughes, Renee Cardwell  
 Ivanoski, Leonard A.  
  
 Jackson, Ricardo C.  
 Jaffe, Paul L.#  
 Jelin, Sheldon C.  
 Jones, C. Darnell, II  
 Kafriksen, Arthur S.  
  
 Keogh, D. Webster  
 Klein, Richard B.  
 Kozay, Nicholas, Jr.  
 Lachman, Marlene F.  
 Latrone, Robert A.  
  
 Lazarus, Anne E.  
 Lehrer, Samuel M.  
 Lerner, Benjamin#  
 Levin, Stephen E.  
 Lineberger, James A.  
  
 Lord, G. Craig##  
 Lynn, James Murray  
 Maier, Eugene Edward J.  
 Manfredi, William J.  
 Massiah-Jackson,  
     Frederica A.  
  
 Mazzola, William J.  
 McInerney, Patricia A.  
 Means, Rayford A.  
 Moss, Sandra Mazur  
 New, Arnold L.  
  
 O'Brien, Frank X.  
 O'Keefe, Joseph D.  
 Papalini, Joseph I.  
 Pawelec, Edmund S.  
 Pechkurow, Doris A.#

Poserina, John J., Jr.  
 Quinones Alejandro, Nitza I.  
 Ransom, Lillian H.  
 Reynolds, Abram Frank  
 Ribner, Paul  
  
 Richette, Lisa A.  
 Russell, Edward E.  
 Savitt, David N.  
 Sheppard, Albert W., Jr.  
 Smith, Gregory E.  
  
 Snite, Albert J., Jr.  
 Summers, Edward R.  
 Sylvester, Esther R.  
 Temin, Carolyn Engel  
 Tereshko, Allan L.  
  
 Watkins, Thomas D.  
 Wolf, Flora Barth  
 Younge, John M.  
 Zaleski, Jerome A.

- \* Elected president judge effective 1-10-96
- \*\* Appointed administrative judge effective 1-25-96
- + Administrative judge term expired 3-31-96
- ++ Appointed administrative judge 4-1-96
- # Confirmed 5-6-96
- ## Resigned 7-7-97

**PIKE COUNTY (60)**  
Complement 1

*Thomson, Harold A., Jr.*

**POTTER COUNTY (55)**  
Complement 1

*Leete, John B.*

**SCHUYLKILL COUNTY (21)**  
Complement 5

*McCloskey, Joseph F.*  
*Baldwin, William E.*  
*Dolbin, C. Palmer*  
*Domalakes, John E.*

*Stine, D. Michael*

**SOMERSET COUNTY (16)**  
Complement 2

*Fike, Eugene E., II*  
*Cascio, John M.*

**SUSQUEHANNA  
COUNTY (34)**  
Complement 1

*Seamans, Kenneth W.*

**TIOGA COUNTY (04)**  
Complement 1

*Dalton, Robert E., Jr.*

**UNION-SNYDER  
COUNTIES (17)**  
Complement 2

*Bromfield, Wayne A.*  
*Woelfel, Harold F., Jr.*

**VENANGO COUNTY (28)**  
Complement 1

*White, William H., Jr.*

**WARREN-FOREST  
COUNTIES (37)**  
Complement 1

*Millin, Paul H.*

**WASHINGTON COUNTY (27)**  
Complement 5  
Vacancy 1

*Gladden, Thomas D.*  
*Emery, Katherine B.*

**WASHINGTON COUNTY,  
continued**

Gilmore, David L.  
O'Dell Seneca, Debbie  
Terputac, Thomas J.\*

\* Resigned 1-9-97

**WAYNE COUNTY (22)**  
Complement 1

*Conway, Robert J.*

**WESTMORELAND  
COUNTY (10)**  
Complement 10

*Marker, Charles E.\**  
*Scherer, Bernard F.\*\**  
*Ackerman, Daniel J.*

Blahovec, John E.  
Caruso, Gary P.  
Driscoll, John J.  
Loughran, Charles H.  
McCormick, Richard E., Jr.  
Mihalich, Gilfert M.+  
Ober, William J.++  
Pezze, Debra A.

\* President judge term expired  
3-12-96  
\*\* Elected president judge  
effective 3-13-96  
+ Retired 7-10-96  
++ Confirmed 6-9-97

**WYOMING-SULLIVAN  
COUNTIES (44)**  
Complement 1

*Vanston, Brendan J.*

**YORK COUNTY (19)**  
Complement 9  
Vacancy 2

*Uhler, John C.*  
Blackwell, Penny L.  
Brillhart, Michael J.  
Chronister, John H.  
Dorney, Sheryl Ann  
Horn, Richard H.  
Kennedy, John S.  
Miller, John T.\*

\* Retired 3-26-97

**ALLEGHENY COUNTY**

Doyle, Robert A.+  
Louik, Maurice  
O'Brien, John W.  
O'Malley, Michael J.  
Ridge, Joseph H.  
Ross, Eunice L.\*  
Ross, George H.  
Scheib, Raymond L.\*\*  
Schwartz, Nathan  
Watson, J. Warren  
Zeleznik, Richard G.

\* Sits on occasion each month in Commonwealth Court, effective 3-1-97

\*\* Resigned 4-30-97

+ Removed from list 6-1-97

**ARMSTRONG COUNTY**

House, Roy A., Jr.

**BEAVER COUNTY**

Rowley, James E.  
Salmon, J. Quint

**BEDFORD COUNTY**

Van Horn, Ellis W., Jr.

**BERKS COUNTY**

Edenharter, Frederick  
Eshelman, W. Richard  
Smith, Calvin E.

**BUCKS COUNTY**

Sokolove, Leonard B.

**BUTLER COUNTY**

Brydon, John H.\*

Kiester, George P.

\* Effective 5-2-96

**CAMBRIA COUNTY**

Creany, Eugene A.

**CHESTER COUNTY**

Endy, Alexander

**CLINTON COUNTY**

Brown, Carson V.

**COLUMBIA-MONTOUR COUNTIES**

Myers, Jay W.

**CRAWFORD COUNTY**

Thomas, P. Richard

**DAUPHIN COUNTY**

Lipsitt, William W.  
Morgan, Warren G.\*  
Natale, Sebastian D.\*\*

\* Sits on occasion each month in Commonwealth Court

\*\* Removed from list 6-1-97

**DELAWARE COUNTY**

Wright, Robert A.

**ELK-CAMERON COUNTIES**

Greiner, Paul B.

**Common  
Pleas  
Senior  
Judges**

(As of 7-31-97)



**ERIE COUNTY**

Dwyer, James B.\*  
Pfadt, William E.\*  
Levin, George

\* Removed from list 6-1-97

**FRANKLIN-FULTON  
COUNTIES**

Keller, John W.\*

\* Sits on occasion each month  
in Commonwealth Court

**JEFFERSON COUNTY**

Snyder, Edwin L.

**LACKAWANNA COUNTY**

Cottone, S. John  
Penetar, Daniel L.

**LANCASTER COUNTY**

Bucher, Wilson

**LEBANON COUNTY**

Gates, G. Thomas

**LEHIGH COUNTY**

Backenstoe, John E.  
Diefenderfer, James N.\*

\* Effective 1-4-97

**LUZERNE COUNTY**

Brominski, Bernard C.  
Cappellini, Gifford S.  
Podcasy, Bernard J.

**LYCOMING COUNTY**

Greevy, Charles F.  
Raup, Thomas C.

**MERCER COUNTY**

Stranahan, John Q.

**MONROE COUNTY**

Marsh, James R.

**MONTGOMERY COUNTY**

Brown, Lawrence A.  
Davenport, Horace A.  
Lowe, Richard S.  
Taxis, Alfred, L., Jr.  
Vogel, William W.

**NORTHAMPTON COUNTY**

Franciosa, Michael V.  
Grifo, Richard D.  
Williams, Alfred T., Jr.

**NORTHUMBERLAND  
COUNTY**

Ranck, Samuel C.

**PHILADELPHIA COUNTY**

Biunno, Francis A.\*\*  
Bruno, Joseph C.

Caesar, Berel  
Carson, Curtis C., Jr.\*\*  
Chiovero, John J.+

Cipriani, Nicholas A.  
Clarke, Eugene H., Jr.  
Doty, Ethan A.\*\*  
Gutowicz, Theodore S.\*\*  
Halbert, Marvin R.

Hill, Louis G.  
Jackson, Frank M.\*  
Jenkins, Norman A.  
Lederer, William J.  
McCabe, Joseph P., Jr.\*\*

Rosenberg, Edward B.  
Sabo, Albert F.  
Stout, Juanita Kidd

\* Died 3-12-97  
\*\* Removed from list 6-1-97  
+ Effective 7-22-97

**SCHUYLKILL COUNTY**

Dolbin, Donald D.  
Rubright, Wilbur H.

**SOMERSET COUNTY**

Shaulis, Norman A.\*

\* Removed from list 6-1-97

**TIOGA COUNTY**

Kemp, Robert M.

**VENANGO COUNTY**

Breene, William E.

**WARREN-FOREST  
COUNTIES**

Wolfe, Robert L.

**WASHINGTON COUNTY**

Bell, John F.\*  
Terputac, Thomas J.\*\*

\* Effective 1-3-96  
\*\* Effective 1-12-97

**WESTMORELAND COUNTY**

McCormack, Thomas J.\*\*  
Mihalich, Gilfert M.\*

\* Effective 7-13-96  
\*\* Died 12-19-96

**WYOMING/SULLIVAN  
COUNTIES**

Gardner, Roy A.\*

\* Died 4-25-96

**YORK COUNTY**

Buckingham, James E.+  
Cassimatis, Emanuel A.\*  
Erb, Joseph E.  
Miller, John T.\*\*

\* Effective 12-3-96  
\*\* Effective 3-19-97  
+ Resigned 3-31-97

**Philadelphia  
and  
Pittsburgh  
Special  
Courts  
Judges**

**Philadelphia  
Municipal Court  
Judges**

Complement 22

*Silberstein, Alan K.*  
Blasi, Robert S.  
Coppolino, Matthew F.  
Cosgrove, Francis P.  
Daher, Georganne V.

DeLeon, James M.  
Deni, Teresa Carr  
Gilbert, Barbara S.  
King, William A., Jr.\*  
Kirkland, Lydia Y.

Krase, Morton  
Lilian, Eric L.  
McCaffery, Seamus P.  
Meehan, William A., Jr.  
Mekel, Edward G.

Merriweather, Ronald B.  
O'Grady, John J., Jr.+  
Prezenza, Louis J.  
Retacco, Louis G.  
Robbins, Harvey W.

Schwartz, Harry\*\*  
Simmons, J. Earl, Jr.  
Stack, Felice R.

\* Retired 4-23-96  
\*\* Confirmed 5-6-96  
+ Confirmed 6-4-96

**Municipal Court  
Senior Judges**

Bashoff, Martin W.  
Blount, Lynwood F.  
Brady, William J., Jr.  
King, William A., Jr.\*  
McCormack, Thomas J.  
Rose, Meyer C.

\* Effective 5-2-96

**Philadelphia  
Traffic Court  
Judges**

Complement 6

*Cuffield, Charles H.*  
DeAngelis, Bernice A.  
Kelly, Francis E.\*\*  
Little, Francis J.  
Murray, Bridget A.\*  
Perry, Fortunato N., Sr.  
Twardy, George\*  
Tynes, Thomasine

\* Died 7-18-96  
\*\* Confirmed 11-20-96

**Traffic Court  
Senior Judges**

Cox, Edward S.  
Podgorski, Lillian H.

**Pittsburgh  
Magistrates Court**

Complement 7  
Vacancy 1

Simmons, William T.  
*Chief Magistrate*

Butler, Daniel E.  
Cobb, Linda A.  
Coles, Louis  
Harrington, Moira  
McLaughlin, Irene M.

(As of 7-31-97)

**ADAMS COUNTY (51)**

Complement 4

Carr, Thomas R.  
Deardorff, Harold R.  
Frymyer, Samuel K.  
Zepp, John C., III

**ALLEGHENY COUNTY (05)**

Complement 55  
Vacancy 2

Barton, David J.++  
Bengel, Carolyn S.  
Blaschak, Suzanne R.  
Boyle, Mary Grace  
Brletic, Thomas S.

Burnett, Edward  
Casper, Raymond L.\*\*  
Cercone, Mary Ann  
Comunale, Frank, III  
Conn, Arthur P.+

Conroy, Eileen M.  
Cooper, Kevin E.  
Costa, Ronald N., Sr.  
D'Achille, Ernest J.  
De Angelis, Guido A.

Devlin, Mark B.  
Diven, Daniel R.  
Dzvonick, Robert P.  
Edkins, Sally Ann  
Franci, Georgina G.

Hanley, James J., Jr.  
Ivill, William J.  
Joyce, Dennis R.  
Kimberland, Susanne  
King, Richard G.

Lloyd, Betty L.  
Longo, Nancy L.  
Luniewski, Walter W., Jr.  
Marraccini, Ernest L.  
Martin, Armand

McCarthy, Richard K.  
McGraw, Elaine M.  
McLaughlin, Charles A., Jr.  
Melograne, Jules C.\*  
Miller, Thomas G., Jr.##  
Morrisey, Charles M.

Olasz, Richard D., Jr.  
Peglow, Lee G.  
Petite, Oscar J., Jr.  
Presutti, Donald H.

Ravenstahl, Robert P., Jr.  
Russo, James E.  
Sable, Robert M.#  
Scharding, Anna Marie  
Sullivan, GiGi

Swearingen, John E.  
Terrick, Richard J.  
Thompson, Alberta V.  
Tibbs, Edward A.  
Trkula, Shirley R..

Tucker, Robert E.  
Wagner, William K.  
Welsh, Regis C., Jr.  
Zielmanski, Eugene L.  
Zoller, Richard H.

Zucco, Linda I.  
Zyra, Gary M.

- \* Resigned 1-22-96
- \*\* Retired 2-9-96
- + Retired 5-8-96
- ++ Confirmed 6-4-96
- # Retired 2-24-97
- ## Confirmed 4-30-97

**ARMSTRONG COUNTY (33)**

Complement 4

DeComo, James G.  
Gerheim, Michael L.  
Goldstrohm, Samuel R.  
Young, Jay A.

**BEAVER COUNTY (36)**

Complement 9  
Vacancy 1

Armour, John W.  
Dibenedetto, James F.  
Eiler, Donald L.  
Genevie, Debra A.\*  
Knafelc, Harry E.

**District**

**Justices**

(As of 7-31-97)

(Judicial Districts in parentheses)

**BEAVER COUNTY,**  
**continued**

Loughner, C. Douglas  
Schulte, Martin V.  
Swihart, Janet M.

\* Confirmed 5-6-96

**BEDFORD COUNTY (57)**

Complement 4

Baker, Brian K.  
Bingham, H. Cyril, Jr.  
Calhoun, Kathy S.\*\*  
McVicker, Erika  
Morgret, Marion L.\*

\* Resigned 3-31-96

\*\* Confirmed 5-7-96

**BERKS COUNTY (23)**

Complement 18

Beck, Richard C.  
Bentz, Nicholas M., Jr.\*\*  
Dougherty, John F.  
Gauby, Thomas M., Sr.  
Greth, Gail M.  
Hall, William N., Jr.  
Horning, Anthony F.  
Kowalski, Phyllis J.  
Lachina, Deborah P.  
Leonardziak, Michael J.

Mest, Ronald C.  
Schock, Roland H.  
Stacherski, Felix V.  
Stitzel, Gloria W.  
Stoudt, Carol A.

Strock, Gloria M.  
Walley, Susanne R.  
Xavios, Thomas H.

\*\* Appointed 3-12-96

**BLAIR COUNTY (24)**

Complement 7

Garman, Kenneth L.  
Greene, John B., Jr.  
Jones, Patrick T.  
Kelly, Todd F.  
Klepser, Frederick L.  
Moran, Joseph L.  
Ormsby, Craig E.

**BRADFORD COUNTY (42)**

Complement 4

Aquilio, Daniel J., III  
Ayres, Lynn E.  
Powell, James O.  
Shaw, Michael G.

**BUCKS COUNTY (07)**

Complement 19

Adamchak, Joanne M.  
Basile, Joseph F.  
Brown, Leonard J.  
Cappuccio, Charles A.  
Dietrich, Ruth C.  
DuBree, M. Kay  
Gaffney, Robert E.  
Groman, Oliver A.  
Hogeland, H. Warren  
Kelly, John J., Jr.

Kline, Joanne V.  
Manto, Michael J.  
Marks, Catherine  
McEwen, Susan E.  
Nasshorn, Donald

Roth, C. Robert  
Schnell, Robert A., Jr.  
Vislosky, Jan  
Wagner, Robert L., Jr.

**BUTLER COUNTY (50)**

Complement 5

Armstrong, Dennis C.  
O'Donnell, Joseph D., Jr.  
Streib, Kelly T.D.  
Wise, Frank C.  
Woessner, Clifford J.

**CAMBRIA COUNTY (47)**

Complement 10

Barron, John W.  
Berkhimer, Allan C.  
Coleman, Alfred B.  
Creany, Frederick S.  
Decort, Galen F.  
Grecek, Leonard J.  
Musulin, Michael J.  
Nileski, Charity L.  
Pavlovich, Max F.  
Zungali, Michael

**CARBON COUNTY (56)**

Complement 4

Appleton, Bruce F.  
Hadzick, Paul J.  
Hudasky, Irene M.  
Lewis, Edward M.

**CENTRE COUNTY (49)**

Complement 5

Vacancy 1

Hoffman, Daniel R., II  
Horner, Ronald J.  
Lunsford, Bradley P.  
Prestia, Carmine W., Jr.

**CHESTER COUNTY (15)**

Complement 17

Anthony, John F.  
Arnold, Rita A.  
Bicking, Brenda J.

**CHESTER COUNTY,**  
**continued**

Blackburn, Jeremy  
Brown, Arthur  
  
Darlington, Chester F.  
DeAngelo, James V.  
Farmer, Harry W., Jr.  
Gill, Robert E.  
Maisano, Daniel J.  
  
Martin, Thomas E., Jr.  
Michaels, Theodore P.  
Muth, Dawson R.  
Scott, Stanley  
Smith, Larry E.  
  
Welsh, Susann E.  
Winther, J. Peter

**CLARION COUNTY (18)**  
Complement 4

George, Daniel P.  
Heasley, Norman E.  
Lapinto, Anthony A.  
Long, Gregory E.

**CLEARFIELD COUNTY (46)**  
Complement 4

Ford, Patrick N.  
Hawkins, James L.  
Ireland, Richard A.  
Rudella, Michael A.

**CLINTON COUNTY (25)**  
Complement 3

Bossert, Thomas H.  
Dwyer, Kevin R.  
Frazier, John B.

**COLUMBIA-MONTOUR**

**COUNTIES (26)**  
Complement 5

Breech, William L.  
Cashman, Richard P.  
Coombe, Donna J.  
Geiger, Robert B.  
Stackhouse, Ola E.

**CRAWFORD COUNTY (30)**  
Complement 6

Chisholm, William D.  
Cole, Ronald A., Sr.\*  
Hanson, Wayne E.  
Herzberger, George W., III  
Nicols, Amy L.++  
Rossi, A. Michael, Jr.+  
Vogan, Hubert E.\*\*  
Zilhaver, Lincoln S.

\* Resigned 2-29-96  
\*\* Resigned 3-22-96  
+ Confirmed 4-10-96  
++ Confirmed 6-24-96

**CUMBERLAND COUNTY (09)**  
Complement 8

Clement, Charles A., Jr.  
Correal, Paula P.  
Daihl, Donald W.  
Day, Susan K.  
Farner, Glenn R.  
Klair, Ronald E.  
Manlove, Robert V.  
Shulenberg, Helen B.

**DAUPHIN COUNTY (12)**  
Complement 14

Bridges, Roy C.  
Johnson, Gregory D.  
Judy, David H.

Lindsey, Joseph S.

Magaro, Samuel J.  
  
Pianka, James  
Rathfon, William P.\*  
Semic, Steven M.  
Shugars, Ray F.  
Solomon, Joseph S.  
  
Stewart, Marsha C.  
Williams, Edward R.  
Yanich, Bernard B.  
Zozos, George A.

\* Retired 7-97

**DELAWARE COUNTY (32)**  
Complement 32

Ballezzi, Michael P.  
Berardocco, Ann  
Boyden, Kenneth J. D.  
Boyle, Mary Alice  
Burton, Robert W.  
  
Cappelli, Richard M.  
Cullen, Michael G.  
Davis, Horace Z.  
Day, William L., Jr.  
Foster, Beverly H.

Gallagher, Vincent D., Jr.  
Gaspari, Rocco  
Hanna, William E.  
Harkin, Edward C.  
Klein, Stephanie H.  
  
LaRosa, Barbara  
Lacey, Thomas J.  
Lang, David Hamilton  
Liberace, Gerald C.  
Mallon, Gregory M.

McCray, C. Walter, III  
McDevitt, Leonard M.  
Miller, Kenneth N.  
Murphy, David J.  
Nilon, James F., Jr.

**DELAWARE COUNTY,  
continued**

Perfetti, John J.  
Seaton, Spencer B., Jr.  
Sereni-Massinger,  
Christine A.  
Shaffer, Robert M.  
Tozer, Peter P.  
  
Truscello, Anthony M.  
Videon, David T.

**ELK-CAMERON  
COUNTIES (59)**  
Complement 3

Brown, Alvin H.  
King, George A.  
Wilhelm, Donald A.

**ERIE COUNTY (06)**  
Complement 15

Abate, Frank, Jr.  
Dipaolo, Dominick D.  
Dwyer, James J., III  
Fuller, Mary Jane\*  
Hogan-Munsch, Carmelita  
  
LeFaiver, Joseph R.  
Manzi, Paul  
Nakoski, Peter P., Jr.  
Nichols, Patsy A.  
Saxton, Robert C., Jr.  
  
Smith, Charles F.  
Southwick, Carol L.+  
Stuck, Ronald E.\*\*  
Stuck-Lewis, Denise M.+  
Urbaniak, Paul  
  
Vendetti, John A.  
Weindorf, Arthur J.

\* Resigned 7-31-96  
\*\* Resigned 5-30-97  
+ Confirmed 6-16-97

**FAYETTE COUNTY (14)**

Complement 13  
Vacancy 1

Abraham, Randy S.  
Blair, Lawrence  
Breakiron, Robert W.  
Cavalcante, Brenda K.  
Cramer, Jesse J.  
  
DeFino, Michael J.  
Dennis, Wendy D.  
Hartz, Charles F.\*  
Kula, Deberah L.  
Mitchell, Herbert G., Jr.  
  
Rubish, Michael  
Shaner, Dwight K.  
Vernon, Rick C.

\* Resigned 6-28-96

**FRANKLIN-FULTON  
COUNTIES (39)**  
Complement 9  
Vacancy 1

Carter, Gary L.  
Hawbaker, David E.  
Johnson, Carol J.  
Keebaugh, Betty M.  
Knepper, Brenda M.  
Meminger, Larry K.  
Ommert, John R.\*  
Pentz, Larry G.  
Weyman, John P.

\* Resigned 6-30-97

**GREENE COUNTY (13)**  
Complement 3

Canan, Neil M.  
Watson, John C.  
Watson, Leroy W.

**HUNTINGDON**

**COUNTY (20)**  
Complement 4

Colyer, Michael M.  
Davis, Daniel S.  
Kyper, James H.  
Whitsel, Theodore J.

**INDIANA COUNTY (40)**  
Complement 4

Degruttola, Dolores  
Orendorff, Richard G.  
Steffee, Michael K.  
Thachik, George M.

**JEFFERSON COUNTY (54)**  
Complement 3

Chambers, Douglas R.  
Hetrick, Bernard E.  
Miller, George B.

**LACKAWANNA  
COUNTY (45)**  
Complement 11  
Vacancy 2

Clark, George E., Jr.  
Gallagher, Terrance V.  
Giglio, Theodore J.  
Golden, Thomas J.  
Kennedy, James P.  
McAndrew, Mary A.\*  
Mercuri, John J.  
Pieski, John E. V.  
Russell, Robert G.  
Yurgosky, Donald A.

\* Retired 9-30-96

**LANCASTER COUNTY (02)**  
Complement 20

Bomgardner, Vicki G.  
Brian, David E.

**LANCASTER COUNTY,**  
**continued**

Duncan, Jayne F.  
Eckert, Leo H., Jr.  
Garrett, James L.  
  
Good, Carl A., Jr.  
Hamill, Nancy G.  
Hamilton, Maynard A., Jr.  
Herman, Robert A., Jr.  
High-Kulp, Sandra L.  
  
Miller, David P.  
Musser, Richard W.  
Mylin, Stuart J.  
Reuter, William G.  
Savage, Ronald W.  
  
Schmuckle, Earle M.  
Stoltzfus, Isaac H.  
Williams, Louise B.  
Willwerth, Jene A.  
Winters, John C.

**LAWRENCE COUNTY (53)**  
Complement 5

Abraham, Charles A., Jr.\*\*  
Battaglia, Samuel A.  
Crawford, Ernest M., Jr.\*  
Lamb, J. V.  
Reed, James A.  
Rishel, David B.

\* Resigned 7-31-96  
\*\* Confirmed 10-1-96

**LEBANON COUNTY (52)**  
Complement 7

Arnold, John F.  
Capello, Thomas M.  
Foundling, Nigel K.  
Lehman, Lee R.  
Shultz, Jo Ann  
Smith, Betty Ann  
Swisher, Hazel V.

**LEHIGH COUNTY (31)**  
Complement 14  
Vacancy 1

Balliet, Carl L.  
Crawford, Charles H.  
Dugan, John E.  
Gatti, Richard A.  
Harding, David B.  
  
Hartman, Edward E.  
Hausman, Joan K.  
Jepsen, Diane R.  
Murphy, Thomas P.  
Rapp, Anthony G., Jr.  
  
Snyder, Joan L.  
Timbers, Bradford C.\*  
Varricchio, Michele A.  
Youkonis, Patricia E.

\* Removed from office 3-26-97

**LUZERNE COUNTY (11)**  
Complement 18

Balliet, Burton E.  
Barilla, Andrew, Jr.  
Collins, Michael J.  
Feissner, Gerald L.  
Halesey, Joseph A.  
  
Hasay, John E.  
Hendrzak, Bernard J.  
Hopkins, John J.  
Kane, Martin R.  
Maffei, Carmen John

Malast, Diana  
Pierantoni, Fred A., III  
Roberts, Paul J.  
Sharkey, Thomas J.  
Swank, Ronald W.

Tupper, James E.  
Whittaker, Donald L.  
Zola, Joseph D.

**LYCOMING COUNTY (29)**

Complement 6

McDermott, John M.  
McGee, Gerald A.  
McRae, C. Roger  
Page, Allen P., III  
Sortman, James H.  
Stack, Robert W.

**MCKEAN COUNTY (48)**  
Complement 4

Ackerman, Thomas E.  
Boser, Barbara L.  
Kennedy, Michael J.  
Yoder, John H.

**MERCER COUNTY (35)**  
Complement 5

Fagley, William L.  
French, Ruth M.  
McMahon, James E.  
Russo, Henry J.  
Silvis, Lawrence T.

**MIFFLIN COUNTY (58)**  
Complement 2

Clare, Barbara A.  
Williams, Rick A.

**MONROE COUNTY (43)**  
Complement 10

Claypool, Richard S.  
Dennis, Clarence W.  
Eyer, Charles P.  
Krawitz, Jolana  
Mangan, Anthony J.  
Olsen, Thomas E.  
Perfetti, Robert  
Shiffer, Thomas R., Jr.  
Whitesell, John D.  
York, Debby A.



**MONTGOMERY COUNTY (38)**

Complement 30  
Vacancy 1

Augustine, Albert J.  
Berkoff, F. Elaine  
Borek, Harold D.  
Casillo, Ester J.  
Crahalla, Benjamin R.  
  
Deatelhauser, Kenneth E.  
Dougherty, Joseph H.  
Evans, Richard E.\*\*  
Gadzicki, Walter F., Jr.  
Griffin, Francis V.  
  
Hummel, Catherine M.  
Hunter, James B.  
Inlander, Gloria M.  
Keightly, David A.  
Kowal, John L.  
  
Lawrence, Francis J., Jr.  
Leader, Loretta A.  
Liss, Henry M.  
Lukens, Deborah A.  
Maruszczak, William I.+  
  
Murray, John S., III  
Palladino, Thomas A.  
Price, Richard M.  
Richman, Michael C.  
Riehl, Donald O.\*  
  
Sachaczewski, John T.  
Saraceni, Robert A.  
Schireson, Henry J.  
Skerchock, Dorothy  
Stine, Caroline C.  
Zaffarano, Patricia A.

\* Retired 12-13-96  
\*\* Resigned 1-1-97  
+ Confirmed 6-16-97

**NORTHAMPTON COUNTY (03)**

Complement 15

Elwell, Gay L.  
Frey, Elmo L., Jr.  
Grigg, Sherwood R.  
Koury, Michael J.  
Litzenberger, Ralph W.  
  
Marinkovits, Joan  
Masut, Adrienne L.  
Matos Gonzalez, Nancy  
Repyneck, Diane S.  
Romig, Elizabeth A.  
  
Rudolph, Loretta M.  
Schlegel, Barbara A.  
Stocklas, James F.  
Weaver, Harold R., Jr.  
Zemgulis, Sandra J.

**NORTHUMBERLAND COUNTY (08)**

Complement 5

Bolton, Robert J.  
Brown, Wade J.  
Kear, William F.  
Mychak, Michael F.  
Reddinger, Wilbur L., Sr.

**PERRY-JUNIATA COUNTIES (41)**

Complement 5

Frownfelter, Elizabeth R.  
Howell, Donald F.  
Leister, Jacqueline T.  
Lyter, Barbara M.  
Moyer, James R., Jr.

**PIKE COUNTY (60)**

Complement 4

McBride, Stephen A.  
Purdue, Carolyn H.

Quinn, Gudrun K.  
Sanquilly, William N.

**POTTER COUNTY (55)**

Complement 4

Bristol, Delores G.  
Fetzer, Donna J.  
Garrote, Katherine G.  
Tasillo, Michelle M.

**SCHUYLKILL COUNTY (21)**

Complement 8

Ferrier, James R.  
Matz, Earl H., Jr.  
Moran, Charles V.  
Nahas, Bernadette J.  
Plachko, David A.  
Reiley, James K.  
Slezosky, William A.  
Zelonis, Andrew B.

**SOMERSET COUNTY (16)**

Complement 5

Cannoni, Joseph A.  
Cook, Arthur K.  
Dively, Melissa K.  
Philson, Robert M.  
Roush, William H.

**SUSQUEHANNA COUNTY (34)**

Complement 3

Dayton, Watson J.  
Franklin, Gene A.  
Janicelli, Peter M.

**TIOGA COUNTY (04)**

Complement 3

Buckingham, William A.  
Farrell, William G.  
Signor, Daniel P.

**UNION-SNYDER  
COUNTIES (17)**

Complement 4

Armbruster, Leo S.  
Parker, Harley M.  
Savidge, Willis E.  
Solomon, Hall E., Sr.

**VENANGO COUNTY (28)**

Complement 4

Billingsley, Robert E.  
Fish, David L.  
Gerwick, Douglas B.  
Lobaugh, Oliver J.

**WARREN-FOREST  
COUNTIES (37)**

Complement 6

Bauer, Laura S.  
Carbaugh, Curtis E.  
Carlson, Glenn S.  
Fedora, Michael L.  
Lindemuth, Cynthia K.  
Zerbe, Arthur W.

**WASHINGTON COUNTY (27)**

Complement 12

Amati, Ronald  
Celaschi, Lawrence P.  
Dutton, Jay H.  
Ellis, James C.  
Havelka, Gary H.  
  
Mark, David W.  
Pelkey, William

Pozonsky, Paul M.  
Spence, J. Albert  
Teagarden, Marjorie L.

Thompson, Curtis L.  
Weller, Jay H.

**WAYNE COUNTY (22)**

Complement 4

Edwards, Ronald J.  
Farrell, Jane E.  
Laabs, Dorothy C.  
Lewis, Bonnie P.

**WESTMORELAND  
COUNTY (10)**

Complement 20

Vacancy 1

Albert, James E.  
Bilik, Mark J.  
Caruso, Angelo  
Christner, Charles M., Jr.  
Dalton, Joseph A.

DelBene, Frank, Jr.  
DiClaudio, Mary S.  
Diehl, Lois L.\*  
Eckels, Roger F.  
Falcon, James N.

Franzi, Lawrence J.  
King, J. Bruce  
Mahady, Michael R.  
McCutcheon, Bernice A.  
Medich, Martha

Peck-Yokopec, Cheryl J.  
Scott, Robert E.  
Smittle, John D.  
Thiel, Denise Snyder  
Weimer, Douglas R., Jr.

\* Resigned 4-30-96

**WYOMING-SULLIVAN  
COUNTIES (44)**

Complement 4

Vacancy 2

Baumunk, Linda M.  
Conway, Leo P., Jr.\*\*  
Robinson, Marion J.\*  
Robinson, Patricia A.

\* Retired 2-29-96

\*\* Resigned 5-31-96

**YORK COUNTY (19)**

Complement 18

Vacancy 1

Dubs, Mervin L.  
Edie, Nancy L.  
Estep, Roger A.  
Farrell, William J., III  
Garber, Daniel B.

Haskell, Ronald J., Jr.  
Heilman, Vera J.  
Hodge, James D.  
Kessler, Harold D.  
Klinedinst, Margaret L.\*\*

Lafean, John W.  
Lam, Roy L.\*  
Leppo, Kim S.  
Martin, Richard E., II  
Meisenhelter, Douglas F.

Naylor, Alan G.  
Nixon, Barbara H.  
Shoemaker, Gerald E.  
Walters, Paul A.

\* Resigned 9-6-97

\*\* Resigned 6-30-97

**ALLEGHENY COUNTY**

Boehm, Leonard W.  
Bowen, James H.\*\*  
Casper, Raymond L.  
Conn, Arthur P.\*  
Diulus, Nicholas A.

Fiore, Sarge  
Hanley, James J.  
Komaromy, Paul, Jr.  
Lindberg, Howard D.  
Nairn, Regis C.

Raible, Eugene L.  
Secola, Rinaldo, J.  
Stocker, Olive S.  
Thomas, Raymond C.

\* Effective 5-17-96  
\*\* Removed from list 7-22-97

**ARMSTRONG COUNTY**

Shaeffer, Eugene W.

**BEAVER COUNTY**

Keefer, Ross M., Jr.  
Kirchner, Lewis E.  
Loschiavo, Peter J.  
Mihalic, Stephen D.

**BERKS COUNTY**

Gaspari, Albert J.\*  
Wagonseller, Wallace W.\*\*  
Wenger, George L.

\* Removed from list 7-19-96  
\*\* Removed from list 6-2-97

**BRADFORD COUNTY**

Huffman, Jack, Jr.\*  
Wood, Fordham F., Jr.

\* Removed from list 7-22-97

**BUCKS COUNTY**

Hunsicker, J. Robert  
Kelly, James M.+  
Ritter, Chris G.\*  
Spadaccino, Dominick C.  
Vislosky, Dorothy\*\*

\* Removed from list 7-19-96  
\*\* Removed from list 2-4-97  
+ Added 3-17-97

**BUTLER COUNTY**

O'Donnell, William R.\*\*  
Watson, Robert L.\*

\* Resigned 4-22-96  
\*\* Removed from list 7-19-96

**CAMBRIA COUNTY**

Brosius, Francis P.\*  
Robine, Kenneth J.\*  
Rozum, Julia A.

\* Resigned 4-22-96

**CENTRE COUNTY**

Shoff, Robert A.\*

\* Effective 7-1-97

**CHESTER COUNTY**

Brown, Donald C.\*  
Martini, Harry R.  
Mull, Robert G.

\* Removed from list 7-19-96

**CLARION COUNTY**

Corsini, John

**Senior**

**District**

**Justices**

(As of 7-31-97)

**CUMBERLAND COUNTY**

Lyons, Meade G.

**DAUPHIN COUNTY**

Cross, Mary E.  
Rathfon, William P.\*

\* Effective 8-1-97

**DELAWARE COUNTY**

Anderson, Garland W.  
Dittert, William J., Jr.  
Nesbitt, Clarence B., Jr.\*  
Sellers, Nicholas

\* Removed from list 7-19-96

**ERIE COUNTY**

Fuller, Mary Jane\*  
Wisniewski, Kathryn L.\*\*

\* Effective 8-1-96; removed from  
list 7-22-97

\*\* Removed from list 6-2-97

**FAYETTE COUNTY**

Hartz, Charles F.\*

\* Effective 6-29-96

**FRANKLIN COUNTY**

Ommert, John R.\*  
Stover, J. William

\* Effective 7-1-97

**GREENE COUNTY**

Bertugli, Emil

**INDIANA COUNTY**

Cravotta, Angelo C.  
Wilkins, Geraldine M.

**JEFFERSON COUNTY**

Lester, Guy M.

**LACKAWANNA COUNTY**

Cadden, Eugene T.  
Grunik, Ferdinand A.  
Kelleher, Daniel J.  
Polizzi, Michael S.

**LANCASTER COUNTY**

Horton, Murray R.  
James, Doris R.  
Miller, John W.\*  
Reeser, Richard L.

\* Removed from list 6-2-97

**LEBANON COUNTY**

Spannuth, Mary M.

**LEHIGH COUNTY**

Beck, Ralph H.\*  
Maura, Joseph J.

\* Effective 4-18-97

**LUZERNE COUNTY**

Harvey, Leonard D.  
Marshall, Robert N.

**MERCER COUNTY**

McCandless, George E.

**MONROE COUNTY**

McCool, Henry

**MONTGOMERY COUNTY**

Dasch, Charles A.  
Lawrence, Francis J.\*\*  
Musselman, Grant\*  
Oelschlager, Leroy S.\*  
Riehl, Donald O.+  
Rosenberger, Carroll A.\*

\* Removed from list 7-19-96

\*\* Died 9-22-96

+ Effective 12-16-96

**NORTHAMPTON COUNTY**

Auch, Walter F., Jr.  
Leo, Joseph N.\*

\* Effective 3-27-96

**VENANGO COUNTY**

Turk, Walter S.

**WARREN COUNTY**

Carlett, Allan D.\*

\* Removed from list 7-19-96

**WASHINGTON COUNTY**

Lilley, June B.  
Mark, Walter A.  
Zeaman, Daryl

**WAYNE COUNTY**

Buckert, Charles H.  
Dix, Edward H.

**WESTMORELAND COUNTY**

Giannini, Michael P.  
Guido, William S.\*

\* Died 7-2-96

**WYOMING COUNTY**

Robinson, Marion J.\*

\* Effective 3-27-96

**YORK COUNTY**

Bria, Margaret L.\*\*  
Diehl, Paul M., Jr.  
Dixon, Harold C.  
Lam, Roy L.\*  
Sponseller, Curtis C.+  
Stambaugh, Quentin R.

\* Effective 9-7-96

\*\* Effective 7-1-97

+ Removed from list 7-22-97

## District Court Administrators

### Administrator

Betty D. Overman  
Raymond L. Billotte  
Gayle M. Lang  
Joseph Cabraja  
Laurie J. Staub

Cherstin M. Hamel  
Michael D. Reighard  
Mary Lou Vanderpool  
H. Paul Kester, Esq.  
William L. Patterson

Donald J. Scotilla  
Roberta L. Brewster  
Maxine O. Ishler  
Margaret M. Yokemick  
Tammy J. Slike

David S. Meholick  
Daniel C. Wilt  
Joseph A. Blass  
Ann A. Walker  
Richard J. Pierce

Robert G. Reid  
Gerald C. Montella  
Martha Keller Masson  
Thomas C. Aaron  
Karen M. Kuhn

Steven T. Barnett  
William A. Sheaffer  
Audrey Szoyka  
Carole D. Lang  
Patrick J. Ward

Norma R. Brown  
William J. Murray  
Mark Dalton M.  
Micheline R. Pagley  
Edward J. Rutter

Susan T. Schellenberg  
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Joanne L. Bly  
Peter A. Morin

Helen L. Montgomery  
Joyce L. Stoddard  
John D. Dunmire, Esq.  
Judith A. Harmon  
James N. Onembo

Lawrence E. Diorio  
Kaye V. Raffensperger  
Joseph J. DiPrimio, Esq.  
Richard M. Simpson  
Cynthia Marelia

### District

Adams  
Allegheny  
Armstrong  
Beaver  
Bedford

Berks  
Blair  
Bradford  
Bucks  
Butler

Cambria  
Carbon  
Centre  
Chester  
Clarion

Clearfield  
Clinton  
Columbia  
Crawford  
Cumberland

Dauphin  
Delaware  
Elk-Cameron  
Erie  
Fayette

Forest  
Franklin-Fulton  
Greene  
Huntingdon  
Indiana

Jefferson  
Lackawanna  
Lancaster  
Lawrence  
Lebanon

Lehigh  
Luzerne  
Lycoming  
McKean  
Mercer

Mifflin  
Monroe  
Montgomery  
Montour  
Northampton

Northumberland  
Perry-Juniata  
Philadelphia  
Philadelphia Municipal Ct.  
Philadelphia Traffic Court

## District Justice Court Administrators

### Administrator

Betty D. Overman  
David W. Brandon, Esq.  
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Laurie J. Straub

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Patricia M. Gildea  
Mary Lou Vanderpool  
G. Thomas Wiley  
Leslie A. Bridgeman

Donald J. Scotilla  
Roberta L. Brewster  
Barbara G. Gallo  
Anita E. McDevitt  
Tammy J. Slike

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Daniel C. Wilt  
Joseph A. Blass  
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Philip M. Intrieri  
Ward T. Williams  
Martha Keller Masson  
Peter E. Freed  
Roberta A. Meese

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Audrey Szoyka  
Carole D. Lang  
Patrick J. Ward

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Michael J. Morris, Jr.

Debra C. French

Lawrence Diorio  
Kaye V. Raffensperger

## Court

## Administrators

(As of 7-31-97)

**Court**

**Administrators,**

**continued**

**District Court  
Administrators**

**Administrator**

Colleen E. Kellam  
Patricia Ann Fluty  
Lois A. Wallauer  
Kathleen A. Riley  
Mary L. Foster

Carl L. Matteson  
Laney N. Shambach  
Carol E. Hutchison  
Sherry R. Phillips  
Christine L. Brady

Linus Myers  
Paul S. Kuntz, Esq.  
Alma F. Custer  
J. Robert Chuk

**District**

Pike  
Potter  
Schuylkill  
Somerset  
Susquehanna

Tioga  
Union-Snyder  
Venango  
Warren  
Washington

Wayne  
Westmoreland  
Wyoming-Sullivan  
York

**District Justice  
Court  
Administrators**

**Administrator**

Colleen E. Kellam  
Patricia Ann Fluty  
Bruce T. Heffner  
Kathleen A. Riley  
Mary L. Foster

Carl L. Matteson  
Laney N. Shambach  
Carol E. Hutchison  
Sherry R. Phillips  
Christine L. Brady

Linus Myers  
Lena M. Speicher  
Alma F. Custer  
Terry R. Fleck

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*Director of Policy  
Research and Statistics*

Zina M. Yoslov  
*Research Analyst*

Rosemary A. Figazzotto  
*Research Assistant*

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*Chief Legal Counsel*

Ellen L. Conaway  
*Executive Secretary*

David M. Donaldson, Esq.  
*Chief of Litigation*

Howard M. Holmes, Esq.  
*Deputy Legal Counsel*

A. Taylor Williams, Esq.  
*Assistant Legal Counsel*

Maryellen Gallagher, Esq.  
*Staff Attorney*

Mary Keane, Esq.  
*Staff Attorney*

Daryl Walker, Esq.  
*Staff Attorney*

Timothy McVay, Esq.  
*Staff Attorney*

John Marsh, Esq.  
*Staff Attorney*

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*Court Administrator of  
Pennsylvania*

Andrea Tuominen  
*Assistant to the Court  
Administrator*

Dawn Brown  
*Executive Secretary*

Diane Bowser  
*Controller*

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Bunny Baum Cantor  
*Director of Judicial  
Services*

Nicholene DiPasquale  
*Administrative Assistant*

## **Administrative**

## **Office**

**of**

## **Pennsylvania**

## **Courts**

## **Philadelphia**

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Philadelphia, PA 19102  
215-560-6300

*(As of 7-31-97)*



**Administrative  
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of  
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Mechanicsburg**

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**Deputy Court  
Administrator**

Thomas B. Darr  
*Deputy Court  
Administrator of  
Pennsylvania*

Karen Chila  
*Administrative Assistant*

Bill Pennewill  
*Communications/  
Legislative Assistant*

David Lane  
*Assistant for  
Intergovernmental Affairs*

David A. Frankforter  
*Manager of Human  
Resources*

Joseph W. Chernesky  
*Manager of  
Administrative Services*

Deborah B. McDivitt  
*Manager of Financial  
Systems*

Steven F. Angle  
*Payroll Manager*

Daryl Walker, Esq.  
*Staff Attorney*

**Judicial Computer  
Project**

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*Director of Statewide  
Automation*

Pamela Stager  
*Administrative Assistant*

Vacant  
*Projects Administrator*

John Marsh, Esq.  
*Staff Attorney*

**Information  
Technology**

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*Director of Information  
Technology*

Patricia A. Moyer  
*Administrative Assistant*

Eric Sick  
*Manager of Computer  
Operations*

Arese O. Ness  
*Manager of Software  
Systems*

Nicholas Melnick, Jr.  
*EDI (Public Access)  
Coordinator*

**Special Projects**

Ralph W. Hunsicker  
*Director of Special  
Projects*

Timothy McVay, Esq.  
*Staff Attorney*

## Alphabetical Order

## District Order

County	District	District	County
Adams	51	01	Philadelphia
Allegheny	05	02	Lancaster
Armstrong	33	03	Northampton
Beaver	36	04	Tioga
Bedford	57	05	Allegheny
Berks	23	06	Erie
Blair	24	07	Bucks
Bradford	42	08	Northumberland
Bucks	07	09	Cumberland
Butler	50	10	Westmoreland
Cambria	47	11	Luzerne
Cameron-Elk	59	12	Dauphin
Carbon	56	13	Greene
Centre	49	14	Fayette
Chester	15	15	Chester
Clarion	18	16	Somerset
Clearfield	46	17	Snyder-Union
Clinton	25	18	Clarion
Columbia-Montour	26	19	York
Crawford	30	20	Huntingdon
Cumberland	09	21	Schuylkill
Dauphin	12	22	Wayne
Delaware	32	23	Berks
Elk-Cameron	59	24	Blair
Erie	06	25	Clinton
Fayette	14	26	Columbia-Montour
Forest-Warren	37	27	Washington
Franklin-Fulton	39	28	Venango
Fulton-Franklin	39	29	Lycoming
Greene	13	30	Crawford
Huntingdon	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawanna	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Forest-Warren
Lebanon	52	38	Montgomery
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana

## Judicial Districts

**Judicial  
Districts,  
continued**

**Alphabetical Order**

**District Order**

<b>County</b>	<b>District</b>	<b>District</b>	<b>County</b>
Lycoming	29	41	Juniata-Perry
McKean	48	42	Bradford
Mercer	35	43	Monroe
Mifflin	58	44	Sullivan-Wyoming
Monroe	43	45	Lackawanna
Montgomery	38	46	Clearfield
Montour-Columbia	26	47	Cambria
Northampton	03	48	McKean
Northumberland	08	49	Centre
Perry-Juniata	41	50	Butler
Philadelphia	01	51	Adams
Pike	60	52	Lebanon
Potter	55	53	Lawrence
Schuylkill	21	54	Jefferson
Snyder-Union	17	55	Potter
Somerset	16	56	Carbon
Sullivan-Wyoming	44	57	Bedford
Susquehanna	34	58	Mifflin
Tioga	04	59	Cameron-Elk
Union-Snyder	17	60	Pike
Venango	28		
Warren-Forest	37		
Washington	27		
Wayne	22		
Westmoreland	10		
Wyoming-Sullivan	44		
York	19		



## Glossary

Following is a glossary of terms commonly used in the judicial system.

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### A

**abatement of action** A suit that has been quashed and ended.

**abscond** To run away or hide from the jurisdiction of the court in order to avoid legal proceedings.

**abstract of record** Short, abbreviated, yet complete history of a case as found in the record.

**abstract of title** Chronological summary of all official records and recorded documents affecting title to a parcel of real property.

**Accelerated Rehabilitative Disposition (ARD)** Voluntary program established by Pennsylvania's Supreme Court in 1972 for first-time, non-violent offenders whereby offenders undergo a probation supervision program for two years without conviction. If the program is successfully completed, charges against the offender are dismissed.

**accomplice** Person who knowingly and voluntarily participates with another in a criminal act through aiding, abetting, advising or encouraging offender. See **aid and abet**.

**accord Satisfaction** agreed upon between parties in a lawsuit which bars subsequent action on the claim.

**accord and satisfaction** Method of discharging a claim whereby parties agree to give and accept something in settlement of claim.

**accused Defendant** in a criminal case.

**acknowledgment** Short declaration at end of a legal paper showing paper was duly executed and acknowledged.

**acquittal** Verdict after a criminal trial that defendant has not been proven guilty beyond reasonable doubt of crime charged. Compare **guilty**.

- action** Case, cause, suit or controversy disputed or contested before a court of justice. **Action in personam** is action against the person. **Action in rem** is action against a thing, usually where property is involved.
- actus reus** (ACK tus REE us) Proof that a criminal act has occurred.
- ad litem** (add LYE dem) For the purposes of the lawsuit. E.g., a guardian ad litem is appointed to prosecute or defend a suit on behalf of an incapacitated person or a minor.
- additur** (ADD ih tur) Increase by judge in amount of damages awarded by jury.
- adjudication** Pronouncing judgment or decree; the judgment given.
- administrator/administratrix** One who administers estate of person who dies without a will, administrator being male, administratrix being female. See **personal representative**. Compare **executor/execu-trix**. Also, a court official.
- admissible evidence** Evidence which can be legally and properly introduced in a civil or criminal trial.
- adversary proceeding** Proceeding having opposing parties; contested. Differs from **ex parte** proceeding.
- adversary system** Trial method used in U.S. and some other countries, based on belief that truth can best be determined by giving opposing parties full opportunity to present and establish evidence, and to test by cross-examination evidence presented by adversaries, under established rules of procedure before an impartial judge and/or jury.
- affiant** Person who makes and signs an **affidavit**.
- affidavit** Written statement of fact given voluntarily and under oath. In criminal cases affidavits are often used by police officers seeking to obtain search or arrest warrants. In civil cases affidavits of witnesses are often used to support motions for summary judgment.
- affirmative defense** Without denying the charge, defendant raises **extenuating** or **mitigating circumstances** such as insanity, self-defense or entrapment to avoid civil or criminal responsibility.
- affirmed** Decree or order at issue is declared valid by appellate court and will stand as rendered in lower court.
- aggravating circumstances** Circumstances occurring in commission of an offense which occur above and beyond the offense itself and which serve to increase offense's guilt or enormity or add to its consequences. May increase sentence of individual convicted of offense. Compare **mitigating circumstances** and **extenuating circumstances**.
- aid and abet** To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.
- alibi** Written defense filed by defendant who claims he/she was at some other place at time of crime and thus did not commit crime charged.
- allegation** Statement of **issues** in a **pleading** that a party expects to prove. E.g., an indictment contains allegations of a crime against a defendant.
- allocatur** (AL lo CAH tur) "It is allowed." Petition for appeal to Supreme Court for cases heard purely at court's discretion.
- alternative dispute resolution (ADR)** Settling a dispute without full, formal trial. Methods include **mediation**, **conciliation**, **arbitration** and **settlement**, among others.
- amicus curiae** (uh ME kus KYU ree EYE) Friend of the court. One not a party to a case who volunteers to offer information on a point of law or some other aspect of the case to assist court in deciding matter before it.
- answer** Defendant's response to plaintiff's **allegations** as stated in a **complaint**. Item-by-item, paragraph-by-paragraph response to points made in complaint. Part of the **pleadings**.
- appeal** Request by losing party in a lawsuit that judgment be reviewed by a higher court.
- appearance** Coming into court. Formal act by which a defendant submits to the jurisdiction of a court. Compare **arraignment**.
- appellant** Party who initiates an appeal. Sometimes called a **petitioner**.
- appellate court** Court having jurisdiction to hear appeals and review a trial court's procedure.

**appellee** Party against whom an appeal is taken. Sometimes called a **respondent**.

**arbitration** Form of **alternative dispute resolution** in which parties bring dispute to a neutral third party and agree to abide by his/her decision. A hearing is held at which both parties have opportunity to be heard. Decisions usually cannot be appealed.

**arraignment** In a criminal case, proceeding in which accused person appears before judge to hear charges filed against him/her and to enter plea of guilty or not guilty. Sometimes called **preliminary hearing** or **initial appearance**. See also **appearance**.

**arrest** To take into custody by legal authority.

**arrest of judgment** Act of delaying the effect of a **judgment** already entered.

**assault** Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force which would give victim reason to fear or expect immediate bodily harm. **Aggravated assault** is an attempt to cause serious bodily injury; to purposely, knowingly or recklessly cause such injury. Compare **battery**.

**at issue** Point in a lawsuit when complaining party has stated his/her claim and other side has responded with a denial. Contested points are said to be "at issue."

**attachment** Proceeding in which a creditor secures rights to real or personal property and holds it pending outcome of a lawsuit.

**attempt** Effort to commit a crime, carried beyond preparation, but not executed.

**attorney-at-law** Advocate, counsel or official agent employed in preparing, managing and trying cases in the courts.

**attorney-in-fact** Private person, not necessarily an attorney, authorized by another to act in his place and stead, either for a particular purpose, or for transaction of business in general that is not of legal character. Authority is conferred by an instrument in writing called a letter of attorney or, more commonly, **power of attorney**.

**attorney of record** Principal attorney in a lawsuit who signs all formal documents relating to suit.

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## B

**backlog** Number of pending cases exceeding the capacity of a court which is engaged in acting on other cases.

**bail** Money or other security (such as a **bail bond**) given to a court to temporarily secure a person's release from custody and assure his/her appearance in court. May be forfeited should individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

**bail authority** In Pennsylvania, the district justice, magistrate, Philadelphia bail commissioner or judge with jurisdiction over the case in question authorized by law to set, modify, revoke or deny bail.

**bail bond** (often referred to simply as bond) Obligation, signed by accused, to secure his/her presence at trial, and which he/she may lose by not properly appearing for trial.

**bailiff** Court attendant who keeps order in the courtroom and has custody of the jury.

**bankruptcy** Refers to statutes and judicial proceedings involving persons or businesses who cannot pay debts and seek assistance of court in getting a fresh start.

**bar** Historically, partition separating general public from space occupied by judges, lawyers and other participants in a trial. More commonly, the whole body of lawyers. A "case at bar" is a case currently being considered.

**bar examination** State examination taken by prospective lawyers in order to be admitted to practice law.

**battery** Beating or wrongful physical violence. Actual threat to use force is **assault**; use of it is battery, which usually includes an assault. **Aggravated battery** is unlawful use of force with unusual or serious consequences, e.g., use of a dangerous weapon.

**bench** Seat occupied by the judge. More broadly, the court itself.

**bench trial** Trial without jury, in which the judge decides the facts.

**bench warrant** Order issued by judge for arrest of person.



**beneficiary** Someone named to receive property or benefits in a will. Also, person who is to receive benefits from a trust.

**bequeath** To give someone a gift through a will.

**bequests** Gifts made in a will.

**best evidence** Primary evidence; best evidence available. Evidence short of this is "secondary." E.g., an original letter is the best evidence; a photocopy is secondary evidence.

**beyond a reasonable doubt** Standard in a criminal case requiring the jury to be satisfied to a moral certainty that every element of the crime has been proven by prosecution. Does not require state to establish absolute certainty by eliminating all doubt, but does require that evidence be so conclusive that all reasonable doubts are removed from the mind of the ordinary person.

**bill** Formal written declaration, petition complaint or statement of particular things. E.g., a declaration of wrong a complainant has suffered is a bill of complaint. Also, a draft of a new or amended law presented to a legislature for action.

**bill of particulars** Statement detailing charge/s made against defendant.

**bind over** To hold a person for trial on bond (**bail**) or in jail. If judicial official conducting preliminary hearing finds **probable cause** to believe accused committed a crime, he/she will "bind over" accused, normally by setting bail for accused's appearance at trial.

**binding instruction** Instruction in which jury is told that if it finds certain conditions to be true, to find for the plaintiff or defendant, as the case may be. Compare **directed verdict**.

**black letter laws** Informal term encompassing basic principles of law generally accepted by courts or present in statutes of a particular jurisdiction.

**blue sky laws** State statutes regulating sale of securities.

**bond** See **bail bond**.

**booking** Process of photographing, fingerprinting and recording identifying data of a suspect following arrest.

**breach of contract** Legally inexcusable failure to perform contractual obligation.

**brief** Written statement prepared by one side in

a lawsuit to explain to the court its view of the facts of a case and applicable law.

**burden of proof** Necessity or duty to prove a fact in a dispute. Not the same as standard of proof. Burden of proof deals with which side must establish a point or points; standard of proof indicates degree to which point must be proven.

**burglary** Breaking into and entering a building with intent to commit a felony.

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## C

**calendar** List of cases scheduled for hearing in court.

**calling the docket** Public calling of the **docket** or list of **causes** at commencement of a court term.

**capital crime** Crime punishable by death.

**caption** Heading on legal document listing parties, court, case number and related information.

**case law** Law based on previous decisions of appellate courts, particularly the Supreme Court. Compare **common law**. See also **statute**.

**caseload** Total number of cases filed in a given court or before a given judicial officer for a given period of time.

**causa mortis gift** (KAH zuh MOR tis) Gift of personal property made in expectation of donor's death and upon condition that donor die as anticipated.

**cause** Lawsuit, litigation or action. Any question, civil or criminal, litigated or contested before a court of justice.

**cause of action** Facts that give rise to a lawsuit.

**caveat** (KA vee OTT) Warning; note of caution.

**cease and desist order** Order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

**certification** Authorized declaration verifying that an instrument is a true and correct copy of the original. Also, the process of transferring a juvenile case to criminal court for prosecution.

**certiorari** (SIR she oh **RARE** ee) Means of getting appellate court to review lower court's decision. Loser of case will often ask appellate court to issue writ of certiorari, which orders lower court to convey record of case to appellate court and certify it as accurate and complete. If appellate court grants **writ of certiorari**, it agrees to take the appeal. Often referred to as "granting cert."

**challenge** Objection, such as when attorney objects at **voir dire** hearing to seating of a particular person on a jury. May be **challenge for cause** or **peremptory challenge**. See also **challenge to the array**.

**challenge to the array** Questioning the qualifications of an entire jury panel, usually on grounds of some legal fault in composition of the panel, e.g., racial discrimination.

**challenge for cause** Objection to seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. Judge has discretion to deny challenge. Compare **peremptory challenge**.

**chambers** Judge's private office. A hearing in chambers takes place in judge's office outside the of presence of jury and public. See **in camera**.

**change of venire** (veh NI ree; popularly pronounced veh NEER) Bringing in a jury from another county to hear a trial, usually because of concerns that pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venue**.

**change of venue** Moving a lawsuit to another place for trial, usually because pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venire**.

**character evidence** Testimony of witnesses who know the general character and reputation of a person in the community in which he/she lives. May be considered by jury as either **substantive evidence** as to the likelihood of the defendant to commit crime or as **corroborating evidence** of the credibility of a witness's testimony.

**charge** A formal complaint issued accusing an individual of a crime. Compare **indictment** and **information**. Also, the judge's instruction to the jury concerning law which applies to the facts of a case. Also called **instruction**. Compare

**binding instruction** and **directed verdict**.

**circuit court** Court whose jurisdiction extends over several counties or districts and whose terms are held in various counties or districts to which jurisdiction extends.

**circumstantial evidence** Evidence which merely suggests something by implication; e.g., physical evidence, such as fingerprints, from which an inference can be drawn. Circumstantial evidence is indirect, as opposed to eyewitness testimony, which is **direct evidence**.

**citation** Reference to source of legal authority. Also, direction to appear in court, as when a defendant is cited into court rather than arrested.

**civil actions** Noncriminal cases in which one private individual or business sues another for redress of private or civil rights.

**civil procedure** Entire process by which a civil case is tried and appealed.

**class action** Lawsuit brought by one or more persons on behalf of a larger group.

**clear and convincing evidence** Standard of proof commonly used in civil lawsuits and in regulatory agency cases. Governs amount of proof that must be offered in order for plaintiff to win case.

**clemency** (also called **executive clemency**) Act of grace or mercy by president or governor to ease consequences of criminal act, accusation or conviction. May take form of **commutation** or **pardon**.

**clerk of court** Officer appointed by court or elected to oversee administrative, nonjudicial activities of the court.

**closing argument** Closing statement by counsel to the trier of the facts after all parties have concluded presentations of evidence.

**code** Collection of laws arranged into chapters, table of contents and index, promulgated by legislative authority.

**codicil** (KOD I sill) Addition to a will.

**cognovit actionem** (KOG NO vit ACK she OH nem) "He has confessed the action." Written confession of action by a defendant. Usually upon condition. Supposed to be given in



- court. Implies authorization of plaintiff's attorney to sign judgment and issue execution.
- collateral** Property pledged as security for satisfaction of a debt.
- commit** To send a person to prison, asylum or reformatory pursuant to court order of **mittimus**.
- common law** Law arising from tradition and judicial decisions, rather than from laws passed by the legislature. Originated in England and has been followed as law in most American jurisdictions. Also called **case law**. See also **statute**.
- Common Pleas Court** See **Court of Common Pleas**.
- community service** Sentencing option whereby offender performs volunteer work for government, non-profit or community-based organizations.
- commutation** Reduction of sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which acts of opposing parties are compared to determine liability of each to the other, making each liable only for his/her percentage of fault. See also **contributory negligence**.
- complainant** Party who complains or sues; one who applies to court for legal redress. Also called the **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies action court is asked to take.
- conciliation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps lower tensions, improve communications and explore possible solutions. Similar to **mediation**, but may be less formal.
- concur** To agree, act together or consent. Compare concurring opinion under **opinion**.
- concurrent sentence** Sentences for more than one violation which are served at same time rather than one after another. Three five-year terms served concurrently add up to no more than five years imprisonment; three five-year terms served consecutively impose a 15-year sentence. See also **consecutive sentence** and **cumulative sentence**.
- condemnation** Legal process by which government invokes its powers of **eminent domain** and takes privately owned real estate for public use, paying owners just compensation.
- confession of judgment** Act of a debtor in permitting judgment to be entered against him/her by his/her creditor without institution of legal proceedings.
- consecutive sentences** Successive sentences, one beginning at the expiration of another, imposed against a person convicted of two or more violations. See also **concurrent sentence** and **cumulative sentence**.
- consent decree** Disposition in juvenile court in which proceedings are suspended and child is continued under supervision in his/her own home under terms and conditions negotiated with probation services and agreed to by all parties concerned.
- consent judgment** Judgment in which the provisions and terms are agreed to by all parties.
- conservatorship** Legal right given to a person to manage property and financial affairs of a person deemed incapable of doing so for him/herself. See also **guardianship**. Conservators have somewhat less responsibility than guardians.
- consideration** Cause, price or impelling influence which induces a party to enter into a contract.
- conspiracy** Combination of two or more persons formed for purpose of committing some unlawful act.
- contempt of court** Willful disobedience of judge's command or official court order.
- continuance** Postponement of legal proceeding to a later date.
- contract** Legally enforceable agreement between two or more competent parties made either orally or in writing.
- contributory negligence** Legal doctrine that says if plaintiff in a civil action for negligence was also negligent, he/she cannot recover damages from defendant for defendant's negligence. Most jurisdictions have abandoned this doctrine in favor of **comparative negligence**.

**conviction** Judgment of guilt against a criminal defendant.

**copyright** Right to literary property, giving authors, composers and other creators sole right to reproduce and distribute their work for a limited period of time.

**corpus delicti** (COR pus di LICK ty) Body upon which a crime has been committed, e.g., the body of a homicide victim or charred shell of a burned house.

**corroborating evidence** Supplementary evidence that tends to strengthen or confirm initial evidence.

**count** Each separate offense listed in a **complaint**, **information** or **indictment**.

**counterclaim** Claim made by defendant against plaintiff in a civil lawsuit; in essence, a counter lawsuit within a lawsuit.

**court** Government entity authorized to resolve legal disputes. Judges sometimes use court to refer to themselves in the third person, as in "the court has read the briefs."

**court administrator** Officer appointed by the court or elected to oversee administrative, nonjudicial activities of the court.

**court costs** Fees and charges required by law to be paid to court or some of its officers for expenses of the litigation. Does not include attorney fees. An amount of money may be awarded to the successful party, recoverable from the losing party as reimbursement for court costs.

**Court of Common Pleas** Intermediate original court in some states, including Pennsylvania, that usually has civil and criminal jurisdiction. In Pennsylvania, Common Pleas Courts also hear appeals from certain state and most local government agencies and from the minor courts. May also be referred to as trial courts.

**court of record** Courts whose proceedings are permanently recorded and which have power to fine or imprison for contempt.

**court reporter** Stenographer who records and transcribes a verbatim report of all proceedings in a court of law.

**crime** Act or omission defined by law for which a sentence of imprisonment or fine or both is authorized, upon conviction. Crimes are either **misdemeanors** or **felonies**.

**Crimes Code** Short title for Title 18 of *Purdon's Pennsylvania Statutes*, "Crimes and Offenses."

**criminal proceedings** All actions for enforcement of the **penal code**.

**criminal history record information** Information collected by criminal justice agencies on individuals with arrest records. Consists of descriptions and notations of arrests, detentions, indictments or other formal criminal charges, dispositions, sentencing, correctional supervision and release. Also referred to as a prior record or rap sheet.

**criminal insanity** Mental condition which makes a person not legally responsible for his/her acts.

**criminal summons** Order commanding an accused to appear in court. May be issued in lieu of arrest warrant for misdemeanors when issuing official believes accused will appear in court without being placed under bail.

**cross-claim** Claim by codefendants or coplaintiffs against each other, not against persons on opposite sides of a lawsuit.

**cross-examination** Questioning of witness produced by other side.

**cumulative sentences** Sentences for two or more crimes to run successively rather than concurrently. See also **concurrent sentences** and **consecutive sentences**.

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## D

**damages** Money awarded by court to a person injured by an unlawful act or negligence of another person.

**de facto** In fact. Exercising power as if legally constituted. Compare **de jure**.

**de jure** (dee JOOR ee) By right; by the law. Exercising power in accordance with the law. Compare **de facto**.

**de novo** (deh NO vo) Anew. A "trial de novo" is a new trial of a case.

**decedent** Deceased person.

**decision** Judgment reached or given by a court of law.

- declaratory judgment** Judgment which, without need for enforcement, declares the rights of parties or the interpretation of law. E.g., a court may be asked to issue a declaratory judgment on the constitutionality of a statute.
- decree** Order of the court. A final decree is one which fully and finally disposes of litigation. An **interlocutory** decree is a preliminary order that often disposes of only part of a lawsuit.
- defamation** Holding up of person to ridicule, scorn or contempt in a respectable and considerable part of a community. May be criminal or civil. Includes **libel** and **slander**.
- default** Failure to respond to a lawsuit within specified time. When defendant does not respond in timely fashion or does not appear at trial, a "default judgment" is entered against him/her.
- defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.
- demurrer** (dih MUR rer) Motion to dismiss a civil case because of complaint's legal insufficiency.
- deposition** Testimony of a witness taken under oath in preparation for a trial.
- descent and distribution statutes** State laws that provide for distribution of estate property when a person dies without a will. Same as intestacy laws.
- direct evidence** Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from **circumstantial**, or indirect, evidence.
- direct examination** First questioning of witnesses by the party on whose behalf they are called.
- directed verdict** Instruction by judge to jury to return a specific verdict. Compare **binding instruction**.
- disbarment** Form of disciplining a lawyer resulting in loss, permanently or temporarily, of his/her right to practice law.
- disclaim** To refuse a gift made in a will.
- discovery** Pretrial process by which one party discovers evidence that will be relied upon at the trial by opposing party.
- dismissal** Termination of lawsuit. A "dismissal without prejudice" permits the suit to be filed again at a later time. A "dismissal with prejudice" prevents the lawsuit from being filed later.
- dissent** Appellate court opinion setting forth a minority view and outlining the disagreement of one or more judges with the decision of the majority.
- diversion** Process of removing some minor criminal, traffic or juvenile cases from full judicial process, on condition that accused undergo some sort of rehabilitation or make restitution for damages. May take place before the trial or its equivalent, as when a juvenile accused of crime consents to probation without admission of guilt. If he/she completes probation successfully -- e.g., takes a course, makes amends for crime -- then entire matter may be expunged from record.
- docket** List of cases to be heard by court. Also, log containing brief entries of court proceedings.
- domicile** Place where a person has his/her permanent, legal home. A person may have several residences, but only one domicile.
- double jeopardy** Putting a person on trial more than once for the same crime. Forbidden by Fifth Amendment to the U.S. Constitution.
- due process of law** Right of all persons to receive guarantees and safeguards of law and judicial process. Includes such constitutional requirements as adequate notice; assistance of counsel; and rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

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## E

- electronic monitoring** Type of sentencing or arrest wherein the convicted or the accused is required to wear an electronic device which transmits the individual's whereabouts to a receiver that is monitored for

violations. Usually used in connection with **house arrest**.

**elements of a crime** Specific factors that define a crime, all of which the prosecution must prove beyond reasonable doubt in order to obtain conviction. Elements that must be proven are (1) that a crime actually occurred, (2) that the accused intended the crime to happen, (3) a timely relationship between first two factors. See also **actus rea** and **mens rea**.

**embezzlement** Fraudulent appropriation by a person for his/her own use or benefit of property or money entrusted to him/her by another.

**eminent domain** Power of the government to take private property for public use through **condemnation**.

**en banc** All judges of a court sitting together. Appellate courts can consist of a dozen or more judges, but often they hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.

**encumbrance** Claim against property.

**enjoin** To require a person, through issuance of an **injunction**, to perform or to abstain from some specific act.

**entrapment** Defense to criminal charges alleging that agents of the government induced a person to commit a crime he/she otherwise would not have committed.

**equal protection of the law** Guarantee in Fourteenth Amendment to U.S. Constitution that all persons be treated equally by the law. Court decisions have established that this guarantee requires courts be open to all persons on the same conditions, with like rules of evidence and modes of procedure; that persons be subject to no restrictions in acquisition of property, enjoyment of personal liberty, and pursuit of happiness, which do not generally affect others; that persons are liable to no other or greater burdens than are laid upon others; and that no different or greater punishment is enforced against them for violation of laws.

**equitable action** Action which may be brought for purpose of restraining threatened

infliction of wrongs or injuries, and prevention of threatened illegal action.

**equity** Generally, justice or fairness. Historically, refers to a separate body of law developed in England in reaction to the inability of common law courts, in strict adherence to rigid writs and forms of action, to consider or provide remedy for every injury. The king established a court of chancery to do justice between parties in cases where common law would give inadequate redress. The principle of this jurisprudence is that equity will find a way to achieve lawful results when legal procedure is inadequate. Equity and law courts are now merged in most jurisdictions, though equity jurisprudence and equitable doctrines are still independently viable.

**escheat** (iss SHEET) Process by which deceased person's property goes to the state if no heir can be found.

**escrow** Money or written instrument such as a deed which, by agreement between two parties, is held by a neutral third party ("held in escrow") until all conditions of agreement are met.

**estate** Personal property (car, household goods and other tangible items); real property; and intangible property (stock certificates, bank accounts, etc.), owned in individual name of a person at time of person's death. Does not include life insurance proceeds unless estate was made beneficiary or other assets that pass outside the estate, (e.g., joint tenancy assets).

**estate tax** Generally, tax on the privilege of transferring property to others after person's death. In addition to federal estate taxes, many states have their own estate taxes.

**estoppel** Person's own act or acceptance of facts which precludes later claims to the contrary. Arises when one is forbidden by law to speak against his/her previous actions or deeds.

**et al.** And others.

**evidence** Information presented in testimony or in documents, used to persuade a fact finder (judge or jury) to decide a case for one side or the other. See also specific

types, including **admissible, best, character, circumstantial, clear and con-vincing, corroborating, direct, and expert evidence.**

**ex delicto** (ex dee LICK toh) Arising from a wrong; breach of duty. Compare **tort.**

**ex parte** (ex PART ee) On behalf of only one party, without notice to any other party. E.g., request for a search warrant is an ex parte proceeding since person subject to the search is not notified of proceeding and is not present during hearing.

**ex parte proceeding** One in which only one side is represented. Differs from **adversary system** or **proceeding.**

**ex post facto** (ex post FAC toh) After the fact. E.g., ex post facto laws are laws that permit conviction and punishment for a lawful act performed before law was changed and act was made illegal. The constitution prohibits these.

**exceptions** Declarations by either side in a civil or criminal case reserving right to appeal judge's ruling upon a motion. Also, in regulatory cases, objections by either side to points made by other side or to rulings by an agency or one of its hearing officers.

**exclusionary rule** Rule preventing illegally obtained evidence to be used in any trial. See **suppress.**

**execute** (a judgment or decree) To put final judgment of court into effect.

**executor/executrix** Personal representative, named in a will, who administers an estate, executor being male, executrix being female.

**exempt property** In bankruptcy proceedings refers to certain property protected by law from creditors.

**exhibit** Document or other article introduced as evidence during trial or hearing.

**exonerate** Removal of charge, duty or responsibility.

**expert evidence** Testimony relating to scientific, technical or professional matters given by persons particularly qualified by reason of special training, skill or familiarity with subject.

**expungement** Official and formal erasure of a record or partial contents of a record. Compare **purge.**

**extenuating circumstances** Circumstances which render a crime less aggravated, heinous or reprehensible than it would otherwise be. Compare **aggravating circumstances** and **mitigating circumstances.**

**extortion** Illegally obtaining money or property by force, threat, intimidation, or undue or illegal power.

**extradition** Process by which one state surrenders to another state a person accused or convicted of a crime in the requesting state.

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## F

**fair comment** Term used in **libel** law applying to statements made by writer in honest belief of truth, relating to official acts, even though statements are not in fact true.

**false arrest** Any unlawful physical restraint of another's liberty or freedom of movement.

**false pretenses** Designed misrepresentation of existing fact or condition in order to obtain another's money or goods.

**family allowance** Small amount of money set aside from estate of deceased to provide for surviving family members during administration of the estate.

**family court** Court having jurisdiction over such family matters as child abuse and neglect, support, paternity, and custody.

**felony** A crime of graver nature than a **misdemeanor**, usually punishable by imprisonment in a penitentiary for more than a year and/or substantial fines.

**fidelity bond** Bond purchased at expense of estate to insure executor's proper performance. Often called **surety bond.**

**fiduciary** (fih DOO she AIR ee) Person having a legal relationship of trust and confidence to another and a duty to act primarily for other's benefit, e.g., **guardian, trustee** or **executor.**



**file** To place a paper in official custody of clerk of court/court administrator to enter into files or records of a case.

**finding** Formal conclusion by judge or regulatory agency on issues of fact. Also, conclusion by jury regarding a fact.

**fine** Money penalty imposed in criminal or civil action.

**first appearance** Initial appearance of arrested person before judge to determine whether or not there is probable cause for his/her arrest. Person generally comes before judge within hours of arrest. Also called **initial appearance**.

**forcible entry and detainer** Summary proceeding for restoring possession of land to one who has been wrongfully deprived of it.

**forgery** Falsely and fraudulently making or altering a document, e.g., a check.

**fraud** Intentional deception to deprive another person of property or to injure that person in some other way.

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## G

**garnishment** Legal proceeding in which a debtor's money, in possession of another, is applied to the debts of the debtor, such as when one's wages are garnished.

**general jurisdiction** Jurisdiction which extends to all controversies brought before a court. Compare **limited jurisdiction**.

**good faith** Honest belief; the absence of malice and design to defraud.

**good time** Reduction in sentenced time in prison as reward for good behavior; usually one-third to one-half off maximum sentence.

**grand jury** Group of citizens, usually numbering 23, who are assembled in secret to hear or investigate allegations of criminal behavior. Has authority to conduct criminal investigations and to charge a crime by **indictment**. Also may have power to issue report, or **presentment**, without charging a crime. Compare **petit jury**.

**granting cert** See **certiorari**.

**grantor** Person who sets up a trust. Also

called **settlor**.

**gravamen** (gruh VAY men) Material or significant part of a grievance or complaint.

**guardian ad litem** (add LYE dem) Person appointed by a court to look after interests of a minor or incapacitated person whose property or rights are involved in litigation.

**guardianship** Legal right given to a person to be responsible for the housing, health care and other necessities of a person deemed incapable of providing these necessities for him/herself. Guardian may also be given responsibility for person's financial affairs, and thus perform additionally as a conservator. See also **conservatorship**.

**guilty** Plea made by accused when he/she confesses crime with which charged. Also, verdict reached when jury votes to convict defendant of crime with which charged. Compare **acquittal**.

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## H

**habeas corpus** (HAY be us KOR pus) Writ which commands that a person be brought before a judge. Most commonly, a legal document that forces law enforcement authorities to produce a prisoner they are holding and to legally justify his/her detention.

**harmless error** Error committed during trial which was corrected or was not serious enough to affect outcome of trial and, therefore, was not sufficiently harmful (prejudicial) to be reversed on appeal. Compare **prejudicial error** and **reversible error**.

**hearsay** Evidence not within the personal knowledge of a witness but relayed to witness by third party. Generally not admissible in court, although exceptions exist under which it can be admitted.

**holographic will** Unwitnessed will written entirely by testator in his/her own handwriting.

**homicide** Killing of one human being by another.

**hostile witness** Witness whose testimony is not favorable to the party who calls him/her as witness. May be asked **leading questions** and may be cross-examined by party who calls him/her to stand.

**house arrest** Sentence or type of arrest whereby the convicted or arrested individual is confined to his/her residence except for preapproved trips, including medical appointments, employment, performance of community service, etc. Occasionally used in connection with **electronic monitoring**.

**hung jury** Jury unable to reach a verdict.

**hypothetical question** Imaginary situation, incorporating facts previously admitted into evidence, upon which an expert witness is permitted to give an opinion as to condition resulting from situation. Most often asked of medical experts in personal injury suits.

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## I

**immediate cause** Spatially and chronologically the last act in a series of acts which causes an event, particularly an injury, to occur. May or may not also be the **proximate cause**. An event may have more than one proximate cause, but only one immediate cause.

**impeach** To attack credibility of a witness by testimony of other witnesses or other evidence.

**immunity** Grant by court in which one will not face prosecution in return for providing criminal evidence. Differs from **sovereign immunity**.

**in camera** In chambers, or in private. A hearing in camera takes place in judge's office outside of the presence of jury and public. See **chambers**.

**in forma pauperis** (in FORM uh PAH per us) In the manner of a pauper. Permission given to a person to sue without payment of court fees on claim of indigence or poverty.

**in personam** (in per SO nam) Procedural term used to designate proceedings or actions instituted against the person. Compare **in rem**.

**in propria persona** (in PRO pree uh per SO nuh) In court, refers to persons who present their own cases without lawyers. See **pro se**.

**in rem** Procedural term used to designate proceedings or actions instituted against the thing. Compare **in personam**.

**inadmissible** That which under rules of evidence cannot be admitted or received as evidence.

**incarcerate** To confine in jail.

**incompetent** Person lacking the capacity, legal qualification, or fitness to manage personal affairs or to discharge required duty. Guardian may be appointed to conduct affairs or protect interest of an incompetent.

**indemnity** Liability or loss shifted from one person held legally responsible to another.

**independent executor** Special kind of executor, permitted by laws of certain states, who performs duties of executor without intervention by court.

**indeterminate sentence** Sentence of imprisonment to a specified minimum and maximum period of time, specifically authorized by statute, subject to termination by parole board or other authorized agency after prisoner has served minimum term.

**indictment** Accusation by a grand jury charging a person with a crime. Compare **charge and information**.

**indigent** Needy or impoverished. Defendant who can demonstrate his/her indigence to the court may be assigned a court-appointed attorney at public expense.

**inferior court** Usually refers to court of special, limited or statutory jurisdiction. May also denote any court subordinate to chief appellate court. See **limited jurisdiction**.

**information** Formal accusation of a crime filed by a prosecutor, detailing charges against a defendant. Serves to bring defendant to trial in states without grand juries. Compare **charge and indictment**.

**infraction** Violation of law not punishable by imprisonment, e.g., minor traffic offenses.

**inheritance tax** State tax on property that an heir or beneficiary under a will receives from deceased person's estate. Heir or beneficiary pays this tax.

**initial appearance** Initial appearance of an arrested person before a judge to determine whether or not there is probable cause for his/her arrest. Person generally comes before judge within hours of arrest. Also called **first appearance**.

**injunction** Preventive measure by which a court orders a party to refrain from doing a particular act. A **preliminary injunction** is granted provisionally, until full hearing can be held to determine if it should be made permanent.

**instructions** Judge's directions to jury regarding law in a case and jury's authority to determine facts and draw inferences from facts in order to reach a verdict. Also called **charge**. Compare **binding instruction** and **directed verdict**.

**insufficiency** Legally inadequate **answer** to one or more **allegations**, **charges** or **interrogatories** set forth in the **bill of particulars**.

**intake** Court process whereby a decision is made on how to proceed in a juvenile case.

**intangible assets** Nonphysical items such as stock certificates, bonds, bank accounts and pension benefits that have value and must be taken into account in estate planning.

**integrated bar** Organized state bar association to which every lawyer in a state must belong in order to be permitted to practice in that state.

**inter alia** (IN ter uh LEE uh) Subpoena to produce documents or things that does not require party or witness to testify or attend.

**inter vivos gift** (IN ter VEE VOHS) Gift made during giver's life.

**inter vivos trust** Another name for **living trust**.

**interlocutory** Provisional; not final. An interlocutory order or interlocutory appeal concerns only part of the issues raised in a lawsuit.

**intermediate punishment** Set of sentencing options more severe than probation but not as severe as incarceration. Includes, among other options, **electronic monitoring**,

intensive supervision, and residential drug and alcohol treatment. May or may not involve housing of offender.

**interpleader** Proceeding which enables a person to force parties making the same claim against him to litigate the issue between themselves and not with him.

**interrogatories** Written questions asked by one party of an adverse party for which written answers must be provided. See also **depositions**.

**intervention** Action by which a third person who may be affected by a lawsuit is permitted to become party to the suit. Differs from the process by which one becomes an **amicus curiae**.

**intestacy laws** (in TES ta see) See **descent and distribution statutes**.

**intestate** One who dies without leaving a will. Also, not disposed of by a will, as in an intestate estate.

**intestate succession** Process by which property of person who has died without a will or whose will has been revoked passes on to others. Compare **descent and distribution statutes**.

**irrelevant** Evidence not related or applicable to a matter in issue at a trial and thus not admissible, upon objection.

**irrevocable trust** (ear REV o ca ble) Trust that, once set up, grantor may not revoke.

**issue** Disputed point or question to which parties to a case have narrowed their disagreement; a single material point which is affirmed by one side and denied by other. When plaintiff and defendant have reached this point they are said to be "at issue." When defendant has filed an **answer** denying all or part of the **allegations** of complaint, the "issue has been joined" and case is ready to be set for trial. Also, to send out officially (to issue an order).

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## J

**joinder** Joining of parties, e.g., as plaintiffs or defendants in a suit.



**joint and several liability** Legal doctrine which makes each party responsible for an injury liable for all damages awarded in a lawsuit if other parties cannot pay.

**joint tenancy** Form of legal co-ownership of property (also known as survivorship). At death of one co-owner, surviving co-owner becomes sole owner of property. Tenancy by the entirety is a special form of joint tenancy between husband and wife.

**judicial officer** In broad sense refers to an officer of a court. In strictest sense refers to an officer who determines causes between parties or renders decisions in a judicial capacity.

**judge** Elected or appointed public official with authority to hear and decide cases in a court of law. Judge Pro Tem is a temporary judge.

**judgment** Final disposition of a lawsuit.

**Default judgment** is judgment rendered because of defendant's failure to answer or appear. **Summary judgment** is judgment given on basis of **pleadings, affidavits** and **exhibits** presented for record, without any need for trial. Used when there is no dispute as to the facts of a case and one party is entitled to judgment as a matter of law. **Consent judgment** occurs when provisions and terms of judgment are agreed on by the parties and submitted to a court for its sanction and approval. *Judgment non obstante veredicto*, or "judgment n.o.v.," i.e., "judgment notwithstanding the verdict," is the judge's decision to decide a case contrary to jury's verdict. May be made in a civil or criminal case. See also **declaratory judgment**.

**judicial review** Authority of court to review official actions of other branches of government; also, authority to declare unconstitutional actions of other branches.

**Judiciary Act Repealer Act (JARA)** Act of 1978 that enacted 42 Pa.C.S., Pennsylvania's Judicial Code.

**judicial** (juh RID ih kul) Relating to administration of justice or the office of a judge.

**judicial day** Day on which a court is in session.

**Juris Doctor** Law degree bestowed on students academically eligible to practice law.

**jurisdiction** Nature and scope of a court's authority to hear and/or decide a case. Also, territory from which a court is authorized to hear cases.

**jurisprudence** Science or philosophy of law.

**jurist** One who is skilled or versed in the law.

**jury** Certain number of persons selected according to law and sworn to inquire into matters of fact and declare the truth about matters laid before them. See **grand jury** and **petit jury**.

**jury commissioner** Court officer responsible for choosing the panel of persons to serve as potential jurors for a particular court term.

**justiciable** (jus TISH ee uh b'l) Issues and claims properly examined in court.

**juvenile** Young person who has not yet reached age at which he/she could be treated as adult for purposes of criminal law.

**juvenile court** Court having special jurisdiction over delinquent and neglected children.

## K

**kidnapping** Unlawful taking and carrying away of a human being by force and against his/her will.

**King's Bench power** Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

**knowingly** With knowledge; willfully or intentionally with respect to a material element of an offense.

## L

**lack of jurisdiction** Lack of power of a court to act in a particular manner or to give certain kinds of relief.

**lapsed gift** Gift made in a will to a person who died before will-maker.

**larceny** Unlawfully taking personal property with intent to deprive owner of it permanently. Popularly called theft.

**law** Combination of those rules and principles of conduct promulgated by legislative authority, derived from court decisions and established by local custom.

**law clerks** Persons trained in law who assist judges in researching legal opinions.

**leading question** Question which suggests answer desired of witness. Generally may be asked only of a **hostile witness** and on cross-examination.

**leave of court** Permission received from a court to take an action which would not be allowable without such permission.

**legal aid** Professional legal services available usually to persons or organizations unable to afford such services.

**legislative history** Background of action by a legislature, including testimony before committees, written reports and debates on the legislation.

**leniency** Recommendation by prosecutor to judge for a sentence less than maximum allowed.

**letters of administration** Legal document issued by court showing administrator's legal right to take control of assets in a deceased person's name.

**letters testamentary** Legal document issued by court that shows executor's legal right to take control of assets in a deceased person's name.

**levy** Seizure. Act of appropriating certain property of a debtor for satisfaction of a judgment for payment of money.

**liable** Legally responsible for.

**libel** Published words or pictures that falsely and maliciously defame a person. Compare **slander** and **fair comment**.

**lien** Legal claim against another person's property as security for a debt. Does not convey ownership of property, but gives lienholder a right to have his/her debt satisfied out of proceeds of the sale of the property if debt is not otherwise paid.

**limine** (LIM ih nee) Motion requesting that court exclude certain evidence that might prejudice jury.

**limited action** Civil action in which recovery of less than a certain amount as specified by statute is sought.

**limited jurisdiction** Refers to courts limited in types of criminal and civil cases they may hear. E.g., traffic violations are generally heard by limited jurisdiction courts. In Pennsylvania these courts include district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts. See **inferior court**. Compare **general jurisdiction**.

**lis pendens** (liss PEN DENZ) Pending suit. Le-gal notice that dispute exists which may affect title to a certain tract of land.

**litigant** Party to a lawsuit.

**litigation** Case, controversy or lawsuit.

**living trust** Trust set up and in effect during lifetime of grantor. Also called **inter vivos trust**.

**locus delicti** (LOW cuss deh LICK ty) Place of the offense.

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## M

**magistrate** Local judiciary official having limited original jurisdiction especially in criminal cases. Also often used to refer to a judge.

**mala in se** (MAL uh in see) "Evil in itself." Behavior universally regarded as criminal, e.g. murder. Compare **mala prohibita**.

**mala prohibita** (MAL uh PRO HIB ih duh) Behavior that is criminal only because society defines it as such, e.g., polygamy. Compare **mala in se**.

**malfeasance** Evil doing, ill conduct; commission of some act which is positively prohibited by law.

**malice** Intentionally doing a wrongful act without just cause or excuse, with intent to inflict injury or under circumstances that law will imply as evil intent.

- malicious prosecution** Action instituted with intention of injuring defendant and without probable cause, and which terminates in favor of the person prosecuted.
- mandamus** (man DAY mus) Writ issued by a court ordering a public official to perform an act.
- mandate** Judicial command or order proceeding from court or judicial officer, directing proper officer to enforce judgment, sentence or decree.
- manslaughter** Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm, or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed resulting in fatal collision. Compare **murder**.
- master** Officer of the court, usually an attorney, appointed for the purpose of taking testimony and making a report to the court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- mediation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps them agree on settlement.
- memorialized** In writing.
- mens rea** (menz REE uh) The "guilty mind" necessary to establish criminal responsibility.
- Miranda rule** Requirement that police tell a suspect in custody his/her constitutional rights before questioning him/her. Named after U.S. Supreme Court case *Miranda v. Arizona* ruling establishing such requirements.
- misdemeanor** Criminal offenses considered less serious than **felonies**. Generally punishable by fine or limited local jail term, but not by imprisonment in state penitentiary.
- mistrial** Trial terminated before a verdict is reached, either because of some extraordinary circumstance, because of fundamental error prejudicial to the defendant (such as an improper drawing of jurors), or because of a **hung jury**.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may serve to reduce degree of blame. May help reduce sentence of individual convicted of offense. Compare **aggravating circumstances** and **extenuating circumstances**.
- mittimus** (MIT ih mus) Written precept issued from a court directing sheriff or other officer to convey a person to prison and directing jailer to receive and safely keep that person until he/she is to be delivered by due course of law.
- moot** Moot case or moot point is one not subject to judicial determination because it involves an abstract question or pretended controversy which has not yet actually arisen or has already passed. Usually refers to court's refusal to consider a case because issue involved has been resolved prior to court's decision, leaving nothing which would be affected by court's decision.
- moral turpitude** Immorality. Element of crimes inherently bad (**mala in se**) as opposed to crimes bad merely because of statute (**mala prohibita**). Compare **mens rea**.
- motion** Application for a rule or order made to a court or judge.
- multiplicity of actions** Two or more separate and unnecessary attempts to litigate the same cause of action.
- municipal courts** Courts whose territorial authority is confined to the city or community in which they are erected. They usually have summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally also possess limited civil jurisdiction. Pennsylvania has one municipal court, the Philadelphia Municipal Court.
- murder** Unlawful killing of a human being with malice aforethought. First degree murder is characterized by premeditation; second degree murder by sudden and instantaneous intent to kill or to cause injury without caring whether injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in commission of a felony. Compare **manslaughter**.

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**N**

**negligence** Failure to exercise that degree of care which a reasonable person would exercise under the same circumstances. See also **comparative negligence** and **contributory negligence**.

**neighborhood justice center** In many areas of the country, neighborhood justice centers help parties resolve disputes outside the traditional justice system, through **arbitration**, **mediation** or some other form of **alternative dispute resolution**.

**next friend** One acting without formal appointment as guardian for benefit of infant or person of unsound mind not judicially declared incompetent, or other person under some disability.

**no bill** This phrase, endorsed by a grand jury on written indictment submitted to it for its approval, means that evidence was found insufficient to indict.

**no contest** See **nolo contendere**.

**no-contest clause** Language in a will providing that a person who makes a legal challenge to the will's validity will be disinherited.

**"no-fault" proceeding** Civil case in which parties may resolve a dispute without formal finding of error or fault.

**nol pros** Abbreviation of **nolle prosequi**.

**nolle prosequi** (NAHL ee **PROS** eh KWEE) Decision by prosecutor not to go forward with charge of a crime. Translates, "I do not choose to prosecute." Also called "nol pros."

**nolo contendere** (NO LO con TEN deh ree) Plea of no contest. In many jurisdictions an expression that a matter will not be contested, but without admission of guilt. In other jurisdictions an admission of charges, equivalent to a guilty plea.

**nominal party** One joined as a party or defendant because the technical rules of pleading require his/her presence in the record.

**non compos mentis** (non COM pos MENT iss) Not of sound mind.

**non obstante veredicto** (non ob STANT ee

ver eh DICK toh) Notwithstanding the verdict. Verdict entered by judge contrary to jury's verdict. See **judgment**.

**non prosequitur** (non preh SEK wit tur) Judgment entered at request of defendant when plaintiff, at any stage of proceedings, fails to prosecute his/her action or any part of it in due time. Call "non pros" for short.

**non pros** Abbreviation of **non prosequitur**.

**notice** Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

**nuisance** Offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance that arises from unreasonably unwarranted or unlawful use by a person of a property.

**nunc pro tunc** Legal phrase applied to acts allowed after the time when they should be done, with a retroactive effect.

**nuncupative will** (nun KYOO puh tive) An oral will.

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**O**

**oath** Written or oral pledge by a person to keep a promise or speak the truth.

**objection** Process by which one party takes exception to some statement or procedure. Objection is either sustained or overruled by the judge.

**"on his own recognizance"** Release of a person from custody without payment of any **bail** or posting of **bond**. See **personal recognizance**.

**one-day, one-trial jury service** Innovation in many jurisdictions which requires prospective jurors to serve for only one day if they are not chosen for a jury or for only one trial if chosen.

**opening statement** Initial statement made in a trial by attorneys for each side, outlining the facts each intends to establish during the trial.

**opinion** Written decision of an appellate court. A majority or plurality opinion expresses



court's decision. A concurring opinion generally agrees with the majority, but usually states different or additional reasons for reaching the same conclusion. A dissenting opinion states the opinion of judges who disagree with the majority. A **per curiam** opinion is an unsigned opinion "of the court."

**opinion evidence** What a witness thinks, believes or infers with respect to certain facts, as distinguished from personal knowledge of the facts. Generally admissible only when given by an expert witness unless opinion is based on matters common to lay persons.

**ordinance** Municipal law regulating conduct or defining misdemeanor crimes.

**oral argument** Opportunity for lawyers to summarize their positions before the court and also answer judges' questions.

**order** Written or oral command from a court directing or forbidding an action.

**ordinance** Local law adopted by a municipality.

**overrule** Judge's decision not to allow an **objection**. Also, decision by higher court finding that lower court decision was in error.

**overt act** Act essential to establishment of intent to commit a crime and done to carry out or in furtherance of intention.

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## P

**pain and suffering** Term used to describe not only physical discomfort and distress but also mental and emotional trauma, which are recoverable as an element of damage in **torts**.

**pardon** Form of **executive clemency** preventing criminal prosecution or removing or extinguishing a criminal conviction.

**parens patriae** (PAH renz PATE ree eye) Doctrine under which a court protects the interests of a juvenile.

**parole** Supervised conditional release of a prisoner before expiration of his/her sentence. If parolee observes conditions, he/she need not serve remainder of his/her term.

**party** Person, business or government agency actively involved in prosecution or defense of

a legal proceeding.

**patent** Government grant giving an inventor exclusive right to make or sell his/her invention for a term of years.

**penal** Of, relating to or involving punishment, penalties or punitive institutions.

**penal code** Code of laws concerning crimes and offenses and their punishment.

**pendente lite** (pen DEN the LYE the) During actual progress of a suit.

**per curiam** (per KYUR ee uhm) By the court. Distinguishes an opinion of the whole court from an opinion written by any one judge. Compare **opinion**.

**peremptory challenge** (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving reason. Compare **challenge for cause**.

**perjury** Criminal offense of making a false statement under oath.

**permanent injunction** Court order requiring or forbidding action until final termination of a particular suit. Differs from forms of temporary relief, as **temporary restraining order** or **preliminary injunction**.

**"person in need of supervision"** Also called **status offender**. Juvenile found to have committed a **status offense** that would provide basis for a finding of delinquency. In different states, status offenders are also known as "children in need of supervision" or "minors in need of supervision."

**personal jurisdiction** Power of a court over the person of a defendant, in contrast to jurisdiction over the defendant's property.

**personal property** Tangible physical property consisting of things temporary or movable such as cars, clothing and furniture. Does not include real property such as land or rights in land.

**personal recognizance** Pretrial release of a defendant without bail upon his/her promise to return to court. Also known as releasing one **"on his own recognizance."**

**personal representative** Person who administers an estate. If named in will, that person's title is **executor/executrix**. If no valid will exists, that person's title is **administrator/ administratrix**.

**petit jury** (PEH tee) Jury for the trial of a civil or criminal case, composed of six to twelve persons. Compare **grand jury**.

**petition** Filed **pleading** which commences **litigation** in a civil case. Contains **allegations** and a request for relief and/or for recovery of money by **plaintiff**.

**petitioner** Person filing an action in a court of original jurisdiction. Also, person who appeals judgment of a lower court. Opposing party is called the **respondent**.

**plaintiff** Person who brings a civil lawsuit. Also called **complainant**.

**plea** **Defendant's** declaration in open court in a criminal proceeding that he/she is guilty or not guilty. Defendant's answer to charges made in an **indictment** or **information**.

**plea bargaining** Process through which an accused person and prosecutor negotiate a mutually satisfactory disposition of a case. Usually a legal transaction in which defendant pleads guilty in exchange for some form of leniency. Often involves guilty plea to lesser charges or guilty plea to some of the charges if other charges are dropped.

**pleadings** Written statements of fact and law filed by parties to a lawsuit.

**plenary action** (PLEH nuh ry) Complete, formal hearing or trial on merits as distinguished from voluntary hearing, which is less strict and more informal.

**polling the jury** Act of asking jurors individually after verdict has been announced, whether they agree with verdict.

**pour-over will** Will that leaves some or all estate assets to a trust established before will-maker's death.

**power of attorney** Formal authorization of a person to act in the interests of a person incapable of managing his/her own affairs or property. See **attorney-in-fact**.

**praecipe** (PRESS ih pee) Any of various legal writs commanding a person to do something or to appear and show cause why he/she

should not. Also, written order requesting clerk or prothonotary of a court to issue a writ and specifying contents of writ.

**precedent** Previously decided case which guides decisions of future cases. Compare **stare decisis**.

**precept** An order issued by a legally constituted authority commanding a subordinate official to perform some act within the scope of the official's powers.

**prejudicial error** Error committed during a trial which was harmful enough to affect outcome of trial and which warrants reversal in judgment by appellate court. Compare **harmless error** and **reversible error**.

**preliminary hearing** In criminal law, hearing at which a judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Constitution bans secret accusations so preliminary hearings are public unless defendant asks otherwise. Accused must be present and accompanied by legal counsel.

**preliminary injunction** Court order requiring or forbidding an action until a decision can be made whether to issue a **permanent injunction**. Differs from **temporary restraining order**.

**premeditation** Decision or plan to commit a crime.

**preponderance of evidence** Greater weight of evidence, a common standard of proof in civil cases. See **weight of evidence**.

**pre-sentencing report** Report to sentencing judge containing background information about crime and defendant to assist judge in making his/her sentencing decision. Sometimes called **sentencing report**.

**presentment** Declaration or document issued by grand jury that either makes a neutral report or notes misdeeds by officials charged with specified public duties. Ordinarily does not include a formal charge of crime. Differs from **indictment**.

**presumption of innocence** Every defendant enters a trial with the presumption that he/she is innocent. Prosecution must prove guilt by competent evidence. Jury's verdict of guilty removes presumption.

**presumption of law** Rule of law that courts and judges shall draw a particular inference from a particular fact or evidence.

**pretermitted child** (PRE ter MIT ed) Child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of estate property to go to such children.

**pre-trial conference** Meeting between judge and lawyers involved in a lawsuit to narrow issues in a suit, agree on what will be presented at the trial, and make a final effort to settle case without trial.

**prima facie case** (PREE muh FAH sheh) Case that is sufficient, i.e., has minimum amount of evidence necessary, to allow it to continue in the judicial process.

**prima facie evidence** Uncontradicted evidence sufficient to bring a case to court and sustain a finding in favor of the side it supports.

**prior restraint** Restraint on publication before it is published. Prohibited by constitution.

**pro bono publico** "For the public good." When lawyers represent clients without a fee, they are said to be working *pro bono publico*.

**pro se** (pro see) Person acting as his/her own attorney, whether or not he/she is a lawyer. Also refers to small claims courts in some jurisdictions. See **in propria persona**.

**probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.

**probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.

**probate court** Court with authority to supervise estate administration.

**probate estate** Estate property that may be disposed of by a will.

**probation** Alternative to imprisonment allowing a person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer. Violation of probation can lead to its revocation and to imprisonment.

**proceeding** A legal action. The action of conducting juridical business before a court or judicial officer.

**procedural law** Law which prescribes the

method of enforcing rights or of obtaining redress for invasion of rights. Compare **substantive law**.

**promulgate** To put (a law) into action or force. To make known or public the terms of (a proposed law).

**prosecutor** Trial lawyer representing the government in a criminal case.

**protective order** Court order to protect a person from further harassment, service of process or discovery.

**prothonotary** Chief clerk of any of various courts in some states, including those of Pennsylvania.

**proximate cause** Act which causes an event, particularly an injury, to occur. A person generally is liable for the injury only if the injury was proximately caused by his/her action or failure to act when he/she had a duty to act. May or may not also be the **immediate cause**. An event may have one or more proximate causes.

**public defender** Government lawyer who provides free legal defense services to a poor person accused of a crime.

**punitive** Damages on an increased scale awarded to a **plaintiff** over and above what will compensate the plaintiff for ordinary loss, in an effort to punish the defendant or set an example for wrongdoers.

**purge** Complete removal of arrest, criminal or juvenile record information from a given records system. Compare **expungement**.

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## Q

**quash** To vacate or void a summons, subpoena, etc.

**quid pro quo** "What for what." Fair return consideration.

**quo warranto** (quo wah RANT oh) Legal action begun which requires a person to show by what authority he/she exercises public office, franchise or liberty.

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**R**

**rap sheet** See **criminal history record information**.

**ratio decidendi** (RAY she oh DES ih DEN dye)  
The point in a case which determines the judgment.

**real evidence** Evidence furnished by things themselves, on view or inspection, as opposed to oral testimony of a witness.

**real property** Land, buildings and other improvements affixed to the land.

**reasonable doubt** State of mind in which jurors cannot say they feel abiding conviction as to the truth of a charge against an individual. An accused person is entitled to acquittal if, in the minds of the jury, his/her guilt has not been proven beyond "reasonable doubt." See **beyond a reasonable doubt**.

**reasonable person** Phrase used to denote a hypothetical person who exercises qualities of attention, knowledge, intelligence and judgment that society requires of its members for protection of their own interests and the interests of others. Test of negligence is based on either failure to do something a reasonable person, guided by considerations that ordinarily regulate conduct, would do, or on doing something that a reasonable and prudent person would not do.

**rebuttal** Evidence disproving other evidence previously given or reestablishing credibility of challenged evidence. Compare **rejoinder**.

**recidivism** Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

**recognizance** Practice which enables accused awaiting trial to be released without posting any security other than promise to appear before court at proper time. See **on his own recognizance** and **personal recognizance**.

**record** All documents and evidence plus transcripts of oral proceedings in a case.

**recusation** Plea or exception by which defendant requests that judge hearing his/her trial excuse him/herself from case. Judge may also elect to recuse him/herself from a trial,

meaning he/she excuses him/herself from hearing it.

**re-direct examination** Opportunity to present **rebuttal** evidence after one's evidence has been subjected to cross-examination. See **rehabilitation**.

**redress** To set right; to remedy; to compensate; to remove causes of a grievance.

**referral** Process by which a juvenile case is introduced to court or to an agency or program where needed services can be obtained.

**referee** Person to whom a court refers a pending case to take testimony, hear parties and report back to court. A referee is an officer with judicial powers and serves as an arm of the court.

**rehabilitation** After **cross-examination** a witness whose credibility has suffered may be examined again to improve his/her standing with trier of fact in matters covered by cross-examination. See **redirect examination**.

**rehearing** Another hearing of case by same court in which suit was originally heard.

**rejoinder** Opportunity for the side which opened a case to offer limited response to evidence presented during **rebuttal** by opposing side.

**relevant evidence** Evidence having any tendency to make existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

**remand** To send a dispute back to the court where originally heard. Usually it is an appellate court that remands a case for proceedings in the trial court consistent with the appellate court's ruling.

**remedy** Legal or judicial means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated.

**remittitur** (reh MID ih dur) Reduction by judge of damages awarded by jury.

**removal** Transfer of state case to federal court for trial; in civil cases, because parties are from different states; in criminal and some



civil cases, because of significant possibility case could not receive a fair trial in state court.

**replication** Reply made by plaintiff to defendant's plea, answer or counterclaim.

**replevin** (reh PLEV in) Action for recovery of a possession wrongfully taken.

**reply** Response of plaintiff to defendant's argument.

**respondent** Person against whom an appeal is taken.

**rest** Party is said to "rest" or "rest its case" when it has presented all the evidence it intends to offer.

**restitution** Act of giving the equivalent for any loss, damage or injury.

**restraining order** Order which may be issued upon filing of application for **injunction** forbidding defendant to do a threatened act. See **temporary restraining order**.

**retainer** Act of a client in employing an attorney or counsel. Also denotes fee client pays when he/she retains an attorney.

**return** Report to judge by police on implementation of arrest or search warrant. Also, report to judge in reply to subpoena, either civil or criminal.

**reverse** Action of higher court in setting aside or revoking lower court decision.

**reversible error** Error sufficiently prejudicial (harmful) to justify reversing judgment of lower court. Compare **harmless error** and **prejudicial error**.

**revocable trust** (REV uh kuh b'l) Trust that grantor may change or revoke.

**revoke** To cancel or nullify a legal document.

**robbery** Felonious taking of another's property from his/her person or immediate presence and against his/her will, by means of force or fear. Differs from **larceny**.

**rule of court** Order made by a court having competent jurisdiction. Rules of court are either general or special. General rules are regulations by which practice of the court is governed. Special rules are special orders made in particular cases.

**rules of evidence** Standards governing whether evidence in a civil or criminal case is admissible.

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## S

**sanction** Punitive act designed to secure enforcement by imposing a penalty for its violation.

**satisfaction** See **accord and satisfaction**.

**search warrant** Written order issued by a judge that directs a law enforcement officer to search a specific area for a specific piece of evidence.

**secondary evidence** See **best evidence**.

**secured debt** In bankruptcy proceedings, a debt in which debtor gave creditor a right to repossess property or goods used as **collateral**. Compare **unsecured**.

**self-defense** Claim that an act otherwise criminal was legally justifiable because it was necessary to protect a person or property from threat or action of another.

**self-incrimination, privilege against** Constitutional right of people to refuse to give testimony against themselves that could subject them to criminal prosecution. Right is guaranteed in Fifth Amendment to U.S. Constitution. Asserting right is often referred to as "taking the Fifth."

**self-proving will** Will whose validity does not have to be testified to in court by witnesses to it since the witnesses executed an **affidavit** reflecting proper execution of will prior to maker's death.

**sentence** Court's determination of punishment to be inflicted on a person convicted of crime.

**sentencing guidelines** Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania.

**sentencing report** Document containing background material on convicted person. Prepared to guide judge in imposing sentence. Sometimes called **presentencing report**.

**separation of witnesses** See **sequestration of witnesses**.

**sequestration** Keeping all jurors together during a trial to prevent them from being influenced by information received outside courtroom. Sequestered jurors are usually housed in a hotel, have meals together, and

are given edited copies of newspapers and magazines, all in an attempt to keep them free from outside influences.

**sequestration of witnesses** Keeping all witnesses (except plaintiff and defendant) out of courtroom except for their time on the stand and admonishing them not to discuss their testimony with other witnesses. Also called separation of witnesses. Prevents a witness from being influenced by testimony of prior witnesses.

**service** Delivery of legal document, such as **complaint**, **summons** or **subpoena**, notifying person of lawsuit or other legal action taken against him/her. Constitutes formal legal **notice** and must be made by an officially authorized person in accordance with formal requirements of applicable laws.

**settlement** Agreement between parties disposing of a lawsuit.

**settlor** Person who sets up a trust. Also called **grantor**.

**sidebar** Conference between judge and lawyers, usually in courtroom, out of earshot of jury and spectators.

**slander** False and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Compare **libel**.

**small claims court** Court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.

**sovereign immunity** Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.

**specific performance** Remedy requiring that a person who has breached a contract to perform specifically what he/she has agreed to do. Specific performance is ordered when damages would be inadequate compensation.

**spendthrift trust** Trust set up for benefit of someone whom grantor believes would be incapable of managing his/her own financial affairs.

**standard of proof** See **burden of proof**.

**standing** Legal right to bring a lawsuit. Only a person with something at stake has standing to bring a lawsuit.

**stare decisis** (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Similar to **precedent**.

**state's evidence** Testimony given by accomplice or participant in a crime, tending to convict others.

**status offenders** Youths charged with the status of being beyond control of their legal guardians, e.g., habitually disobedient, truant from school or having committed other acts which would not be a crime if committed by adult. They are not delinquents as they have committed no crime, but rather are **persons in need of supervision**, minors in need of supervision, or children in need of supervision, depending on the state in which they live. Status offenders are placed under supervision of juvenile court.

**status offense** Act declared by statute to be an offense, but only when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.

**statute** Law enacted by legislative branch of government, as distinguished from **case law**. Compare **common law**. Also called statutory law.

**statute of limitations** Time within which a lawsuit must be brought or an individual must be charged with a crime. Different statutes of limitations exist for different kinds of lawsuits and crimes.

**statutory construction** Process by which a court seeks to interpret meaning and scope of legislation.

**statutory law** See **statute**.

**stay** Court order halting a judicial proceeding or the action of halting such proceeding.

**stenographer** See **court reporter**.

**stipulation** Agreement by attorneys on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date, to admit certain facts at trial, etc.

**sua sponte** (SOO eh SPON tee) On one's own behalf. Voluntary, without prompting or suggestion.

**sub judge** (sub **JOO** dih SEE) Under or before a court or judge; under judicial consideration.

**sui generis** (SOO ee JEN er iss) Of its own kind or class; the only one of its kind.

**sui juris** (SOO ee JUR iss) Of his own right. Possessing full social and civil rights. Not under any legal disability, power of another or guardianship.

**subpoena** (suh PEE nuh) Court order compelling a witness to appear and testify.

**subpoena duces tecum** (suh PEE nuh DOO sess TEE kum) Court order commanding a witness to bring certain documents or records to court.

**subrogation** Substitution of one person in place of another with in asserting a lawful claim, demand or right.

**substantive evidence** Evidence presented to prove a fact in issue.

**substantive law** Law which creates, defines and regulates rights. Compare **procedural law**.

**summary** Quickly executed.

**summary judgment** Order by a judge deciding a case in favor of one side on the basis of pleadings, before a trial and before or after a hearing. A judge issues a summary judgment upon determining there is no factual dispute to be determined by jury. See **judgment**.

**summary offense** In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

**summons** Notice to a defendant that he/she has been sued and is required to appear in court. Jury summons is a notice requiring person receiving it to report for possible jury duty. See **venire**.

**sunshine laws** Laws forbidding or restricting closed meetings of government bodies. Sometimes provide for public access to records.

**supersedeas** (SOO per SEE dee uhss) Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

**support trust** Trust that instructs trustee to spend only as much income and principal (assets held in trust) as needed for beneficiary's support.

**suppress** To forbid use of evidence at trial because it is improper or was improperly obtained. See also **exclusionary rule**.

**surety bond** Bond purchased at expense of estate to insure executor's proper performance. Often called **fidelity bond**.

**survivorship** Another name for **joint tenancy**.

**sustain** Court order allowing an objection or motion to prevail.

**suspended sentence** Sentence whose execution has been postponed by order of the court. Also, decision of court to postpone pronouncement of sentence.

**swindling** Obtaining money or property by fraud or deceit.

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## T

**tangible personal property memorandum (TPPM)** Legal document referred to in a will and used to guide distribution of tangible personal property.

**temporary relief** Any form of action by a court granting one of the parties an order to protect its interest pending further action by the court.

**temporary restraining order** Judge's order for-bidding certain actions until a full hearing can be held. Usually of short duration. Often referred to as TRO. Compare **preliminary injunction**.

**tenancy by the entirety** See **joint tenancy**.

**testamentary capacity** Legal ability to make a will.

**testamentary trust** Trust set up by a will.

**testator/testatrix** Person who makes a will, testator referring to male, testatrix to female.

**testimony** Evidence given by witness under oath. Does not include evidence from documents and other physical evidence. Compare **evidence**.

**theft** Popular name for **larceny**.

**third party** Person, business or government agency not actively involved in a legal proceeding, agreement or transaction.

**third-party claim** Action by a defendant that brings a third party into a lawsuit.

**title** Legal ownership of property, usually real property or automobiles.

**tort** Injury or wrong committed on a person or property of another; infringement of the rights

of an individual, but not founded on a contract. The most common tort action is a suit for damages sustained in an automobile accident.

**transcript** Official record of all testimony and events that occur during a trial or hearing.

**transfer hearing** Hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court.

**trial de novo** A new trial.

**true bill** **Indictment** by grand jury.

**trust** Legal device used to manage real or personal property, established by one person (**grantor** or **settlor**) for the benefit of another (**beneficiary**). A third person (**trustee**) or the **grantor** manages the trust.

**trust agreement or declaration** Legal document that sets up a living trust. See **testamentary trust**.

**trustee** Person or institution that manages property put in a trust.

**turncoat witness** Witness whose testimony was expected to be favorable but who later becomes an adverse witness.

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## U

**undue** More than necessary; not proper; illegal.

**unlawful detainer** Detention of real estate without consent of owner or other person entitled to its possession.

**unsecured** In bankruptcy proceedings, for purposes of filing a claim, a claim is unsecured if there is no **collateral**, or to the extent the value of collateral is less than amount of debt. Compare **secured debt**.

**usury** (YOO seh ree) Charging higher interest rate or higher fees than law allows.

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## V

**vacate** To set aside.

**venire** (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court

to act as jurors. More popularly, used to refer to people summoned for jury duty.

**venue** (VEN YOO) Geographical area from which a jury is drawn and where a criminal trial is held. Also refers to the geographical location in which the alleged actions which gave rise to a legal action occurred.

**verdict** In criminal proceedings, decision reached by a jury or judge as to the guilt or innocence of the party being tried.

**voir dire** (vwahr deer) Process of questioning potential jurors so that each side may decide whether to accept or oppose individuals for jury service.

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## W

**waiver** Intentionally giving up right.

**waiver of immunity** Means authorized by statute by which a witness, before testifying or producing evidence, may relinquish the right to refuse to testify against him/herself, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

**warrant** Most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search. **Affidavit** seeking warrant must establish **probable cause** by detailing facts upon which request is based. See also **bench warrant**.

**weight of evidence** Balance or **preponderance of evidence**.

**will** Legal declaration that disposes of a person's property when that person dies.

**willfully** Intentionally, as distinguished from accidentally, carelessly or inadvertently.

**with prejudice** Applied to orders of judgment dismissing a case, meaning that the plaintiff is forever barred from bringing a lawsuit on the same claim or cause.

**without prejudice** Claim or cause dismissed may be the subject of a new lawsuit.

**witness** One who testifies to what he/she has seen, heard or otherwise experienced.

**work release** Sentence under which defendant is imprisoned, but is released during daytime to work at a job approved by Department of Corrections or the court. After working hours prisoner is returned to confinement.

**writ** Judicial order directing a person to do something.

**writ of certiorari** Order issued by Supreme Court directing lower court to transmit records for a case it will hear on appeal. See **certiorari**.

**writ of execution** Writ to put in force the judgment or decree of a court. 