

**Report of the
Administrative Office of
Pennsylvania Supreme Court
1997**

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
Justice Thomas G. Saylor*

*'97 in Brief
(listed chronologically)*

Supreme Court, Commonwealth Court opinions available on the Internet beginning in January; Superior Court opinions become available in December

Rule of Judicial Administration 703 revised to increase accountability of courts, thus improving disposition of cases

Act 2 of 1997, signed by Governor Ridge on 2-14-97, increases number of judges in Common Pleas Courts, Philadelphia Municipal Court and Philadelphia Traffic Court by 31 over three years

Legislative Budget and Finance Committee gives Unified Judicial System a highly favorable review of the District Justice System, citing management, cost effectiveness, user satisfaction

Annual and lifetime caps on deposits into Judicial Computer System Augmentation Accounts lifted

Supreme Court appoints Special Commission to Limit Campaign Expenditures to explore ways to cap skyrocketing cost of running for judge in Pennsylvania

Chester County hosts delegation of ten legal professionals from Uzbekistan, who are visiting to learn about America's justice system. Delegation also visits Delaware County

Three branches of government working together on the issue of statewide funding of Pennsylvania's courts

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 1997. 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.

This has been a truly noteworthy year for the Supreme Court of Pennsylvania and for its Administrative Office. A listing of some of the major highlights will help illustrate the progressive changes which have taken place as the Judiciary strives to meet the continuing challenges confronting the courts. These 1997 accomplishments include:

- publication of the Interim Report of the Master on the Transition to State Funding of the Unified Judicial System
- release of the highly favorable report, "A Review of Pennsylvania's District Justice Computer System," by the Legislative Budget and Finance Committee
- continued efforts to expand automation for administrative and judicial purposes
- creation of the Supreme Court's Special Commission to Limit Judicial Campaign Expenditures
- revision of Rule 703 requiring Pennsylvania's trial court judges to track and file semi-annual reports on the disposition of cases pending before them

Preface
from the
Court
Administrator

Preface
from the
Court
Administrator,
continued

- completion of a number of reports by various task forces of the Pennsylvania Futures Commission on Justice in the 21st Century and honoring of council members by the Supreme Court
- posting of Supreme Court decisions on the Judiciary's Web site
- publication for review and comment of the proposed evidence code by the Supreme Court's special ad hoc committee.

Another event of special note was former Superior Court Judge Thomas G. Saylor's election to a ten-year term on the Supreme Court in the November election. His election fills the vacancy on the Court created when then Chief Justice Robert N. C. Nix retired in 1996.

Noteworthy developments occurred on the legislative front as well. In February Governor Ridge signed legislation increasing the number of judges of the Common Pleas Courts in certain judicial districts, in the Philadelphia Municipal Court and in the Philadelphia Traffic Court. In June the Governor approved legislation removing both the annual and lifetime caps on deposits into the Judicial Computer System Augmentation Account, a significant achievement to provide potentially greater financial resources for the non-tax-funded Judicial Computer System.

The AOPC's efforts to automate the courts continue to serve as a guide for other interested individuals. In July, 17 representatives of the legal and criminal system in Singapore visited the Mechanicsburg facility for an on-site demonstration and explanation of the District Justice System. The visitors included the District Judge of Subordinate Courts.

I also am pleased to report for the record that I had the honor of being selected by my peers as president of the Conference of State Court Administrators July 1 during the annual meeting in Cleveland, Ohio. COSCA consists of the highest judicial administrators in the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

Now let me expand upon the previously listed highlights.

State Funding of Unified Judicial System

Senior Justice Frank J. Montemuro, Jr., a former state Supreme Court justice, issued his report on July 30 following a series of regional meetings involving county and court personnel and after receiving input from members of the Executive and Legislative branches of government. Justice Montemuro had been appointed special master by the Supreme Court following the

Court's 1996 order in response to *Pennsylvania State Association of County Commissioners, et al. v. Commonwealth of Pennsylvania*, a successor case to the 1987 *County of Allegheny v. Commonwealth of Pennsylvania*.

Justice Montemuro recommended a four-phase approach to a state-funded Unified Judicial System in order to permit existing systems to assimilate new additions with more facility and because of disparities in the current system. The four phases recommended by Justice Montemuro are:

Phase I Institution of an administrative substructure

Phase II Absorption of more components into the UJS

Phase III Inclusion of related services

Phase IV Inclusion of elected officials.

In preparing his report, the master stressed that any changes wrought by the plan ought to, in a concrete way, enhance the ability of the Judiciary to fulfill its designated role in the democratic government of the Commonwealth and that the changes should avoid, to the greatest extent possible, economic or other hardship to the dedicated personnel of the many courts throughout the state. The master also said creation of a judicial programs department within the AOPC was "essential" in meeting the staffing requirement goals.

Legislative Budget and Finance Committee Report

Following an exhaustive study which took nearly ten months to complete, the Legislative Budget and Finance Committee issued its findings in a highly complimentary report, "A Review of Pennsylvania's District Justice Computer System," on October 15. The report included an analysis conducted by the Gartner Group's *Real Decisions* unit, a computer consulting firm retained by the legislative committee to compare the costs to operate key aspects of the District Justice System to the costs incurred by peer organizations in the same areas. Summed up in a nutshell, the report stated, "***Real Decisions* found that the overall costs for the DJS are approximately one-half that of the peer group average costs.**"

Real Decisions also reported, "The significantly lower than peer group cost-per-call coupled with relatively high percentage of first level call resolution are characteristics indicative of a well run, well managed Help Desk environment."

Preface from the Court Administrator, continued

**Preface
from the
Court
Administrator,
continued**

Expanded Automation for Administrative and Judicial Purposes

Recognizing the ever expanding role of computerization, the Judiciary continues to explore and implement automation in a number of different areas as resources permit. This includes:

- the Appellate Court Docketing Project, in which a common case management system for the Supreme, Superior and Commonwealth Courts is being developed
- participation in the Executive Branch's JNET initiative to create an automated criminal information system which will benefit the courts and other members of the criminal justice system by sharing common elements of information
- the ASAP project to replace the Judiciary's aging accounting/payroll/human resources computer system with one which can serve existing and projected administrative computerization needs.

Special Commission to Limit Judicial Campaign Expenditures

In the face of the skyrocketing cost of running for judge in Pennsylvania, the Supreme Court on September 3 announced creation of a Special Commission to Limit Judicial Campaign Expenditures. James F. Mundy, Esq. of Philadelphia, immediate past president of the Pennsylvania Bar Association, was named to head the commission composed of present, past and future presidents of the PBA.

Although the commission was charged with studying all facets of the state's judicial campaigns, its major focus was on determining how to limit expenditures and making recommendations to the Supreme Court. In gathering information to prepare the recommendations, the commission held a series of public hearings throughout the state to seek input from legislators, jurists, other members of the bar and from non-lawyers.

Revision of Rule 703

Adoption of the revision to Rule of Judicial Administration Subchapter 703 (Prompt Disposition of Pending Matters) was seen as a significant management tool to assist in identifying decisional delay, with an eye toward eliminating that delay by providing additional judicial support and technical assistance or, when

necessary, as a final resort, disciplinary enforcement through the Judicial Conduct Board.

Among main provisions of the revised rule is the requirement that every judge compile and file semi-annual reports stating whether any matter submitted to the judge for decision still remains undecided 90 or more days as of the last day of the reporting period and the requirement that the Court Administrator of Pennsylvania: 1) immediately notify the state's Judicial Conduct Board if a judge fails to file a timely report as required by the rule, or 2) where appropriate, forward to the Judicial Conduct Board any report which includes one or more matters which have remained undecided one year or more.

Pennsylvania Futures Commission on Justice in the 21st Century

This has been an exceptionally busy year for the Futures Commission, whose members were recognized for their efforts during ceremonies held prior to the opening of the Supreme Court's formal sessions in Pittsburgh and Philadelphia:

- a number of task groups had their final drafts approved for submission to the committee responsible for integrating the individual reports into one document
- the juvenile justice task group completed a series of hearings on the most pressing challenges facing the juvenile justice system
- planning began in cooperation with the American Arbitration Association and the Pennsylvania Bar Association to create a community conflict management pilot program
- "focus" groups were held in cooperation with the University of Pittsburgh, University of Pennsylvania and Villanova Law Schools on the possible impact of science, such as cloning, on the justice system
- a four-month study on the changing future of Pennsylvania's criminal justice system, compared with general trends of the United States, was completed.

Members of the Futures Commission also engaged in a series of meetings with editorial staffs of newspapers throughout Pennsylvania to discuss issues facing the Commonwealth's justice and judicial systems. The commission is exploring the possibility of having its final report printed as a newspaper supplement after it is completed and presented to the Court.

Preface from the Court Administrator, continued

**Preface
from the
Court
Administrator,
continued**

Posting of Supreme Court Decisions on the Judiciary's Web Site

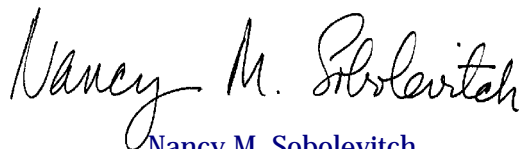
In a step designed to improve internal and external communication, the Supreme Court on January 1 began posting its decisions and opinions on the Judiciary's home page (<http://www.courts.state.pa.us>) on the Internet. Electronic posting of the Court's opinions and decisions after appropriate notification of litigants enables members of the legal community and educational institutions, the media, and other interested individuals to download rulings when they are entered on the Judiciary's home page. The electronic posting makes the full text of the rulings available quicker to a greater number of people and also enables the Supreme Court's prothonotary to eliminate much of the costly expense of mailing written decisions and opinions to a variety of non-judicial recipients.

Publication for Review and Comment of the Proposed Evidence Code by the Supreme Court's Special Ad Hoc Committee

A final report from the Pennsylvania Evidence Code Ad Hoc Committee, including a summary of comments received by the committee, was sent to the Supreme Court in early December. In forwarding the report to the Court, Pennsylvania moved one step closer to joining the states that have their own evidence codes. The ad hoc committee published the proposed code in March and received comments through June 1. The evidence code - when finally adopted - is intended to give judges and lawyers more direction about evidence than they have now and to increase uniformity. Procedures governing evidence in Pennsylvania's courts are now largely based on common law and case law.

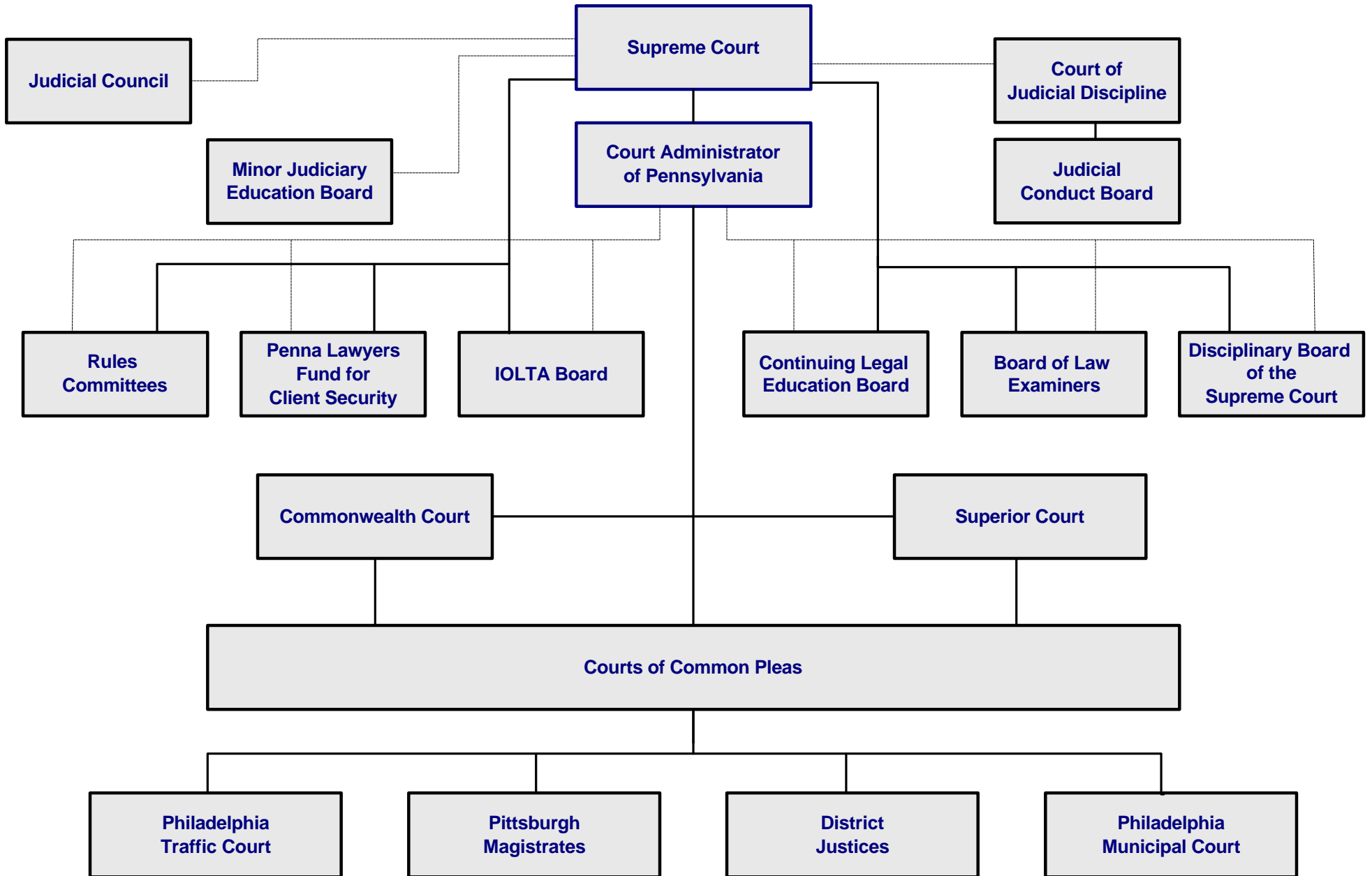
In closing, the many accomplishments presented in this annual report have helped prepare us to meet the many challenges that lie ahead as we move into the 21st Century. One of the biggest tasks is the planned transition to a statewide funding system. The achievements made during the last year should help ease that transition.

Sincerely,



Nancy M. Sobolevitch
Court Administrator of Pennsylvania

Pennsylvania's Unified Judicial System





Pennsylvania'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 did not change 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

Judicial system of local magistrates and an appellate court exist in Pennsylvania's early settlements

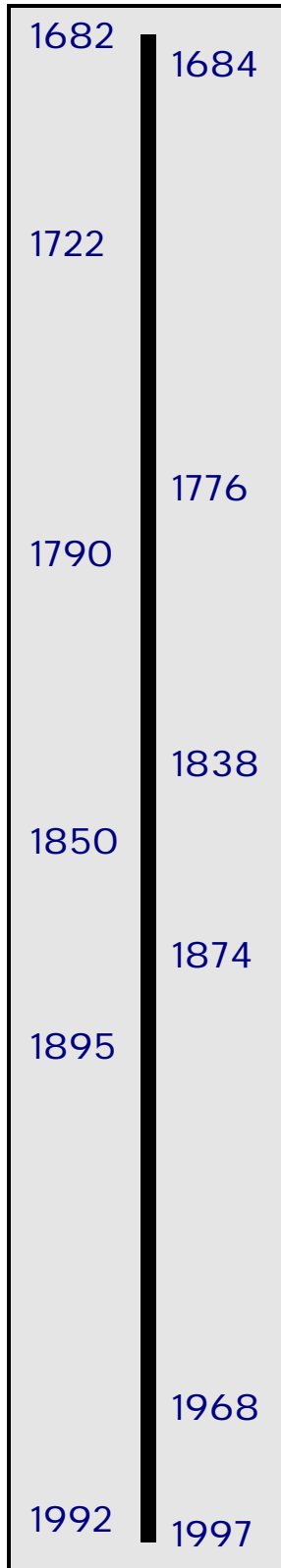
Judiciary Act of 1722 renames Provincial Court the Pennsylvania Supreme Court, allowing for one chief justice and two associate justices

Constitution of 1790 groups counties into judicial districts, with president judges to head the Common Pleas Courts

Constitutional amendment makes the entire judiciary elective

Superior Court is created to ease burdens of the Supreme Court

Judicial Computer Project (JCP) links state's 538 district justices with computer terminals and printers in each office; planning begins for Common Pleas phase of JCP, but is halted in July 1994 for lack of funds



Provincial Court established (future Pennsylvania Supreme Court)

Pennsylvania Constitution of 1776 establishes Courts of Sessions, Common Pleas Courts and Orphans' Courts in each county; sets tenure at seven years for Supreme Court justices

Constitution of 1838 fixes tenure for justices of the Supreme Court at 15 years

Constitution of 1874 designates method for the popular election of judges, increases number of Supreme Court justices from five to seven and increases justices' tenure to 21 years

Constitution of 1968 reorganizes Pennsylvania's courts into the Unified Judicial System; includes creation of Commonwealth Court, Court Administrator of Pennsylvania and Administrative Office of Pennsylvania Courts

Supreme Court begins posting opinions on World Wide Web. Superior and Commonwealth Courts follow soon after


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. 



Pennsylvania'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:

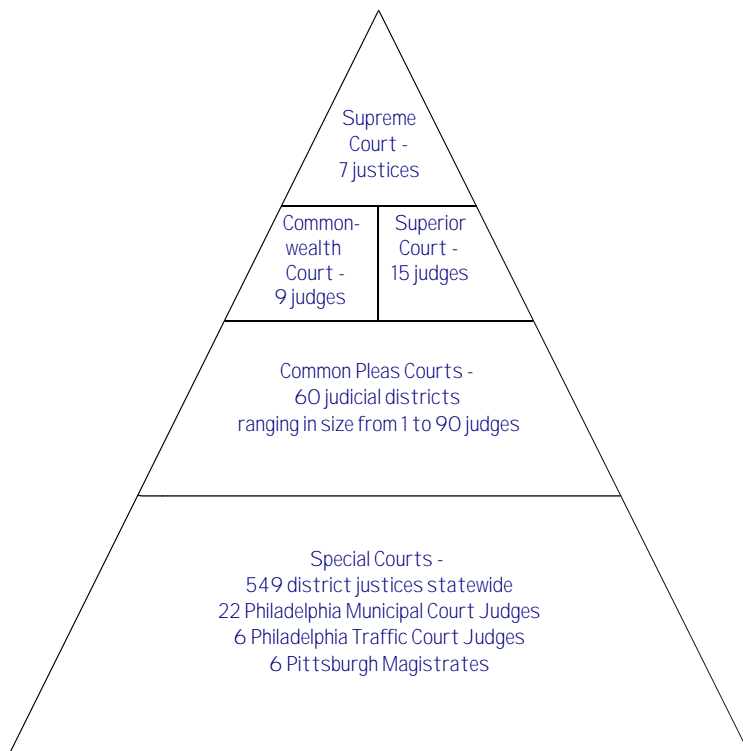


Figure 2.2.1

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 549 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 79.)

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 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.

The complement of Municipal Court judges currently numbers 22. With the enactment of Act 2 of 1997, however, effective in 1998 the complement will increase to 25. All Philadelphia Municipal Court judges must be attorneys.

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; however, this number will increase to seven in 1998 as a result of Act 2 of 1997. 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

In addition to the district justices who serve throughout Allegheny County, the city of Pittsburgh has six police magistrates. 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, Snyder-Union, 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.

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 **extra-ordinary** 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 1997, beginning on page 101. 

Before 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



The 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. A fourth department -- Judicial Programs (formerly "Court Management") -- awaits reestablishment. The four departments in Mechanicsburg, just south of Harrisburg, are Administration, which includes Financial Systems, Payroll and Human Resources; the Judicial Computer System; Information Technology; 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

Administrative Office of Pennsylvania Courts

- examining the state of the dockets and making recommendations for expediting litigation
- 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 operations of the Unified Judicial System's various components. 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 county and local courts, including the numbers and types of new, disposed and pending cases, and, for certain case types, the ages of the cases awaiting adjudication. The statistical 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 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 departmental projects recently completed or now in progress are:

- a case-processing study of Protection from Abuse petitions (PFAs) filed in the district justice and Common Pleas Courts. To facilitate the study and to provide meaningful data in this critical area, a statistical reporting system for PFAs was recently designed and implemented statewide.
- an analysis of trial court decisional delay based on the 1997 amendments to Rule of Judicial Administration 703
- an evaluation of the relative merits of mediation vs. litigation in child-custody and visitations disputes
- a survey of senior judge chamber facilities and support personnel.

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 AOPC and other state agencies also use the database for statistical research.

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 the "end-users" of the forms.

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 assisting in various administrative areas.

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 System, 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.

Judicial Computer System

The Judicial Computer System this year made major headlines in two separate but related areas. The first was passage of legislation removing both the annual and lifetime caps on deposits into the Judicial Computer System Augmentation Account (JCSAA). The second was the release of a highly complimentary report by the Legislative Budget and Finance Committee.

On June 25, 1997, Governor Ridge signed into law Act 32, which removed provisions limiting both the \$10 million annual cap and the \$100 million lifetime cap on deposits into the JCSAA. Removing the annual and lifetime caps is vital to the continued operation of the District Justice System (DJS) and will help provide a more stable funding base for the District Justice System. In prior years these caps cost the AOPC \$9.4 million, which was collected, but could not be used for the automated system because of the annual cap on deposits into the augmentation account. Removal of the lifetime cap eliminates an arbitrary limit on availability of funds to finance year-to-year Judicial Computer System operating costs.

Funds deposited into the JCSAA must still be appropriated by the General Assembly in the Judicial Computer System (JCS) annual budget. Removal of the annual cap is expected to allow access to additional funds when available and appropriated. For example, during fiscal year 1998-1999 available funds and an adequate appropriation level will allow the JCS to revive its plans for the Common Pleas Courts in preparation for: (1) pursuing that stalled project and (2) more accurately assessing on a current basis what the cost of automating Common Pleas criminal courts will be. This expansion is necessary to fulfill the Judiciary's goal of an integrated statewide information system which facilitates the data needs of the courts and with other agencies and departments involved in the criminal justice system.

The effectiveness of the JCS and the efficiency of the AOPC in managing this automated system connecting all district justice offices throughout the Commonwealth was commended in the report issued by the Legislative Budget and Finance (LB&F) Committee in October 1997. The report was issued following a lengthy audit by the LB&F Committee, which utilized the Gartner Group/ Real Decisions, a nationally recognized consultant, to assist in the technical evaluation of the DJS. This included examining how efficiently the AOPC spends the funds appropriated for the DJS.

The LB&F Committee reported:

- overall costs of the DJS are approximately one-half that of peer group average costs
- the significantly lower than peer group cost-per-call coupled with relatively high percentage of first level call resolutions are characteristics of a well-run, well-managed help desk environment
- overwhelmingly, district justices reported that computerization had improved the operation of their offices. For example, 97 percent responded affirmatively when asked

whether automation had resulted in positive changes...in such areas as case management, time lines of action and the collection and disbursement of fines, fees and costs.

The AOPC serves as the Judiciary's representative to the Justice Network (JNET) steering committee composed of ten major agencies involved at the state level in the Commonwealth of Pennsylvania's criminal justice system. The goal of JNET is to enable appropriate electronic information-sharing between these agencies. More information on this project is available on the JNET web page at: http://www.state.pa.us/Technology_Initiatives/jnet/home.htm.

During the fall of 1997, AOPC upgraded servers and software to mirror the JNET "Blueprint." Production information interchange links were established with the Pennsylvania State Police using the Commonwealth Metropolitan Area Network, which forms a part of JNET. These electronic links were used to implement the Jen & Dave law, which provides arrest information to custodial parents. Electronic Data Interchange via file transfer to the Pennsylvania Department of Transportation and Department of Corrections also was tested, using the JNET infrastructure. Although full-time JNET staff did not start during this period, existing staff was instrumental in prototyping electronic disposition posting, which will be a critical component of JNET functionality.

Information Technology Department

The Information Technology Department provides staff and services for the JCS to bring automation to the courts of Pennsylvania. The department also provides electronic judicial information to other agencies; supports the AOPC's payroll, financial, human resources 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 1997. Use of the AOPC Web site, <http://www.courts.state.pa.us>, increased from 1,500 users hitting the 563 pages of information available in 1996 to 3,832 users hitting the 2,409 pages of information available in 1997. The site received a total of 660,900 hits in 1997. Increased use of the AOPC Web site is reflected in a comparison of the number of hits in the month of December. In December 1996 users hit the AOPC Web site 15,169 times. In December 1997 the number of hits increased to 64,775 -- a four-fold increase.

Software Development Unit

Statewide District Justice Automation System

In an effort to retain high levels of efficiency and benefit from advances in technology, the AOPC decided to upgrade the DJS operating system and replace and improve the forms management and printing system. This necessitated a wide range of changes to the DJS software forms system.

Also released for users were software changes needed to implement Act 104 of 1996, which provides for the use of collection agencies to collect unpaid fines, costs and restitution for adjudicated cases.

The Jen & Dave Line became the nation's first centralized, automated system for providing criminal charge information to individuals involved in custody cases when it went on-line in eight south central counties in September and was expanded statewide by the end of October. The system, which relies on the automated District Justice System for the bulk of its data, resulted in the modification of 15 programs/files and the creation of 39 new files by the Software Development Unit.

In addition to these major software development efforts, routine enhancements and

changes are constantly being made to the DJS software in response to user requests. In 1997 more than 466 changes were made by software development staff and released.

Administrative Support Application Project

Work continued on development of a client/server, Internet/Intranet-enabled application for the AOPC administrative offices, including payroll, finance, procurement and human resources. Highlights of 1997 include:

- completion of the conceptual design for each of the functional areas in Microsoft's Visual Basic
- completion of the initial database design in DB2/400
- commencement of work on legacy database conversion
- commencement of the development of the RFP for programming services for the project.

A major effort in 1997 was the software changes required to implement the Judiciary's new life insurance and disability programs.

Electronic Data Interchange (EDI) and Public Access

The Electronic Data Interchange (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 several small pc-based systems. Twenty-two counties use the Electronic Data Interchange Outbound (EDIOUT) data as input for their systems. The EDIOUT is also used to send information outbound from the DJS to other agencies and users.

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 65 formal requests for information in 1997. Forty-eight of the requests were from other state and local agencies,

nine were from the media and nine were of a general public nature.

EDI activities continue to save other state and local agencies an estimated \$5.5 million per year by eliminating redundant keying. The savings figure is based on estimates taken from the total volume of data sent and the cost per key stroke. This is a static number because the caseload is relatively static. Data that we have added, such as that for the auditor general, wasn't keyed previously.

Computer Operations Unit

In the spring of 1997, the AOPC began a statewide upgrade of the DJS computer platform. This was done to improve the interactive response times within the system, to upgrade the OS 400 and to replace an aging print system and improve forms management. In addition to improving efficiency and thus customer service with the faster response times, these changes have made the operating system more stable, made diagnosing problems easier, and have provided district justice offices with a backup receipt printer in the event the man printer is not functioning.

Judicial Computer Support Department

The Judicial Computer Support Department provides training, responds to requests for equipment and provides help desk support for users of the JCS. The Director of Statewide Automation, who supervises the Judicial Computer Support Department, also serves as senior project manager or contract administrator for most AOPC information technology projects.

Training Unit

In 1997 unit personnel trained 51 district justices, new employees or court administrators at the central site in Mechanicsburg.

In addition to training, the staff participated in performing research, analysis, testing and writing of program change requests in many areas. More than 11 major changes in software or upgrade changes required the input of this unit.

Trainers meet regularly with user groups to discuss concerns and suggestions regarding the automated system. Training staff researched and answered more than 5,000 second level help desk calls in 1997.

Work was begun on development of new documentation manuals for the automated system. This unit writes and prepares laser fax notices to the district justice offices.

Equipment Change Request Unit

All statewide requests for additional hardware, to move hardware or to add new cable are coordinated through this unit. In 1997 the unit responded to requests for additional equipment in 125 offices.

Help Desk Unit

The help desk responded to 56,714 calls in 1997. This included calls resulting from changes to the DJS brought about by new rule changes, new legislation and user suggestions or requests. Calls were motivated by new programs, accounting problems, two persons accessing the same record, slow system response time, equipment failure and incorrect processing.

Changes to the DJS are made frequently and this staff is trained by the programming unit so that it will be able to respond to problems or questions users may have when changes are released.

Help Desk staff also monitor the maintenance contract to ensure that any malfunctioning DJS equipment is fixed quickly so

that the office work schedule is not negatively impacted.

The unit designed and implemented the roll-out of the new model 4312 laser printers. The staff, working with the vendor, scheduled the installation of the new printers and the removal of old equipment as well as coordinated the new printer training schedule for district justice staff.

The Help Desk Unit also reviews the design of new programs prior to their release in order to evaluate their impact on user operations; answers questions from program-mers on user procedures; assembles user documentation for second-level calls and reviews laser faxes prior to their release in order to insure that they are clear.

Legal Services Unit

The staff attorney assigned to the DJS has specific knowledge and expertise in legal issues related to the operation of the automated system. The attorney provides legal consul-tation to the programming and training staff on program design and provides an interface with the Civil and Criminal Procedural Rules Committees.

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, long-term disability 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
- developing, implementing and maintaining a standardized classification and pay plan for Judiciary personnel. This plan includes a series of class specifications and job descriptions designed to establish a logical and consistent means of determining the relative value of one job to another.

- developing and administering AOPC hiring procedures and assisting managers in the recruiting, interviewing and hiring of new staff. This includes designing position advertisements, reviewing resumes to select candidates for interviews and completing background/reference checks on candidates.

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 to (1) assess the impact of statewide funding of the courts on the Unified Judicial System, and (2) 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 relating 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 1997 the department coordinated four major conferences:

- *Pennsylvania Association of Court Management Mid-Annual Conference*
State College, PA
January 1997
- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
Pittsburgh, PA
February 1997
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
State College, PA
June 1997
- *Pennsylvania Conference of State Trial Judges Annual Conference*
Hershey
July 1997

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. 

1997 Membership:

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

Staff:

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

- * Term expired 6-30-98
- ** Appointed chairman effective 7-1-98
- + Appointed vice chairman effective 7-1-98

Legal Authorization:

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

Appellate

Court

Procedural

Rules

Committee

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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 to its present one by Supreme Court order on March 31, 1994.

1997 Activities

The committee met twice in 1997, in June and December in Philadelphia. As a result of these sessions, a variety of recommendations were submitted to the Court.

In July the committee submitted to the Supreme Court Recommendation 28, which involves amendments to Rules 121, 123, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513-1515, 1532, 1571, 1734, 1751, 1782, 1911, 2132, 2136, 2140, 2153, 2154, 2185-2187, 2311, 2313, 2543, 2546, 3331, 5101, and 5102 of the Pennsylvania Rules of Appellate Procedure (Pa.R.A.P.). It was adopted by the Court effective September 5, 1997.

Recommendation 29 represented the committee's response to the Court's request for amendments to Pa.R.A.P. 1925, **Opinion in Support of Order**, and 1931, **Transmission of**

the Record. It was submitted to the Court April 11, 1997; however, the committee was thereafter requested to hold this recommendation in abeyance.

Recommendation 30, pertaining to Pa.R.A.P. 1711, was published March 30, 1996, and adopted by the Court August 22, 1997, with an effective date of January 1, 1998. It contains amendments pertaining to **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 chair, vice chair and counsel have responded to various inquiries and requests, many of which have become topics for discussion at the committee's meetings and have formed the basis for upcoming recommendations. Chairman Robert L. Byer actively participated in continuing legal education courses throughout Pennsylvania as an instructor on appellate practice and procedure. In addition, counsel for the committee has actively participated in court-related meetings regarding the Appellate Rules and the Rules of Judicial Administration, and has responded to various requests from the Administrative Office of Pennsylvania Courts and practitioners throughout the Commonwealth.

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.

1998 Plans

Under its new chair, Gaele McLaughlin Barthold, and vice chair, Honorable Joseph M. Augello, the committee will meet regularly in 1998 and 1999. It will continue its work in reviewing Chapter 15, **Judicial Review of Governmental Determinations**, and will endeavor to identify other aspects of the rules to be considered for refinement and updating. Among the subjects presently on the committee's agenda are:

- submission of Recommendation 33 regarding **cross-appeal rules**
- submission of Recommendation 34 amending Pa.R.A.P. 903 (**Time for Appeal**)
- submission of Recommendation 35 regarding Pa.R.A.P. 2117(d) (**Appeals From Case Stated**)
- submission of Recommendation 36 concerning Pa.R.A.P. 1941, **Attorney Affidavit in Capital Cases**
- submission of Recommendation 37 amending Pa.R.A.P. 1301 (**Interlocutory Appeals by Permission**)
- submission of Recommendation 38 amending Pa.R.A.P. 2111(a), **Brief Of Appellant**, for submission and adoption by the Court
- finalization of Joint Recommendation 98-1 with the Orphans' Court Procedural Rules Committee affecting Pa.R.A.P. 341, **Final Orders; Generally**

- review of Pa.R.A.P. 2501 (**Post-Submission Communications**).

Contact Person

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

Gaele McLaughlin Barthold, Chair
Cozen & O'Connor
1900 Market Street
Philadelphia, PA 19103
phone: 215-665-4107
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Honorable Joseph M. Augello, Vice Chair
Luzerne County Courthouse
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Dean R. Phillips, Esq., Counsel
Tricia W. Nagel, Executive Director
Appellate Court Procedural Rules Committee
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E-mail: Tnagel@courts.state.pa.us



**Board
of
Law
Examiners**

1997 Membership:

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

Staff:

Amy C. Dynda, *Executive Director*
Joseph Rengert, Esq., *Counsel*
Melody Greish-Richardson, *Administrative Services Director*
Mark Dows, *Character and Fitness Director*

Legal Authorization:

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

5035 Ritter Road
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(717) 795-7270

History/Background

The 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 second terms.

The board office staff includes the executive director, counsel to the board, an administrative services director, a character and fitness director, and six administrative support staff. The board also employs eight examiners and one supervising examiner, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 16 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are temporarily employed to assist in the administration of the bar exam.

Joseph Rengert assumed the duties of supervising law examiner in July 1997 upon the retirement of Carl Hallgren, who provided more than 30 years of service to the board. Mark Dows will begin employment with the board in early 1998 as the board's first character and fitness director.

In August 1997 Executive Director Amy Dynda was appointed to a two-year term on the National Conference of Bar Examiners' Multistate Professional Responsibility Examination Policy Committee.

Bar Procedures

The Board of Law Examiners administers the bar exam over two days twice a year, on the last Tuesdays and Wednesdays 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.

The final draft of each question and analysis is forward to the board office, which then formats, edits and publishes them. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

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, a candidate 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 34 hearings were held in 1997.

1997 Activities

Office staff processed approximately 3,000 applications for permission to sit for the bar exam.

Statistics for 1997, including a comparison with 1996's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 37 details the percentage of those who have passed the

bar since 1987 while Chart 3.2.3 on page 38 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.

Admission applications	approx. 3,000
Sitting for February exam	734
Change from 1996	(75) (9)%
Persons passing February exam	487
Persons failing February exam	247
Passing percentage	66%
1996 Passing Percentage	58%
Sitting for July exam	1,983
Change from 1996	(82) (4)%
Persons passing July exam	1,506
Persons failing July exam	477
Passing percentage	76%
1996 Passing Percentage	71%

Table 3.2.1

The board met nine times in 1997 to review bar admission rules and recommend specific rule changes, review proposed essay questions and analyses, approve examination results, and set policy. It also held two semi-annual meetings, one following each of the two bar examinations, to review the essay exam questions, analyses and proposed grading guidelines.

In an effort to facilitate better communications and cooperation between the Board of Law Examiners and the law schools, the board also invited the dean of each Pennsylvania law school to the August 1997 semiannual meeting to discuss implementation of the Multistate Performance Test (MPT) in Pennsylvania. The board solicited input and discussion from the deans concerning the possible implementation of the MPT in Pennsylvania. Jane P. Smith, director of testing for the National Conference of Bar Examiners (NCBE) and Joe Harbaugh, dean of Nova Southeastern Law School presented information about the MPT and led a mock grading session using actual questions. The

deans/representatives of the law schools were generally receptive to the idea of including the MPT as part of the bar exam and thought that the majority of students would be prepared to take a performance type test.

The board formed an ad hoc committee in 1997 to review its current character and fitness policies and procedures and to make recommendations to the board regarding the same. Members of the committee included executive director Amy Dynda and board members Michael G. DeFino, Esq; Thomas A. Decker, Esq; and Jonathan H. Newman, Esq. A report was made to the entire board at the August 1997 meeting, at which the recommended actions were taken

The committee also strongly encouraged the board to consider the implementation of a probationary licensure program. Board office staff is researching this recommendation and developing a probation licensure program proposal, which will be presented to the board at its August 1998 semiannual meeting.

The board made the following recommendations to the Supreme Court in 1997:

Recommendation No. 1: Proposed **editorial comments** to Pennsylvania Bar Admission Rules (Pa. B.A.R.) 372, Formerly Admitted Attorneys, and 213, Hearings before the board, which were required by the adoption of a prior amendment to Rule 203, Admission of Graduates of Accredited and Unaccredited Institutions.

Recommendation No. 2: Changed the **passing standards for the bar exam** to a scaled score of 130 on the multistate bar exam, a 135 on the essay, and a total combined scaled score of 270 on both portions.

Recommendation No. 3: Amended Pa. B.A.R. 321 by decreasing the number of semesters required for a law student to become eligible to become a **certified legal intern** from four semesters to three.

Recommendation No. 4: Amended Pa. B.A.R. 231 by establishing a three-year limitation for filing a motion for **admission to the bar** after passing the bar exam; and by requiring applicants to obtain a statement from the board that it knows of no reason why they should not be admitted to the bar when more than six months have elapsed after receiving a certificate recommending admission to the bar.

Recommendation No. 5: Proposed the addition of the Multistate Performance Test as a component of the bar exam.

All five recommendations were approved by the Court. Recommendation 5 will become effective with the bar exam to be administered in July 2001.

Filing Fees

The filing fees charged for processing applications remained unchanged in 1997 and are as follows:

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

Application revenues for fiscal year 96-97 totaled approximately \$1.5 million.

Looking Ahead to 1998

The chair and executive director have designed an informational brochure for law school students and potential students regarding the bar admissions process. This handbook will be available early in 1998.

The chair and executive director will also be speaking to students at three of Pennsylvania law schools regarding the bar admissions process. If the response to these presentations is positive, the executive director

plans to continue this endeavor on an annual basis.

Executive Director Amy Dynda by calling (717) 795-7270 or by writing to her at 5035 Ritter Road, Suite 1100; Mechanicsburg, PA 17055.

Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact

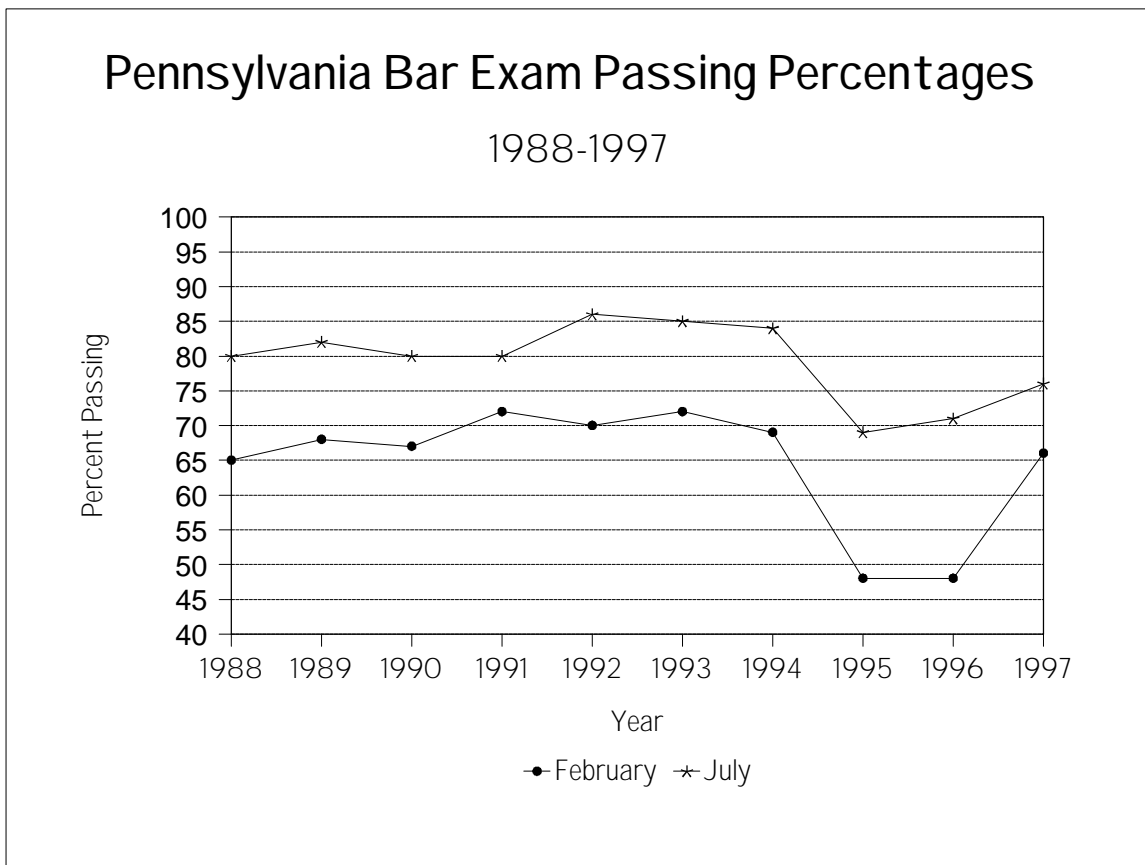


Table 3.2.2

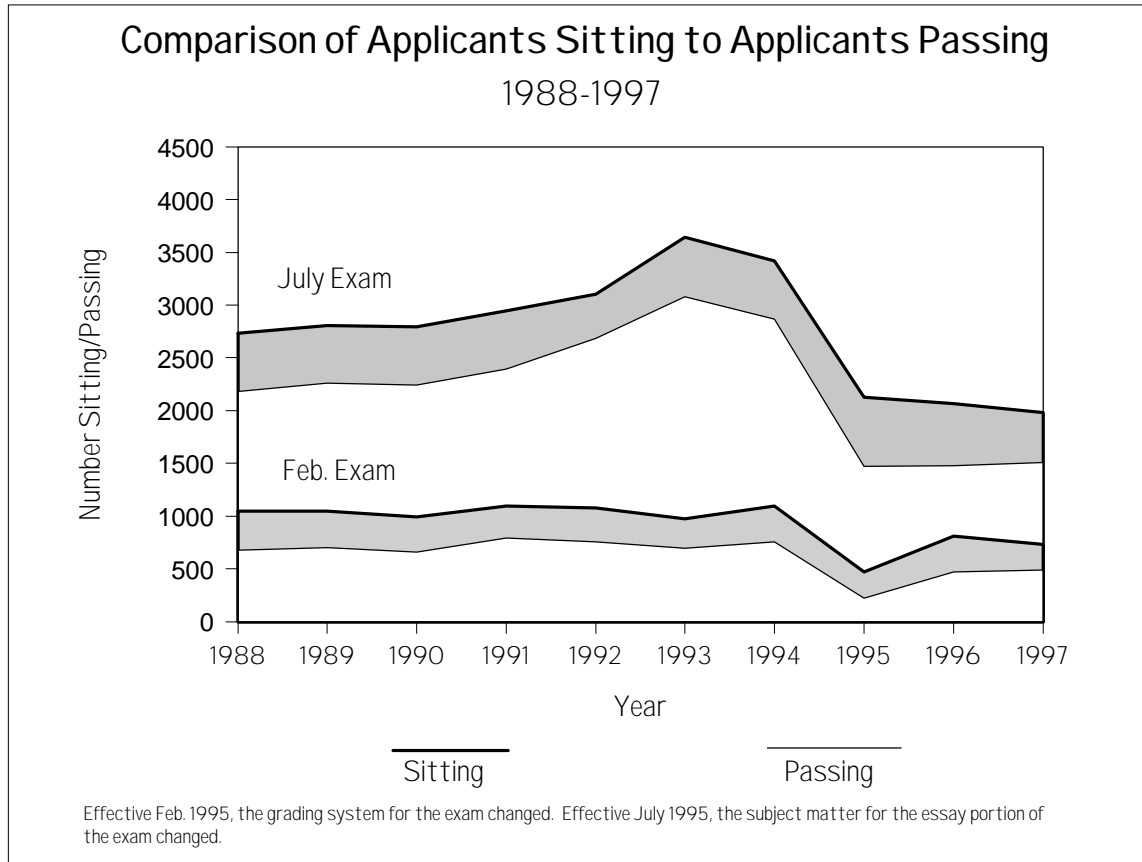


Table 3.2.3

1997 Membership:

Edwin L. Klett, Esq., *Chairman*
Donald J. Farage, Esq., *Vice Chairman+*
Rea Boylan Thomas, 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.
Robert A. Newman, Esq.++
William Pietragallo, II, Esq.+
Frank S. Poswistilo, Esq.+
Honorable Keith B. Quigley
Diane Barr Quinlin
Shanin Specter, Esq.
Paul H. Titus, Esq.
Honorable R. Stanton Wettick, Jr.+
Kevin H. Wright, Esq.++

Staff:

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

- * Term expired 1-1-98
- ** Resigned 6-98
- + Term expired 6-30-98
- ++ Appointed 6-30-98

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
e-mail 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. In 1997 membership was reduced from 18 lawyers and judges to 15 plus one *ex officio* member.

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

1997 Activities

The Civil Procedural Rules Committee held four meetings in 1997 as follows:

January	Pittsburgh
April	Philadelphia
June	Pittsburgh
September	Pittsburgh

In addition, a subcommittee met four times by conference call to develop proposed rules governing liens of verdicts and judgments and amendments to rules governing revival of judgments.

The committee continued to work on projects begun in prior years. Principal among these was Recommendation No. 142 relating to service of original process. In addition, the committee's 1997 agenda included such topics as technology as affecting civil procedure, court-annexed alternative dispute resolution techniques, minors as parties, juries and jurors, and 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

The Civil Procedural Rules Committee continues to publish electronically its proposed recommendations as well as those new rules and amendments promulgated by the Supreme Court and the schedule of amendments' effective dates. These publications can be found on the home page of the Administrative Office of Pennsylvania Courts at <http://www.courts.state.pa.us> under "Supreme Court Committees." Comments regarding the Web page or any of the amendments may be sent to the committee at cprc@courts.state.pa.us.

1997 Amendments to the Rules of Civil Procedure

The Supreme Court acted upon several committee recommendations in 1997, 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 No. 130: Voir Dire Added new Rule 220.1 specifying, as a minimum, the

information which the parties should be able to obtain through voir dire. The rule does not, however, require a particular manner of voir dire. Promulgated August 14, 1997, effective January 1, 1998.

Recommendation No. 131: Production of Documents and Things; Entry Upon Property Rescinds Rule 4009 governing production of documents and things and entry upon land and replaces it with a new chapter of rules, Rule 4009.1 *et seq.* The new chapter provides for two subchapters, one for each topic.

New Rule 4009.1 is derived from former Rule 4009(a) and contains general provisions describing production of documents and things. New Rules 4009.11 and 4009.12 provide a detailed procedure for requesting documents and things from a party. New Rules 4009.21 through 4009.27 contain a new procedure to subpoena documents and things from a person not a party to an action.

New Rule 4009.31 is also derived from present Rule 4009(a) and contains general provisions describing entry upon land. New Rule 4009.32 provides a procedure to request entry upon land of a party, and new Rule 4009.33 provides a motion procedure for entry upon land of a person not a party to an action.

Promulgated April 7, 1997, effective July 1, 1997.

Recommendation No. 134: Compulsory Arbitration Amends 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. The revision of subdivision (b) requires the admission into evidence of specified documents if the procedure of the rule is followed and broadens the categories of such evidence to include business and governmental records (subdivision (b)(1)(ii)) and expert reports and qualifications (subdivision (b)(1)(iv)).

New subdivision (b)(4) continued the prior practice that a party may subpoena for attendance at the hearing a person whose testimony is waived by the rule. A new sentence was added imposing on the party issuing the subpoena the payment of reasonable fees and costs of the person subpoenaed to testify, including a reasonable expert witness fee if applicable. This sentence evoked a dissenting statement by Mr. Justice Zappala, joined by Mr. Justice Castille.

Promulgated September 5, 1997, effective January 1, 1998.

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 continued 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 the 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 following rules governing the **abolition of special actions** were rescinded as obsolete: Rules 1480 and 3249 (attachment) and Rules 1481 and 3250 (arrest before and after judgment).

Promulgated March 5, 1997, effective July 1, 1997.

Recommendation No. 137: Discovery Broadens Rule 4011(c) to refer to Rules 4003.1 through 4003.6, thereby encompassing all of the concepts of those rules. The rule was previously incomplete since Rules 4003.1 through 4003.6 governing the scope of discovery refer to

other matters as well as privilege. Promulgated March 5, 1997, effective July 1, 1997.

Recommendation No. 139: Sheriff's Interpleader Continues the process of updating the rules of civil procedure in light of JARA. The rules affected by this recommendation, were Rules 3201 through 3216 governing sheriff's interpleader. Promulgated April 8, 1997, effective July 1, 1997.

Recommendation No. 140: Delay Damages and Post-Trial Practice Amendment to Rule 238(c)(3)(I) to prohibit the entry of judgment until disposition of a pending motion for delay damages by order of court has been made, by *praecipe* pursuant to revised Rule 238(c)(2) or by other resolution. Under Rule 227.4, a party may enter judgment upon a verdict or decision if a motion for post-trial relief is not decided within a 120-day period. One Court of Common Pleas ruled that the entry of judgment under Rule 227.4 prior to the disposition of an unop-posed motion for delay damages under Rule 238 precludes the award of such damages. Recommendation 140 was proposed to avoid this unintended result. Promulgated September 24, 1997, effective January 1, 1998.

Recommendation 140: Pre-Trial Practice Affects rules in three areas of civil procedure. Rule 1023 governing the signing of pleadings has been broadened to include other legal papers, to expand the certification by the signature that the document is submitted in good faith and to provide for sanctions for a bad faith violation of the rule. New Rules 212.1 and 212.2 have added mandatory provisions governing pre-trial proceedings in a civil action to be tried by jury. The new rules require the filing of a pre-trial statement and specify its content. New Rule 4003.7 places under the control of the court the discovery of information regarding net worth when there is a claim for punitive damages.

The recommendation came about when, on January 17, 1997, the Supreme Court suspended the procedural provisions of Act No. 135 of 1996 amending the Health Care Services

Malpractice Act. The Order of Suspension further directed the committee to consider certain matters contained in the suspended portions of the act.

Promulgated August 11, 1997, effective December 1, 1997.

Recommendations Published to Bench and Bar

Recommendation No. 142: Service of Original Process Proposes two major revisions to the rules of civil procedure governing service of original process. First, service could be made in all actions by a competent adult who is not a party as well as by the sheriff. In effect, the recommendation would extend throughout the Commonwealth the practice under Rule 400.1 which is presently limited to Philadelphia. Second, service by United States mail, presently of limited application under the rules, would be extended to all actions as well.

Recommendation No. 143: Physical and Medical Examination of Persons Proposes to amend Rule 4010 so that psychologists as well as physicians would be authorized to make examinations, and to provide certain protections to the parties facing examination. These protections include the right to have counsel or another representative present at the examination, the right to make a stenographic or audio recording of the examination, and a limitation upon the examiner's interrogation of the person to be examined.

In addition, proposed new Rule 4010.1 provides for an evaluation "by a suitably licensed or certified evaluator" when "the earning capacity of a party, or of a person in the custody or under the legal control of a party, is in controversy."

Recommendation No. 144: Pleading Proposes to amend Rules 1019 and 1033. Amendment to Rule 1019 would add new subdivision

(l) providing that "theories of negligence may be averred generally." Under this system of pleading, factual detail would be revealed in discovery proceedings.

Amendment to Rule 1033 proposes the addition of new subdivision (b), providing for the substitution of a party and the relation back of that substitution "to the date of the commencement of the action." The amendment would clarify two situations. First, new subdivision (b)(1) is directed solely to the instance when the wrong party has been sued and would allow substitution of the correct party under specified circumstances. Second, new subdivision (b)(2) provides for the substitution of the personal representative when the plaintiff unwittingly sues a defendant who is deceased or when the named defendant dies after the suit was commenced.

Recommendation No. 145: Rule 3101 et seq. (JARA Amendments) Recommendation No. 145 virtually completes the technical revision of the rules of civil procedure in light of JARA. The nature of the amendments is set forth under Recommendations Nos. 136 and 139 adopted by the Supreme Court during 1997 and discussed above.

Recommendation No. 146: Filing Copies; Service by Facsimile Transmission Adds new Rule 205.3 providing that parties may "file of record" with the prothonotary copies of documents which will thereafter be deemed originals in most instances. The copy must reveal the signature of the attorney or party and a verification, if applicable. A party may require that the original document be filed, especially when the authenticity of the document is questioned.

The note makes clear that the proposed rule is concerned with the filing of copies of documents and does not authorize the filing of documents by "fax."

In addition, proposed amendment of Rules 440 and 1035 provides for the service by "fax" of legal papers other than original process. The amended rules would permit, on a voluntary basis, the use of technology which now is encountered on a daily basis in virtually every law office.

Continuing Responsibilities

The Judicial Code and the JARA have provided the committee with the basis for much of its work since 1978. During 1997 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 and will finally come to an end with a review of Rule 3026 *et seq.* governing revival of judgments and Execution Rule 3104.

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.



Status of Recommendations		
Recommendation	Subject	Status
130	New Rule 220.1 governing voir dire	Promulgated 8-14-97, effective 1-1-98
131	New Rule 4009.1 et seq. governing production of documents and things and entry upon land	Promulgated 4-7-97, effective 7-1-97
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	Superseded by Recommendation 142
134	Amendment of Rule 1305 governing compulsory arbitration	Promulgated 9-5-97, effective 1-1-98
135	Promulgation of Rule 3276 et seq. governing deficiency judgments	Promulgated 12-6-96, effective 1-1-97
136	Technical amendment (JARA) of Rules 3001 through 3011 and Rules 3160 through 3190	Promulgated 3-5-97, effective 7-1-97
137	Amendment of Rule 4011 governing discovery	Promulgated 3-5-97, effective 7-1-97
138	Amendment of Rule 1303 governing compulsory arbitration	Pending before Court
139	Technical Amendment (JARA) of Rule 3201 et seq. governing sheriff's interpleader	Promulgated 4-8-97, effective 7-1-97
140	Amendment of Rule 238 governing damages for delay	Promulgated 9-24-97, effective 1-1-98
141	Promulgation of Rules 212.1, 212.2, 212.3 and 4003.7; amendment of Rule 1023	Promulgated 8-11-97, effective 12-1-97
142	Amendment of Rule 400 et seq. governing service of original process	Pending in committee

continued...

Table 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
143	Amendment of Rule 4010 governing physical and mental examination of persons; proposed Rule 4010.1 governing evaluation of earning capacity	Pending before Court
144	Amendment of Rule 1033 governing amendment of pleadings	Pending before Court
145	Technical Amendment (JARA) of Rule 3101 et seq. governing enforcement of judgments for the payment of money; amendment of the note to Rule 4009.22(a)	Pending before Court
146	New Rule 205.3 governing filing of copies; amendment of Rules 440 and 1025 to provide for service of legal papers by facsimile transmission	Pending before Court

Table 3.3.1, contd.

Committee

for

Proposed

Standard

Jury

Instructions

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

No report was submitted by the Committee for Proposed Standard Jury Instructions.

Pennsylvania

Continuing

Legal

Education

Board

1997 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.

Diane W. Perer, Esq.

Arthur L. Piccone, Esq.

Staff:

Karen K. Spicer, *Administrator*

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
e-mail pacleb@pacle.org
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 (PACLE) 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 and courses.

The board established the following goals early in its existence:

- create and maintain a credible and re-spected 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 of operations: Accreditation, Administration, Audit and Compliance. A description of each committee follows.

Compliance Deadlines/Requirements	
<u>Compliance Period Ending</u>	<u>Education Requirements</u>
Group One	
4-30-96	9 hours total, minimum 1 hour ethics
4-30-97	12 hours total, minimum 1 hour ethics
4-30-98	12 hours total, minimum 1 hour ethics
Group Two	
8-31-96	12 hours total, minimum 1 hour ethics
8-31-97	12 hours total, minimum 1 hour ethics
8-31-98	12 hours total, minimum 1 hour ethics
Group Three	
12-31-96	12 hours total, minimum 1 hour ethics
12-31-97	12 hours total, minimum 1 hour ethics
12-31-98	12 hours total, minimum 1 hour ethics

Chart 3.5.1

Accreditation Committee

The Accreditation Committee has three members: Thomas L. Cooper, Esq., chairman; Charles P. Gelso, Esq.; and Harold E. Kohn, Esq. Its duties include certification of providers and courses, CLE program standards, 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.; and Marvin S. Lieber, 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 oversees 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.

1997 Board Actions and Operations Highlights

The board met three times in 1997. As the rules and regulations stabilized, the administrative focus was on the completion of several major administrative initiatives that were started in the previous year.

The PACLE Internet site was enhanced to provide lawyers with a searchable course offering database. This program is an easy-to-use method of finding upcoming courses approved for CLE. The site also includes the Pennsylvania CLE Rules and Regulations, frequently asked questions and answers, forms, board member information, and links to CLE-related sites.

The provider training program was launched in early 1997. PACLE staff trained 54 providers seeking accreditation as well as several experienced providers with new staff.

In the fall of 1997, the PACLE Automated System for Accredited Providers (ASAP) was developed and tested by five accredited providers. ASAP is a software which automates course registration at the provider's site and enables course notices, evaluations and rosters to be electronically submitted to the PACLE office. The programs were developed for the mid- to small-size providers. With development completed the board plans to make ASAP available to other accredited providers in 1998.

Paperless processing of data from other high volume providers was also successfully implemented in 1997. PACLE can accept data electronically, according to specifications established, from providers with their own computer systems.

Attorney Compliance

Attorney compliance with CLE requirements remains exceptionally high, averaging


over 99%. Chart 3.5.2 below displays the compliance rate and the number of non-compliant lawyers whose names were reported to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

scheduled for the main compliance tracking system. A conference for accredited providers is planned for mid-year.

Looking Ahead to 1998

Plans for 1998 include upgrades to the telephone system and the information feature called Conversant. Lawyers can call in to listen, to request a fax on upcoming courses, or to obtain their current compliance year status. Some hardware and software upgrades are also

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 e-mail at pacleb@pacle.org. The board's Web site is located at www.pacle.org. 

Attorney Compliance				
Compliance Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates
Group 1				
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%
96-97 - April 97	17,804	17,639	165	99.1%
Group 2				
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	17,507	87	99.5%
96-97 - August 97	17,410	17,294	116	99.3%
Group 3				
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	17,430	112	99.4%
96-97 - December 97	17,582	*	*	*

*Information for this compliance period will be available after August 20, 1998.

Table 3.5.2

1997 Membership

Francis Barry McCarthy, Jr., Esq., *Chairman*
Honorable J. Michael Eakin, *Vice Chairman*
Honorable Tama Myers Clark*
Joseph P. Conti, Esq.
John L. Doherty, Esq.
Arthur T. Donato, Esq.
Susan R. Friedman, Esq.
Honorable Maureen Lally-Green
Honorable Thomas King Kistler
Paul S. Kuntz, Esq., *ex officio*
Kemal A. Mericli, Esq.
John P. Moses, Esq.
John W. Packel, Esq.
Francis Recchuiti, Esq.
Mary Benefield Seiverling, Esq.
Lenora M. Smith, Esq.
Michael W. Streily, Esq.
Stuart Brian Suss, Esq.
Joel P. Trigiani, Esq.

*Term expired 6-30-97

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

The 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. Each member's term is three years in length and members may serve a maximum of two full terms. During the first half of 1997, it included a Superior Court judge, one Common Pleas Court judge, the chief disciplinary counsel for the Disciplinary Board of the Supreme Court, five prosecutors, one assistant public defender, seven attorneys in private practice, two law professors and a district court administrator. With the implementation of the Court's new policy that the committee be composed of 15 members, no new member was appointed following the expiration of the term of Common Pleas Court judge Tama Myers Clark in June 1997.

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.

1997 Activities

The committee met every ten weeks in 1997. Its work involved an ongoing review of the 1996 amendments to the Post Conviction Relief Act and the new Capital Unitary Review Act and development of a recommendation to coordinate Chapter 1500 of the Criminal Rules with these statutory changes. In addition, the committee addressed a number of areas of criminal practice and procedure, including

- issues affecting the minor judiciary
- discovery

- preliminary hearings and other pretrial procedures
- sentencing proceedings
- issues related to post-sentence practice.

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.

The committee continued in 1997 to make presentations to the bench, the bar and others involved in the criminal justice system regarding recent changes in Pennsylvania's criminal procedures. At these presentations, the committee receives valuable input concerning Pennsylvania's criminal practice.

1997 Committee Action

The Supreme Court adopted a number of committee recommendations for rule changes in 1997. A number of other recommendations remained pending with the Court. These are described below. A chart indicating the status of the proposals and recommendations pending in 1997 can be found beginning on page 57.

Proposals Adopted by the Supreme Court

Recommendation No. 7, Criminal Rules 1995: New rule 85 and amendments to rules 75, 76, 83, 84 and 86 clarify the procedures in **summary cases** for the imposition of fines, costs and restitution; provide for notice of default before issuance of an arrest warrant; and clarify the appeals procedure. See *Final Report* at 27 Pa.B. 5414 (10-18-97) and 699 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 1995: New Rules 30, 31, 32 and 39. Establish procedures for handling **contempt** proceedings authorized by statute for the minor court judges.

See *Final Report* at 27 Pa.B. 5405 (10-18-97) and 699 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 1996: Chapter 1500 amendments implement the 1996 amendments to the **Post Conviction Relief Act**, 42 Pa.C.S., §§ 9541-9546, and fill in the gaps created by the suspension of the **Capital Unitary Review Act**, 42 Pa.C.S., §§ 9570-9579. See *Final Report* at 27 Pa.B. 4305 (8-23-97) and 697 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 1996: New Rule 1411 and related amendments to Rule 1410 provide the procedures for Commonwealth motions to modify **sentence** with a correlative revision of the Comment to Appellate Rule 1701(b)(3). See *Final Report* at 27 Pa.B. 4553 (9-6-97) and 698 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 11, Criminal Rules 1996: Amendments to Rules 75 and 84 clarifying the procedures for **summary trials in absentia** and the issuance of warrants of arrest in these cases. See *Final Report* at 27 Pa.B. 2117 (5-3-97) and 691 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 12, Criminal Rules 1996: Revisions to Rules 1403 and 1405 Comments necessitated by the legislation creating **Megan's Law** and defining repeat offenders. See *Final Report* at 27 Pa.B. 2121 (5-3-97) and 691 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 13, Criminal Rules 1996: Rule 51 Comment revision updating 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), *Commonwealth v. Kresge* (summary violations of Game and Wildlife Code), and *Commonwealth v. Geyer* (two summary offenses in the same criminal episode). See *Final Report* at 27 Pa.B. 2923 (6-21-97) and 693 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 14, Criminal Rules 1996: New Rules 87 and 88 provide procedures for the **withdrawal of charges** in summary cases comparable to the procedures in Rule 151 for withdrawals in court cases, and procedures for the **dismissal of charges** upon settlement or agreement in summary cases comparable to the procedures in Rule 145 for dismissals in court cases. See *Final Report* at 27 Pa.B. 2119 (5-3-97) and 691 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 1997: Amendments to Rule 149 clarifying that the **collection of fines, costs, and restitution** in a court case following a guilty plea and the **imposition of sentence** by a district justice is to be done in the Court of Common Pleas. See *Final Report* at 27 Pa.B. 4548 (9-6-97) and 697 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 3, Criminal Rules 1997: Rule 305 Comment revision deleting **obsolete references** to ABA Standards. See *Final Report* at 27 Pa.B. 3997 (8-9-97) and 696 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 4, Criminal Rules 1997: New Rule 1124A providing the procedures for raising a challenge to the weight of the **evidence** orally at the time of verdict or in a written motion after verdict. See *Final Report* at 27 Pa.B. 5599 (11-1-97) and 700 A.2d (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Note that most of the following recommendations were submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) either in the interests of justice, because exigent circumstances existed which warranted prompt action, or because the proposed changes are technical or perfunctory in nature.

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. Hightower*. See *Report* at 26 Pa.B. 2167 (5-11-96).

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).

Recommendation No. 2, Criminal Rules 1997: Proposed Rule 1410 Comment revision to clarify that the Rule 1410 **post-sentence procedures** do not apply in the context of appellate rule 1925(b).

Recommendation No. 5, Criminal Rules 1997: Proposed Rule 1405 Comment revisions would clarify that the defendant is to receive notice of his or her **appeal rights** following a trial *de novo* in the Court of Common Pleas, and would clarify that the **sentencing guideline forms** must be completed pursuant to statute.

Recommendation No. 6, Criminal Rules 1997: Proposed amendments to Rules 1500, 1507, 1508, and 1509 would provide for notice to a defendant of the PCRA **time limits** and **right to counsel**, would impose a time limit on the disposition of petitions in noncapital cases, and would provide for extensions of time.


Recommendation No. 7, Criminal Rules 1997: Proposed amendments to Chapter 100 establishing a uniform procedure for handling cases in which the **defendant fails to appear for the preliminary hearing**. See *Supplemental Report* at 26 Pa.B. 2307 (5-18-96).

Recommendation No. 8, Criminal Rules 1997: Proposed amendment to Rule 141 and revision of the Rule 83 Comment to clarify the procedures when **no attorney for the Commonwealth is present** at the summary trial or at the preliminary hearing.

Other Recommendations

The Court declined to adopt **Recommendation No. 15, Criminal Rules 1996**, which proposed amendments to Rule 1405 on **sentencing** to address the holding in *Commonwealth v. Thomas*, subsequently overturned by *Commonwealth v. Anders*.

Contact Person

Anyone wanting additional information about the Criminal Procedural Rules Committee or having questions about the Criminal Procedural Rules may contact the committee through its chief staff counsel, Anne Panfil, at (717) 795-2100 or writing in care of the committee to P.O. Box 1325; Doylestown, PA 18901. 

Status of Recommendations		
Recommendation	Subject	Status
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	Adopted 10-1-97, effective 10-1-98
8, 1995	New Rules 30, 31, 32, 39 establishing procedures for handling summary criminal contempt by the minor judiciary when authorized by statute	Adopted 10-1-97, effective 10-1-98
7, 1996	Amendments to Chapter 1500 aligning chapter with recent amendments to the Post Conviction Relief Act and the new Unitary Review Act	Adopted 8-11-98, effective immediately
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 <i>Commonwealth v. Hightower</i>	Submitted to Court 8-1-96; pending with Court
10, 1996	Amendments to Rule 1410 and new Rule 1411 providing procedures for Commonwealth motions to modify sentence	Adopted 8-22-97, effective 1-1-98
		continued...

Table 3.6.1

Status of Recommendations, continued

Recommendation	Subject	Status
11, 1996	Amendments to Rules 75 and 84 clarifying procedures for summary trials in absentia and issuance of arrest warrants in these cases	Adopted 4-18-97, effective 7-1-97
12, 1996	Revisions to Rules 1403 and 1405 Comments cross-referencing recent legislation concerning "Megan's Law" and repeat offenders	Adopted 4-18-97, effective immediately
13, 1996	Revision to Rule 51 Comment updating citation to Commonwealth v. Beatty, summary violations under the Vehicle Code	Adopted 6-6-97, effective immediately
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	Adopted 4-18-97, effective 7-1-97
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	Court declined to adopt
16, 1996	Amendments to Rules 71 and 81 clarifying the procedures related to collateral in summary cases	Submitted to Court 12-10-97; pending with Court
1, 1997	Amendments to Rule 149 clarifying that the collection of fines, costs, and restitution in a court case following a guilty plea and the imposition of sentence by a district justice is to be done in the Court of Common Pleas	Adopted 8-22-97, effective 1-1-98
3, 1997	Rule 305 Comment revision deleting obsolete references to ABA Standards	Approved 7-28-97, effective immediately
4, 1997	New Rule 1124A providing procedures for raising a challenge to the weight of the evidence orally at the time of verdict or in a written motion after verdict	Adopted 10-10-97, effective 1-1-98

continued...

Table 3.6.1, cont'd.

Status of Recommendations, continued

Recommendation	Subject	Status
5, 1997	Proposed Rule 1405 Comment revisions to clarify that the defendant is to receive notice of his or her appeal rights following a trial de novo in the Court of Common Pleas, and to clarify that the sentencing guideline forms must be completed pursuant to statute	Submitted to Court 4-25-97; still pending in Court
6, 1997	Proposed amendments to Rules 1500, 1507, 1508, and 1509 to provide for notice to a defendant of the PCRA time limits and right to counsel, to impose a time limit on the disposition of petitions in noncapital cases, and to provide for extensions of time	Submitted to Court 10-20-97; still pending in Court
7, 1997	Proposed amendments to Chapter 100 establishing a uniform procedure for handling cases in which the defendant fails to appear for the preliminary hearing	Submitted to Court 11-24-97; still pending in Court
8, 1997	Proposed amendment to Rule 141 and revision of Rule 83 Comment to clarify the procedures when no attorney for the Commonwealth is present at the summary trial or at the preliminary hearing	Submitted to Court 11-24-97; still pending in Court

Table 3.6.1, cont'd.

**Disciplinary
Board
of the
Supreme
Court**

1997 Membership:

Stephen T. Saltz, Esq., *Chairman*
Carolyn "Raven" Rudnitsky, *Vice Chairwoman*
Dean Mary Watson Carson
Alfred Marroletti, Esq.
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.
M. David Halpern, Esq.
John E. Iole, Esq.
Mark C. Schultz, Esq.
Mark A. Aronchick, Esq.
Christine L. Donohue, Esq.
Charles J. Cunningham, III, Esq.

Staff:

Elaine M. Bixler, *Executive Director & 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

The 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 1997, 51,620 active attorneys were registered in Pennsylvania, an increase of 0.16% over 1996.

During 1997, 5,031 complaints were filed with the Disciplinary Board, an average of 419 per month. Of these 5,031 plus the 1,259 complaints active at the start of the year, 5,242 complaints, or 83.34%, were disposed of, including 3,662 dismissed as "frivolous." At the start of 1998, 1,048 active complaints remained on hand.

1997 Activities

The board held seven meetings in 1997. The results of the executive sessions can be

found in Table 3.7.1 on page 63. 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 65. Comparisons of cumulative actions taken and actions taken in 1997 can be found in Chart 3.7.3 on page 67.

Rules Changes

The Supreme Court referred to the board four proposed rule changes which had been submitted to them by the Pennsylvania Bar Association. These included Rule of Professional Conduct (R.P.C.) 8.4, professional misconduct; R.P.C. 1.17, regarding client-lawyer relationship; R.P.C. 5.4, Professional Independence of a Lawyer; R.C.P. 5.6, Restrictions on Right to Practice; R.C.P. 7.2, advertising; and R.C.P. 4.2, Communication with Person Represented by Counsel.

In addition, the following amendments to the Disciplinary Board Rules and Procedures were made:

§ 89.279: Amendments regarding the continuing legal education courses that must be completed by a formerly admitted attorney before a **petition for reinstatement** is filed.

§§ 85.2, 91.171, 91.172, 93.142 and 93.25: Conforming amendments due to the Enforcement Rules changes relating to the establishment of the **Interest on Lawyer Trust Accounts program** and the officers of the Disciplinary Board.

§85.5: Amended to reflect the **new locations** of the Office of Disciplinary Counsel and disciplinary district offices.

§93.54: Amended to establish a ten-year **retention period** for correspondence, transcripts, briefs and other similar documents which underlie the final disposition of a matter by the board.

Finance & Pension Committee

In August 1997 the board determined to merge the Financial & Personnel Committee and the Pension Plan Committee into one committee, which was renamed the Finance & Pension Committee. This decision was made based on the fact that both the general assets and pension plan funds are administered through PNC Bank, although the general assets are managed by PNC in Camp Hill and the pension funds are managed by PNC in Pittsburgh. Having the same committee members receive and review the quarterly investment reports will better enable the board to compare the performance of its investments. The chair of the committee was authorized to meet quarterly with representatives of PNC Bank to review the board's investments and recommend changes to the portfolio based on economic growth and earnings in the previous quarter.

1997 Executive Session Results

<u>Action</u>	<u>Total</u>
Adjudications involving formal charges	73
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rule 208(a)(5) Pa. R.D.E.]	37
Respondents appearing before board to receive private reprimands	36
Oral arguments before three-member panels of board members	12
Board referrals to Supreme Court, including report and recommendation for public discipline	43
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	30
Supreme Court orders reinstating previously disbarred or suspended attorneys*	16
Supreme Court denials for reinstatement	2
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

Education Committee

In the early part of 1997, 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. The board believes this is a worthy program and should be pursued in the future.

December 1996, the District II Office moved from Norristown to Blue Bell. Finally, in February 1997, the Chief Disciplinary Counsel's office was moved from the Union Trust Building to One Oxford Centre in Pittsburgh. All of these moves were essential due to staff increases.

Office Moves

In August 1996 the board moved its District I Office from the North American Building to Seven Penn Center in Philadelphia. In


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.

Since April 1994, when the Pa.R.D.E. were amended to permit the use of alternate hearing committee members, 30 alternates have been appointed to replace regular members who were unable to participate in those hearings.

The Disciplinary Board conducted a training session for newly appointed hearing committee members in August 1997, in which 21 of the 30 newly appointed members participated.

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. 

Disciplinary Board Actions: 1973-1992

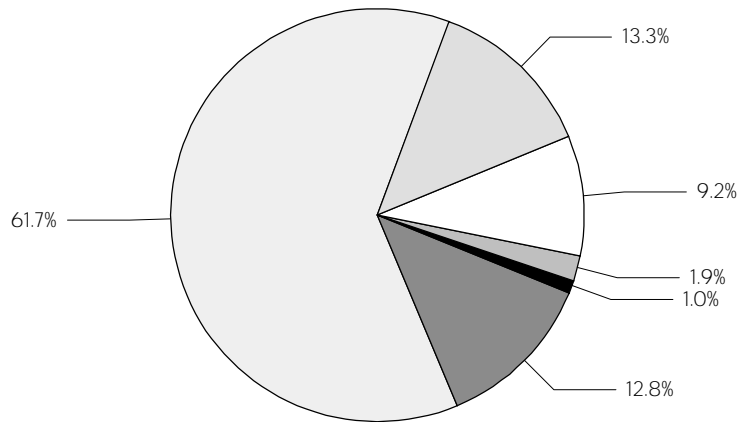
	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	
Disciplinary Cases																					
Informal Admonition	37	55	95	81	96	102	121	98	113	156	137	125	123	101	110	106	123	98	115	82	
Private Reprimand	0	7	8	9	7	14	5	5	4	6	9	21	19	27	17	25	31	26	46	42	
Probation	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1	7
Public Censure	0	2	5	8	10	7	6	1	1	2	6	1	3	2	3	0	2	1	4	1	
Suspension	3	12	12	8	10	13	17	8	17	12	7	7	16	5	10	17	17	18	10	20	
Disbarment	3	4	6	5	13	6	12	12	21	33	24	21	16	29	23	32	18	26	27	38	
TOTAL	43	80	126	111	138	143	161	124	156	209	183	175	177	164	163	180	191	170	203	190	
Reinstatement Cases																					
Petitions Granted	1	2	2	3	3	4	2	6	42	21	22	25	21	17	24	34	27	34	35	27	
Petitions Denied	1	2	2	0	0	3	1	5	4	0	0	2	0	2	1	1	0	1	0	1	
TOTAL	2	4	4	3	3	7	3	11	46	21	22	27	21	19	25	36	27	35	35	28	

Disciplinary Board Actions: 1993-97

Disciplinary Cases	1993	1994	1995	1996	1997	Total
Informal Admonition	85	75	74	70	106	2,464
Private Reprimand	30	41	48	31	46	514
Probation	5	5	7	3	8	40
Public Censure	0	1	6	3	3	78
Suspension	12	23	26	37	33*	370
Disbarment	20	32	35	41	40+	537
TOTAL	152	177	196	185	236	4,023
Reinstatement Cases						
Petitions Granted	29	24	44	31	35#	515
Petitions Denied	1	0	1	0	2	30
TOTAL	30	24	45	31		545
<p>* 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.).</p> <p>+ This figure includes 30 disbarments on consent (Rule 215 Pa.R.D.E.).</p> <p># 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.</p>						

Disciplinary Board Actions Comparisons

1973-1997



1997

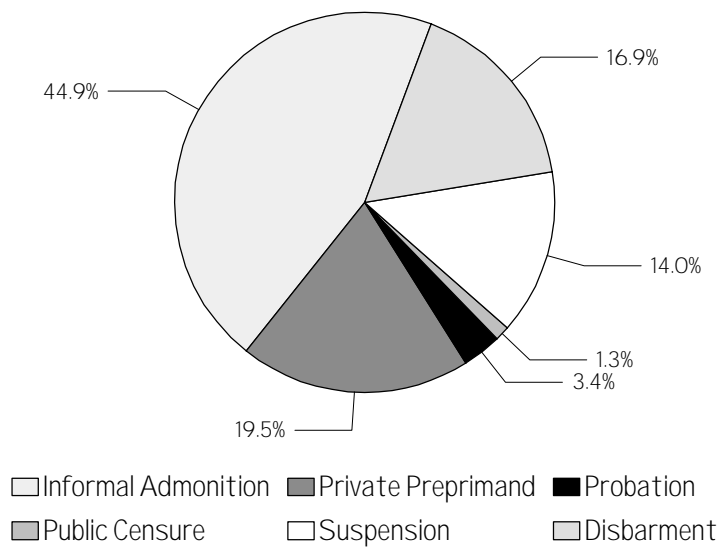


Table 3.7.3

**Domestic
Relations
Procedural
Rules
Committee**

1997 Membership:

Honorable Max Baer, *Chairman*
Mark M. Dalton
Gary G. Gentile, Esq.
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Paul P. Panepinto
David S. Rasner, Esq.
Leslie Silverman Tabas, Esq.
Honorable Jeannine Turgeon
Joanne Ross Wilder, Esq.

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
e-mail spaul@.court.state.
pa.us.

History/Background

Established by order of the Supreme Court on June 30, 1987, the Domestic Relations Procedural Rules 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 state-wide standardization of practice, streamlining procedure and encouraging the expeditious disposition of domestic relations matters.

The Domestic Relations Procedural Rules 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.

1997 Activities

The committee met three times in 1997 to consider lengthy agendas. It spent a significant amount of time conducting the mandatory four-year review of the support guidelines and proposed extensive changes to the guidelines, including updating the levels of child support, reorganizing the support guidelines, and providing for calculating support in the context of shared custody and multiple families.

The committee also proposed new mediation guidelines for divorce and custody cases, including minimum qualifications for mediators to ensure quality court-connected mediation programs.

After extensive consultation with police officers, court representatives and domestic violence advocates, the committee completed the revisions to the protection from abuse procedures, which included the development of standard form petitions and orders.

The staff attended conferences and seminars in order to present information relating to domestic relations rules and to 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.

1997 Recommendations

The following recommendations were pending either with the Court or the committee during 1997. Numbers are assigned in the order in which each is submitted for publication. A chart listing the statuses of the recommendations are set forth in Table 3.8.1 on page 72.

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. Approved by the Court; effective 7-1-97.

Recommendation 41: Proposes to amend Rules 1910.9, 1910.11, 1910.12, 1915.5, 1920.91 and 4001; rescind Rule 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. Approved by the Court; effective 7-1-97.

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. Approved by the Court; effective 7-1-97.

Recommendation 45: 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. Approved by the Court; effective 7-1-98.

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.

Recommendation 47: Proposes to add Rules 1940.1 through 1940.10 governing voluntary **mediation programs** for divorce and custody. Published 9-6-97; pending in committee.


Recommendation 48: Proposes to amend Rules 1910.16-1 through 1910.16-5, and to add Rules 1910.16-6 and 1910.16-7 relating to the **support guidelines**. To be published 3-98.

Plans for 1997

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 procedures for implementation of Act 58-1998 relating to the expedited enforcement of child support.

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 1997		
Recommendation	Subject	Status
40	Expedited paternity procedures	Published 12-9-95; effective 7-1-97
41	Discovery	Published 4-20-96; effective 7-1-97
42	Protection from abuse procedures	Published 5-24-96; withdrawn
43	Omnibus divorce rules	Published 6-29-96; effective 7-1-97
44	Venue in support actions	Published 8-3-96; withdrawn
45	Revised protection from abuse	Published 2-8-97; effective 7-1-98
46	Revised venue in support actions	Published 2-8-97; pending in committee
47	Mediation guidelines	Published 9-6-97; pending in committee
48	Revised support guidelines	To be published in 1998

Table 3.8.1

**Interest
on
Lawyers
Trust
Account
Board**

1997 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, 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. Statistics for the fund's first year, however, show that the fund nearly doubled its revenues to about \$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**

1997 Membership:

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

Staff:

David S. Price, 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

District Court 11-1-04
35 Broad Street
Pittston, PA 18640
(717) 655-0552

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.

1997 Activities

Throughout 1997 the committee considered many requests for rules changes. The following is to an overview of some of the rule changes that the committee is contemplating:

- Proposed Rule 113 would allow a district justice to use a **facsimile signature** in lieu of an original signature on certain documents. This would allow district justices to use signature stamps instead of their original signatures for routine clerical functions.
- The committee is reviewing a possible change to Rule 317 to allow for **individuals to be subpoenaed** to produce documents and/or items which are in their possession and/or under their control.
- The committee made a recommendation to the Court to adopt an amendment to the Note to Rule 1002 that would clarify the period a party may appeal from the money portion of

a judgment and/or an order of possession, in a landlord/tenant judgment involving a **residential lease**. This review was prompted by the decision of the Superior Court in *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa.Super. 1997).

- The committee is reviewing a proposal to amend Rule 402(d) to state that a **district justice's judgment** may be entered in the Court of Common Pleas after 30 days from the date the judgment is entered by the district justice, but no later than five years after the judgment is entered by the district justice. Moreover, a district justice's judgment could not be renewed or revived.
- Other issues the committee is considering are possible amendments to Rule 1104 regarding **appeal periods** in matters involving a cross-complaint and an amendment to Rule 313 involving **service of a complaint** outside of the Commonwealth.

Looking Ahead to 1998

The committee expects to make a recommendation to the Court to adopt the proposed facsimile signature rule, Rule 113, as well as the changes to Rule 317 regarding document subpoenas. In addition, the committee plans to review the Protection of Abuse Rules and to further review Rule 1002 (Time and Method of Appeal).

Contact Person

Anyone wishing to contact the Minor Court Rules Committee may call the chairman, District Justice Fred A. Pierantoni, III, at (717) 655-0552 or write to him at District Court 11-1-04; 35 Broad Street; Pittston, PA 18640.



Minor

Judiciary

Education

Board

1997 Membership:

Honorable Sherwood R. Grigg, *Chairman*
Harvey Freedenberg, Esq., *Vice Chairman*
Terry R. Marolt, *Secretary*
Honorable James J. Dwyer, III, *Treasurer*
Gregory E. Dunlap, Esq.
Michael Cibik, Esq.
Honorable Daniel B. Garber

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

Article 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.

1997 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
- Pennsylvania Crimes Code

Continuing education for the Commonwealth'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
- Alliance for the Mentally Ill of Pennsylvania
- consumer protection law

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

- Alliance for the Mentally Ill of Pennsylvania
- criminal law review
- arrest, search and seizure
- Pennsylvania Coalition against Rape

The orientation course for new district justices included:

- human behavior (two days)
- district justice practice
- sexual assault training
- Pennsylvania game law
- Americans with Disabilities Act

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

- procedural rules review
- Alliance for the Mentally Ill of Pennsylvania
- stress management and human behavior
- Pennsylvania Motor Vehicle Code review and update

The Minor Judiciary Education Board provided continuing education to 644 individuals; certification classes to 51 prospective district justices, three prospective Philadelphia Traffic Court judges and one prospective Philadelphia Bail Commissioner; one certification

update candidate; and continuing legal education credits to 61 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**

1997 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.

1997 Activities

The committee met two times in 1997, in July and December.

Among the action taken in 1997, the committee reviewed and prepared with the Appellate Court Procedural Rules Committee a joint recommendation revising Rules 7.1 and 7.3 together with Pa.R.A.P. 341. The committee had previously submitted to the Supreme Court rule amendments regarding intestate heirs, Rule 5.6 and proposed Rule 5.7, and incapacitated persons, Rule 14.

1998 Plans

The committee continues to review informal caveat procedures and the advisability

of retaining this practice. In addition, the issue of the docketing and service of orphans' court orders will be reviewed. Also of interest is the concept of uniform probate forms. Notarization of disclaimers will also be addressed. Notice will be taken of the Adoption Safe Families Act, 42 Pa.C.S., § 6302, 6351(a)(2)(iii). The committee looks forward to finalizing its joint recommendation with the Appellate Court Procedural Rules Committee governing 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
fax: (412) 350-3128

Dean R. Phillips, Esq., Counsel
300 North Pottstown Pike, Suite 150
Exton, Pennsylvania 19341
telephone: (610) 524-5892
fax: (215) 524-5891.



Pennsylvania

Lawyers

Fund

for

Client

Security

1997 Membership:

Evans Rose, Jr., Esq., *Chairman**
Richard A. Zappala, *Vice Chairman, Treasurer/Chairman***
Robert L. Capoferri, *Vice Chairman+*
Carl E. Esser, Esq.
George J. Amonitti, M.D.
William V. Lamb, Esq.
Paul S. Diamond, Esq.
Stuart D. Fiel, Esq.
Bernard W. Smalley, Sr.

Staff:

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

- * 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.

1997 Claims Statistics

Statistics for the 1996-97 and 1997-98 fiscal years can be found in Table 3.13.1.

The fund received 364 claims alleging a loss of \$10,124,231 during FY 1996-97*, the highest number ever received, and 205 claims alleging a loss of \$5,425,944 in FY 1997-98. Charts 3.13.2* and 3.13.3* on pages 89 and 90 are a breakdown of amounts claimed by category. Charts 3.13.4* and 3.13.5* on page 91 give comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.13.6* on page 92 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 1997-98.

*Note: These figures do not include an extraordinary event in which one attorney misappropriated the settlement proceeds from a class action asbestos suit. To do so would have given the statistics a distorted, unrealistic slant. For an explanation of the incident, see Extraordinary Events under Claims Categories.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
1996-97*		
Awarded	131	\$1,456,860
Rejected	76	12,814,040
Discontinued	27	231,931
Pending	293	
1997-98*		
Awarded	205	\$2,317,071
Rejected	86	1,880,204
Discontinued	50	890,074
Pending	157	

*These figures do not include the claims arising from an extraordinary event in which one attorney misappropriated the proceeds of an asbestos litigation settlement. Doing so would have given the figures a distorted, unrealistic slant. See Extraordinary Events under Claims Categories for an explanation of the incident.

Table 3.13.1

Claims Categories

Extraordinary Events - The fund experienced two extraordinary events during 1996-97, which resulted in an increase in the annual assessment from \$45 to \$70 for the 1997-98 fiscal year.

The first incident involved the actions of one attorney and resulted in approximately 100 claims. Of these 100 claims, 82 awards totaling \$1,131,461 were made in 1997-98. The fund will recover a portion of these funds as a result of a settlement reached in a constructive trust claim. See Restitution and Subrogation Efforts.

The second incident involved the misappropriation by one attorney of settlement proceeds in a class action asbestos lawsuit. The claim included potentially 966 claimants and more than \$1.5 million in aggregate awards. The fund, with assistance from bankruptcy court, eventually awarded \$1,529,569 to 730 claimants in 1996-97 and \$164,404 to 74

claimants in 1997-98. Including these figures in the statistics would have resulted in the fund having received 1,330 claims in 1996-97 and awarding \$2,986,429 to 861 claimants. Lawsuit Settlement Proceeds would have been the largest payout category with an aggregate total payout of \$1,657,566.

Efforts are still being made to locate approximately 150 potential claimants who may be owed an aggregate award of approximately \$360,000.

Fiduciary funds - After adjustment for extraordinary events, theft of estate funds and trust/escrow funds consistently tops the list of claims filed against attorneys. Combined, these two types of theft during FY 1996-97 cost the fund \$1,003,685, or 68.9%, of total award dollars. In FY 1997-98 they cost the fund \$1,690,336, or 72.95%, of total award dollars. Fifty-three claims in 1996-97 and 95 claims in 1997-98 were paid alleging attorney theft from estate or trust/escrow monies.

Fraud and deceit - Although only three claims in this category were paid during 1996-97, this category ranked as the second highest in award dollars during this fiscal year, with \$150,000, 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 - Claims of misappropriation of settlement proceeds often occur when an attorney settles a lawsuit without the knowledge or consent of the client. The attorney receives the funds and fails to remit them to the client. Also included in this category are claims involving attorneys who withhold funds

from settlement proceeds to pay clients' medical providers and fail to make the payment/s. Payment of \$198,115 to 18 claimants fitting this category were made in 1997-98.

Non-Performance - The acceptance of unearned fees or retainers represented the third highest payment category in both 1996-97 and 1997-98, with \$140,219 being paid to 52 claimants in the former and \$170,133 being paid to 75 claimants in the latter.

The fund has no jurisdiction over fee disputes. Claims of this nature must usually go through a county fee dispute process. If the Fee Disputes Committee determines that all or part of the fees or retainer paid were not earned and the attorney does not return them, the board will then consider the claim.

It should be noted that claims are filed against less than one-half of one percent of Pennsylvania's licensed attorneys.

1997 Activities

The board met in Philadelphia, Wilkes-Barre, Pittsburgh and Harrisburg in FY 1996-97 and in Philadelphia, Johnstown, Pittsburgh and Mechanicsburg in FY 1997-98.

The board continued to make educating the legal community about the fund a high priority in 1997-98. This included hosting dinners on the eves of board meetings for the judiciary and bar leaders in and around the counties in which the board meets.

Restitution and Subrogation Efforts

In 1996-97 the fund doubled the amount of funds recovered through direct restitution payments, from \$26,493 in FY 1995-96 to \$52,260. In 1997-98 it received \$434,054, including a \$300,000 payment from the constructive trust mentioned under Extraordinary

Events. This \$300,000 payment is a 78% recovery of the awards paid by the fund.

Shortly before the end of the 1997-98 fiscal year, the fund reached a settlement against another constructive trust. Proceeds of \$600,000, approximately one-half of the total awarded, will be paid to the fund in 1998-99.

Mandatory Overdraft Notification

Pennsylvania Rules of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 1996-97 the fund received 168 overdraft notices, 140 of which were reviewed and dismissed and 28 of which were referred to the Office of Disciplinary Counsel (ODC). In 1997-98, 150 notices were received, of which 146 were dismissed and four were referred to the ODC.

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 (1983, 1986-89, 1991, 1993-1998)
- Cambria County (1998)
- Center County (1995)
- Chester County (1990)
- Cumberland County (1998)

- Dauphin County (1984-85, 1989, 1991, 1993, 1996, 1997)
- Delaware County (1994, 1997)
- Erie County (1989, 1992, 1994)
- Fayette County (1992)
- Lackawanna County (1990)
- Lancaster County (1990)
- Lehigh County (1989)
- Luzerne County (1996)
- Monroe County (1992)
- Northampton County (1994)
- Philadelphia County (1982-88, 1990-93, 1995-96)

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 FY 1996-97 \$69,344 of funding was given to the organization known as Lawyers Concerned for Lawyers. In FY 1997-98, the fund gave \$93,950 to the organization.

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. 

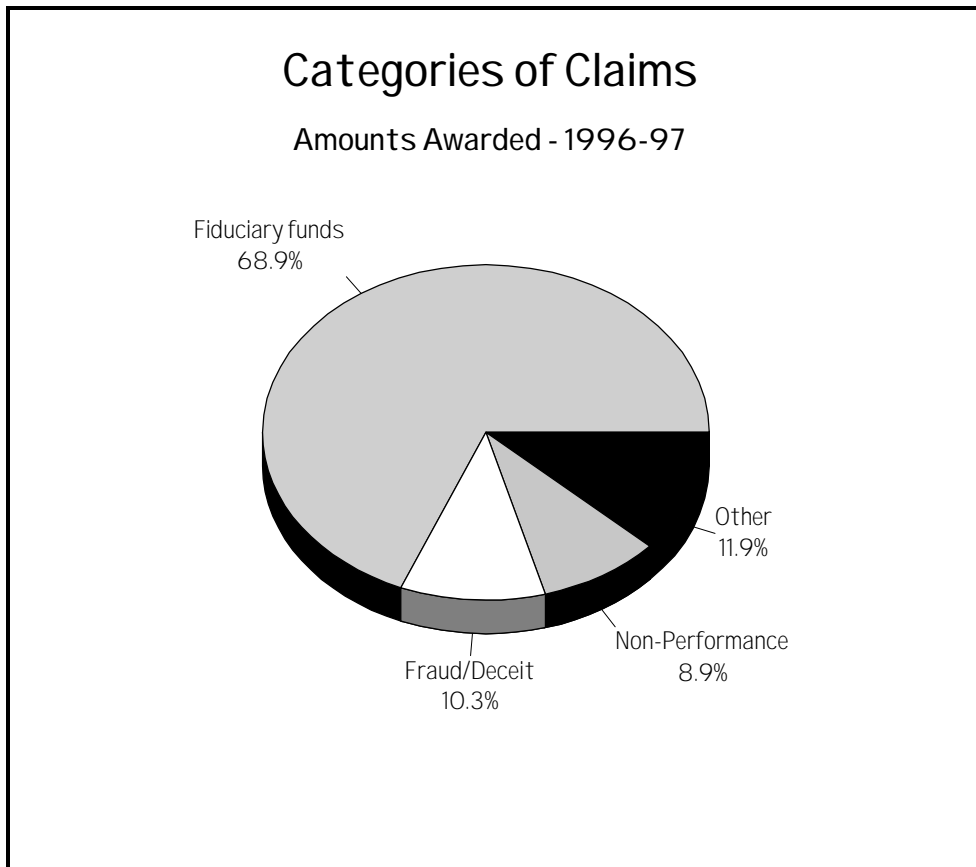


Table 3.13.2

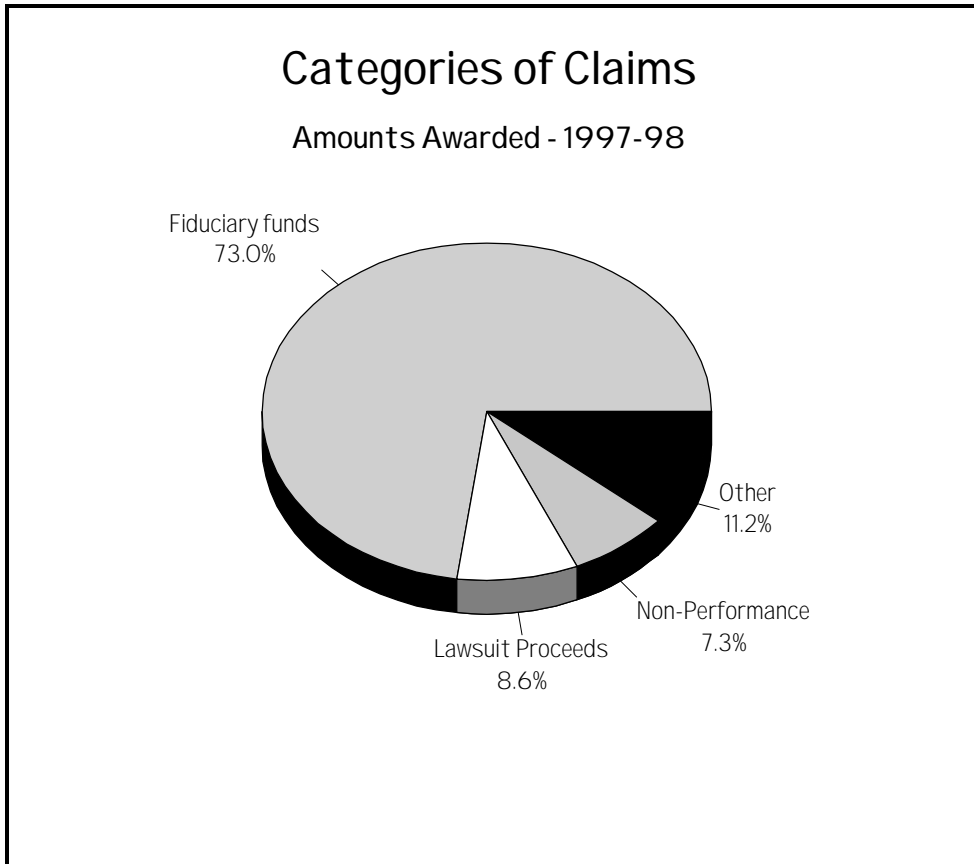


Table 3.13.3

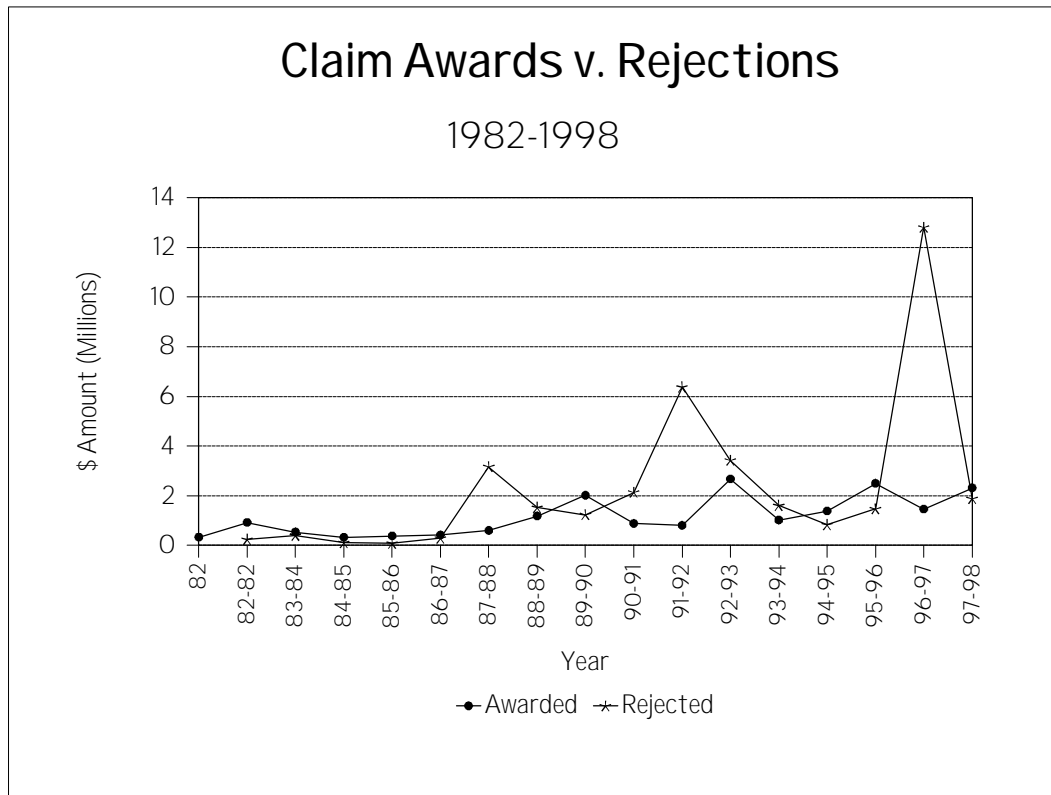


Chart 3.13.4

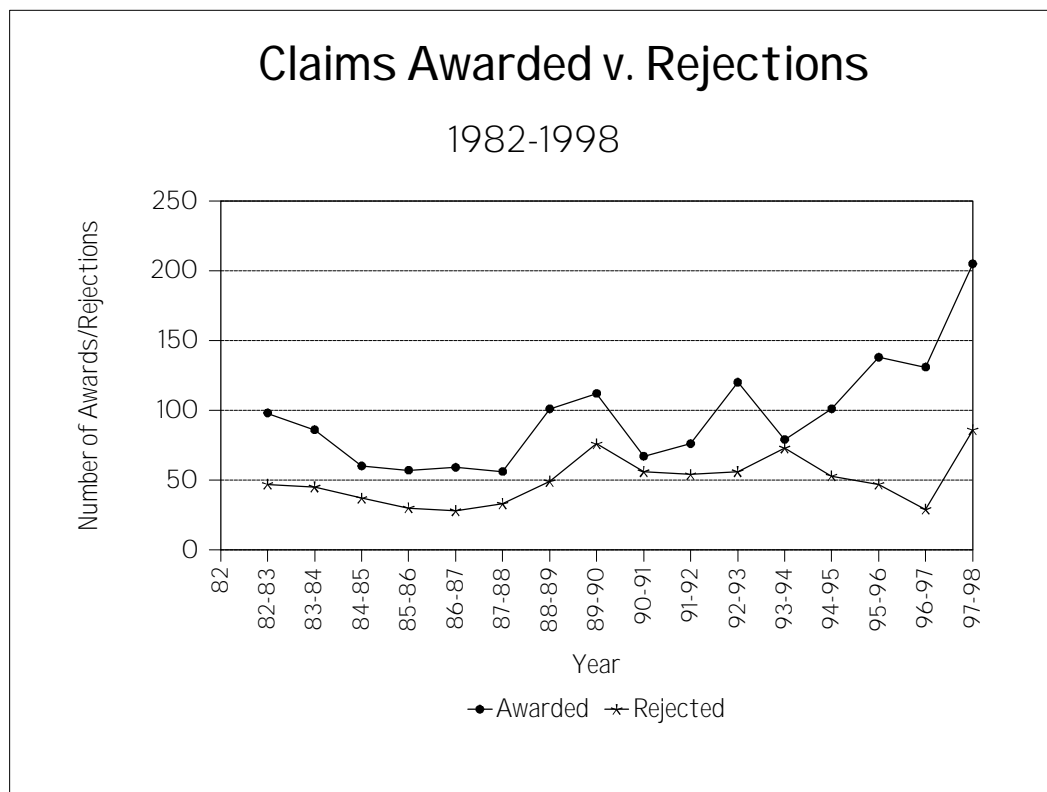
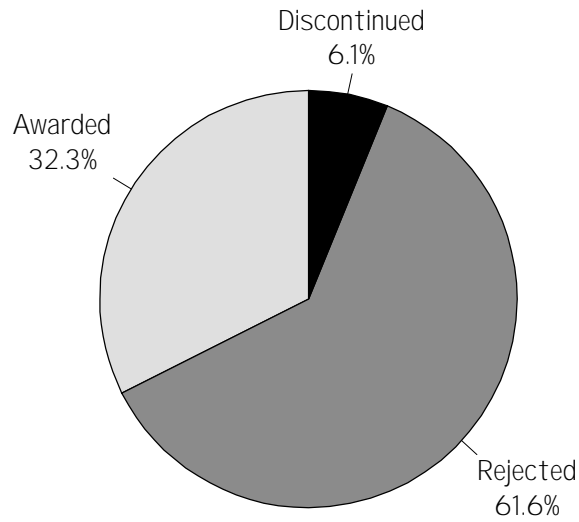


Chart 3.13.5

Comparison of Claim Dispositions

1982-1998



1997-98

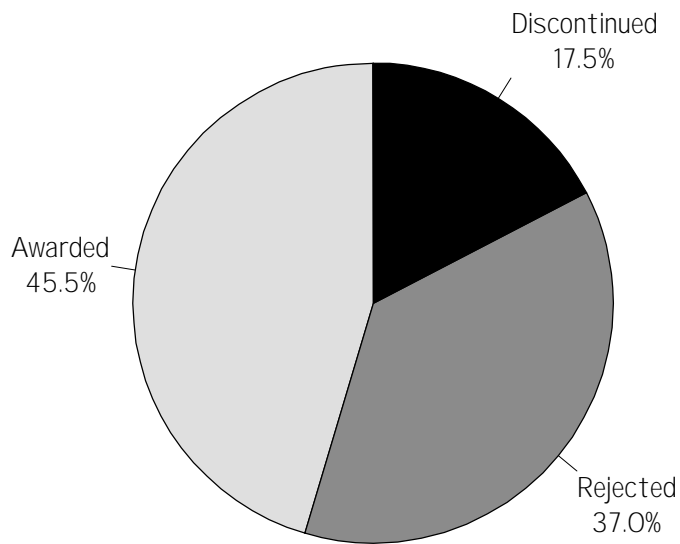


Table 3.13.6



Funding 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 1997-1998.

Of the total state government expenditures for fiscal year 1997-98, *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 1997-98.

**Court
Finances -
Fiscal
Year
1997-1998**

No funding was provided for the district justice reimbursement grant in FY 1997-98. 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 1997-98.

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 1997-98 in the amount of \$5.475 million.

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 found in Table 4.4 on page 99, which lists fees 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. 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

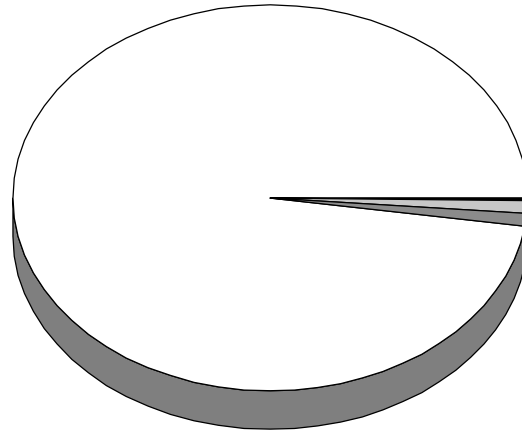
APPROPRIATION	1997-98 (thousands)
Supreme Court	\$9,101
Justice Expenses*	180
Office of Legal Systems	192
Civil Procedural Rules Committee	326
Criminal Procedural Rules Committee	332
Domestic Relations Committee*	133
Superior Court	18,821
Judges' Expenses	237
Commonwealth Court	11,403
Judges' Expenses	143
Court Security	200
Court Administrator	5,077
Study Unified Judiciary	1,357
Statewide Judicial Computer System**	7,000
Integrated Criminal Justice System	342
Court of Common Pleas	51,608
Common Pleas Senior Judges	3,325
Common Pleas Judicial Education	498
District Justices*	41,739
District Justice Education	499
Philadelphia Traffic Court*	653
Philadelphia Municipal Court*	4,134
Philadelphia Law Clerks	39
Domestic Violence	200
Pittsburgh Magistrates Court	5,475
Juror Cost Reimbursement	1,469
County Court Reimbursement	29,071
Judicial Conduct Board	866
Court of Judicial Discipline	360
TOTAL	\$194,780

* As authorized by Act 4A of 1997 funds were transferred from other judiciary appropriations and made available to the Statewide Judicial Computer System as a miscellaneous augmentation for use in FY 1998-99 in the following amounts: Supreme Court Justice Expenses - \$60,000; District Justices - \$1,332,000; Philadelphia Traffic Court - \$117,000; and Philadelphia Municipal Court - \$366,000, for a total of \$1,875,000. 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 \$3,014,000 in augmentations which represented funds transferred from various FY 1996-97 judiciary appropriations: \$14,397 derived from fees charged to users for information generated by the District Justice System; and \$100,146 derived from augmentations mandated by Act 119 of 1996 (Jen and Dave's Law). The total amount available to the Judicial Computer Project in FY 1997-98 was \$10,128,543.

Table 4.1

Pennsylvania Government FY 1997-98 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.84%
- Legislative Branch - .59%
- Judicial Branch - .48%
- County Reimbursement for Courts - .09%

Totals shown exclude capital budget.

NOTE: The Governor's budget showed FY 1997-98 funds available to the judiciary as \$198,589,000. Actual total available funds were \$198,833,000. The state total operating expenditure shown here was adjusted upward to reflect this difference.

Source: FY 1998-1999 Governor's Recommended Budget

Table 4.2

**COUNTY REIMBURSEMENTS FOR COURTS
FY 1997-98**

COUNTY	JUROR COST	DISTRICT JUSTICE	COUNTY COURT	TOTAL
Adams	\$3,527.96	0.00	140,000.00	\$143,527.96
Allegheny	177,319.15	0.00	2,870,000.00	3,047,319.15
Armstrong	3,519.66	0.00	140,000.00	143,519.66
Beaver	12,980.95	0.00	350,000.00	362,980.95
Bedford	4,030.53	0.00	70,000.00	74,030.53
Berks	11,293.50	0.00	700,000.00	711,293.50
Blair	10,561.17	0.00	280,000.00	290,561.17
Bradford	0.00	0.00	140,000.00	140,000.00
Bucks	33,267.97	0.00	770,000.00	803,267.97
Butler	14,408.52	0.00	280,000.00	294,408.52
Cambria	365.41	0.00	350,000.00	350,365.41
Cameron	0.00	0.00	9,800.00	9,800.00
Carbon	312.64	0.00	140,000.00	140,312.64
Centre	1,796.85	0.00	140,000.00	141,796.85
Chester	9,837.06	0.00	630,000.00	639,837.06
Clarion	2,536.49	0.00	70,000.00	72,536.49
Clearfield	1,771.37	0.00	140,000.00	141,771.37
Clinton	733.18	0.00	140,000.00	140,733.18
Columbia	96.32	0.00	109,200.00	109,296.32
Crawford	4,220.18	0.00	140,000.00	144,220.18
Cumberland	11,567.06	0.00	350,000.00	361,567.06
Dauphin	63,356.61	0.00	490,000.00	553,356.61
Delaware	39,248.13	0.00	1,120,000.00	1,159,248.13
Elk	1,339.52	0.00	60,200.00	61,539.52
Erie	9,289.38	0.00	560,000.00	569,289.38
Fayette	14,946.62	0.00	350,000.00	364,946.62
Forest	0.00	0.00	7,000.00	7,000.00
Franklin	3,100.42	0.00	189,000.00	192,100.42
Fulton	322.98	0.00	21,000.00	21,322.98
Greene	9,558.53	0.00	70,000.00	79,558.53
Huntingdon	197.54	0.00	70,000.00	70,197.54
Indiana	815.49	0.00	140,000.00	140,815.49
Jefferson	1,331.46	0.00	70,000.00	71,331.46
Juniata	0.00	0.00	46,200.00	46,200.00
Lackawanna	17,522.24	0.00	420,000.00	437,522.24
Lancaster	15,434.72	0.00	630,000.00	645,434.72
Lawrence	13,930.56	0.00	210,000.00	223,930.56
Lebanon	2,593.36	0.00	210,000.00	212,593.36
Lehigh	19,059.66	0.00	560,000.00	579,059.66
Luzerne	29,161.52	0.00	560,000.00	589,161.52
Lycoming	11,418.88	0.00	280,000.00	291,418.88
McKean	340.11	0.00	70,000.00	70,340.11
Mercer	9,189.63	0.00	210,000.00	219,189.63
Mifflin	321.89	0.00	70,000.00	70,321.89
Monroe	6,017.57	0.00	280,000.00	286,017.57
Montgomery	52,503.54	0.00	1,120,000.00	1,172,503.54

Table 4.3

**COUNTY REIMBURSEMENTS FOR COURTS
FY 1997-98**

COUNTY	JUROR COST	DISTRICT JUSTICE	COUNTY COURT	TOTAL
Montour	0.00	0.00	30,800.00	30,800.00
Northampton	13,207.36	0.00	420,000.00	433,207.36
Northumberland	788.00	0.00	140,000.00	140,788.00
Perry	528.82	0.00	93,800.00	94,328.82
Philadelphia	562,600.00	0.00	9,750,316.00	10,312,916.00
Pike	303.38	0.00	70,000.00	70,303.38
Potter	1,643.09	0.00	70,000.00	71,643.09
Schuylkill	6,762.76	0.00	350,000.00	356,762.76
Snyder	462.68	0.00	70,000.00	70,462.68
Somerset	2,511.25	0.00	140,000.00	142,511.25
Sullivan	0.00	0.00	12,600.00	12,600.00
Susquehanna	9,415.27	0.00	70,000.00	79,415.27
Tioga	0.00	0.00	70,000.00	70,000.00
Union	222.85	0.00	70,000.00	70,222.85
Venango	3,994.89	0.00	70,000.00	73,994.89
Warren	1,124.99	0.00	63,000.00	64,124.99
Washington	17,754.75	0.00	350,000.00	367,754.75
Wayne	186.80	0.00	70,000.00	70,186.80
Westmoreland	16,828.00	0.00	700,000.00	716,828.00
Wyoming	263.94	0.00	57,400.00	57,663.94
York	35,624.72	0.00	630,000.00	665,624.72
TOTAL	\$1,299,369.88	\$0.00	\$29,070,316.00	\$30,369,685.88

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 1997-98. 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 1997-98, 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.

Table 4.3, cont'd.

FEEES THAT SUPPORT STATE OPERATIONS

APPROPRIATION	1997-98 (thousands)
Supreme Court	\$332
PA Board of Law Examiners	1,268
Judicial Computer System*	115
Superior Court	282
Commonwealth Court	246
District Justice Education	57
Court Administrator	3
TOTAL	\$2,308

*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$100,146 to support the "Jen/Dave" functions during FY 1997-98.

Table 4.4

Supreme Court Justices

Complement 8

Flaherty, John P.
Chief Justice

Zappala, Stephen A.
Cappy, Ralph J.
Castille, Ronald D.
Nigro, Russell M.
Newman, Sandra Schultz
Saylor, Thomas G.*

* Elected 11-4-97

Superior Court Judges

Complement 15

McEwen, Stephen J., Jr.
President Judge

Cirillo, Vincent A.+
Cavanaugh, James R.
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

Joyce, Michael T.**
Stevens, Correale F.**
Musmanno, John L.**
Melvin, Joan Orié**
Schiller, Berle M.#
Lally-Green, Maureen▲

* Retired 10-8-97

** Elected 11-4-97

+ Retired 12-17-97

++ Term expired 1-4-98; elected
to Supreme Court 11-4-97

Term expired 1-4-98;
reappointed 2-11-98

Retired 4-20-98

▲ Appointed 6-3-98

Commonwealth Court Judges

Complement 9

Colins, James Gardner
President Judge

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

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

Appellate

Court

Judges

(As of 7-31-98)

**Appellate
Court
Senior
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.*
Brosky, John G.
Cercone, William F.
Cirillo, Vincent A.**
Hester, John P.
Hoffman, J. Sydney
Montemuro, Frank, J. Jr.
Olszewski, Peter Paul
Rowley, James E.
Tamilia, Patrick R.+

* Effective 10-12-97
** Effective 12-20-97
+ Effective 4-23-98

**Commonwealth
Court Senior
Judges**

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

* Allegheny County senior Common Pleas judge; sits on occasion in Commonwealth Court; appointed 3-1-97
** Allegheny County senior Common Pleas judge assigned to Commonwealth Court; died 12-8-97
+ Schuylkill County senior Common Pleas judge assigned to Commonwealth Court; appointed 1-7-98
++ Philadelphia County senior Common Pleas judge assigned to Commonwealth Court
Allegheny 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
▲▲ Bucks County senior Common Pleas judge assigned to Commonwealth Court
◆ Dauphin County senior judge; sits on occasion in Commonwealth Court
◆◆ Franklin County senior Common Pleas judge; sits on occasion in Commonwealth Court

(As of 7-31-98)

‡Act 2 of 1997, signed by the governor on February 14, 1997, added 31 new judgeships to the Courts of Common Pleas, Philadelphia Municipal Court and Philadelphia Traffic Court over the course of three years, beginning with the 1997 elections. Common Pleas Courts marked with the double cross symbol (‡) after the complement are those courts which received new judgeships in 1997. The number after the symbol denotes the number of judgeships given. E.g., ‡2 means the county increased by two judgeships. Philadelphia Municipal Court and Philadelphia Traffic Court judgeship increases are effective in 1998 with the appointment of judges by the governor.

ADAMS COUNTY (51)
Complement 3 ‡1

Spicer, Oscar F.
Bigham, Robert G.*
Kuhn, John D.

* Elected 11-4-97

ALLEGHENY COUNTY (05)
Complement 41

Dauer, Robert E.

Administrative Judges

Baer, Max
Cercone, David S.
Kelly, Robert A.
McLean, James H.#
Musmanno, John L.+++

Baldwin, Cynthia A.
Bigley, Gerard M.
Cashman, David R.
Colville, Robert E.*
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.
McVerry, Terrence F.##

Melvin, Joan Oriee++
Mulligan, Kathleen R.
Nauhaus, Lester G.*
Novak, Raymond A.
O'Brien, W. Terrence

O'Reilly, Timothy P.
O'Toole, Lawrence J.
Penkower, Alan S.
Scanlon, Eugene F., Jr.##
Strassburger, Eugene B., III
Wekselman, I. Martin+
Wettick, R. Stanton, Jr.
Zavarella, Paul R.
Zottola, John A.

* Elected 11-4-97
** Retired 12-25-97
+ Term expired 1-4-98
++ Resigned 1-4-98; elected to Superior Court 11-4-97
Appointed administrative judge effective 1-5-98
Confirmed 5-4-98

ARMSTRONG COUNTY (33)
Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

**Common
Pleas
Judges**

(As of 7-31-98)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BEAVER COUNTY (36)

Complement 6 †1
Vacancy 1

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

* Elected 11-4-97
** Resigned 3-31-98

BEDFORD COUNTY (57)

Complement 1

Howsare, Daniel L.

BERKS COUNTY (23)

Complement 10

*Schaeffer, Forrest G., Jr.**
*Keller, Scott D.***
Ehrlich, Elizabeth G.
Eshelman, Thomas J.
Grim, Arthur E.

Lieberman, Stephen B.
Ludgate, Linda K.M.
Schmehl, Jeffrey L.+
Schmehl, Peter W.
Sprecher, Jeffrey K.
Stallone, Albert A.

* Retired 9-7-97
** Elected president judge
effective 9-8-97
+ Elected 11-4-97

BLAIR COUNTY (24)

Complement 4

Peoples, Thomas G., Jr.
Callan, Norman D.
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.+
Garb, Isaac S.++
Biester, Edward G., Jr.
Clark, Ward F.**
Heckler, David W.*

Kane, Michael J.
Lawler, Daniel J.
McAndrews, R. Barry
Rufe, John J.
Rufe, William Hart, III

Scott, Susan Devlin
Weaver, Cynthia M.

* Elected 11-4-97
** Retired 12-7-97
+ President judge term expired
1-4-98
++ Elected president judge
effective 1-5-98

BUTLER COUNTY (50)

Complement 4

O'Brien, Martin J.
Hancher, George H.
Horan, Marilyn J.
Doerr, Thomas J.

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
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 3 †1

Brown, Charles C., Jr.
Grine, David E.
Kistler, Thomas King*

* Elected 11-4-97

CHESTER COUNTY (15)

Complement 10 †1

Gavin, Thomas G.
Carroll, Jacqueline M.
MacElree, James P., II
Melody, M. Joseph, Jr.
Ott, Paula Francisco

Platt, Katherine B.L.**
Riley, Howard F., Jr.
Sanchez, Juan R.**
Shenkin, Robert J.
Sugerman, Leonard*
Wood, Lawrence E.

* Retired 10-9-97
** Elected 11-4-97

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.***
Hoffer, George E.+
Bayley, Edgar B.
*Guido, Ed E.**
Hess, Kevin A.
Oler, J. Wesley, Jr.

* Elected 11-4-97

** Retired 1-4-98

+ Appointed president judge
effective 1-5-98

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 18 ‡2

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.
Keeler, Charles C.
Koudelis, George

McGovern, Clement J., Jr.
*Osborne, Ann A.**
*Pagano, George A.**
Proud, James F.
Surrick, R. Barclay

Toal, William R., Jr.
Wright, Robert C.
Zetuský, Edward J., Jr.

* Elected 11-4-97

**ELK-CAMERON
COUNTIES (59)**

Complement 1

Roof, Vernon D.

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.**
*Palmisano, Michael M.***

* Resigned 1-4-98; elected to
Superior Court 11-4-97

** Confirmed 3-31-98

FAYETTE COUNTY (14)

Complement 5

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

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 4 †1

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

* Elected 11-4-97

GREENE COUNTY (13)

Complement 2 †1

Grimes, H. Terry
*Nalitz, William R.**

* Elected 11-4-97

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.
Corbett, Patricia*
Eagen, Francis P., III**
Harhut, Chester T.
Minora, Carmen D.

Munley, James M.
Nealon, Terrence R.++
O'Malley, Carlom M., Jr+

* Elected 11-4-97
** Lost retention bid 11-4-97
+ Term expired 1-4-98
++ Confirmed 5-4-98

LANCASTER COUNTY (02)

Complement 10 †1

Eckman, D. Richard
Allison, Paul K.
Cullen, James P.
Farina, Louis J.
Georgelis, Michael A.

Gorbey, Leslie*
Hummer, Wayne G., Jr.
Kenderdine, Henry S., Jr.
Perezous, Michael J.
Stengel, Lawrence F.

* Elected 11-4-97

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 9 †1

Gardner, James Knoll
Black, Alan M.*
Brenner, Lawrence J.
Ford, William E.
McGinley, Carol K.

Platt, William H.
Reibman, Edward D.
Steinberg, Robert L.*
Wallitsch, Thomas A.

* Elected 11-4-97

LUZERNE COUNTY (11)

Complement 8

Augello, Joseph M.
Burke, Thomas F., Jr.**
Ciavarella, Mark A.
Conahan, Michael T.
Lokuta, Ann H.

Mundy, Hugh F.
Muroski, Chester B.
Stevens, Correale F.*
Toole, Patrick J., Jr.

* Resigned 1-4-98; elected to Superior Court 11-4-97
** Confirmed 5-4-98

LYCOMING COUNTY (29)

Complement 5 †1

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

* Elected 11-4-97

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 18 †2

Smyth, Joseph A., Jr.
Albright, Kent H.
Bertin, Emanuel A.
Carpenter, William R.
Corso, S. Gerald

Daniele, Rhonda Lee
DelRicci, Thomas M.*
Drayer, Calvin S., Jr.*
Furber, William J., Jr.
Hodgson, Richard J.

Lawrence, Marjorie C.
Moore, Bernard A.
Nicholas, William T.
Ott, Stanley R.
Rossanese, Maurino J., Jr.

Salus, Samuel W., II
Subers, Albert R.
Tressler, Paul W.

* Elected 11-4-97

**NORTHAMPTON
COUNTY (03)**

Complement 7 †1

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

* Elected 11-4-97

**NORTHUMBERLAND
COUNTY (08)**

Complement 2

*Feudale, Barry F.***
Sacavage, Robert B.+
Wiest, William Harvey*

* Elected 11-4-97

** Term expired 1-4-98

+ Appointed president judge
effective 1-5-98

**PERRY-JUNIATA
COUNTIES (41)**

Complement 2

Quigley, Keith B.
Rehkamp, C. Joseph

**PHILADELPHIA
COUNTY (01)**

Complement 90

Vacancy 3

Bonavitacola, Alex

Administrative Judges
Herron, John W.
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.
Colins, Mary D.

Cooperman, Amanda
D'Alessandro, Nicholas M.
Davis, Legrome D.
DeFino, Anthony J.**
Dembe, Pamela Pryor

Dempsey, Thomas E.
Di Vito, Gary F.++
DiBona, Alfred J., Jr.
DiNubile, Victor J., Jr.
Field, Myrna P.

Fitzgerald, James J., III
Fox, Idee
Geroff, Steven R.
Glazer, Gary S.
Goldman, Murray C.

Goodheart, Bernard J.
Gordon, Levan
Gordon, Richard J.◆◆
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
Joseph, Barbara A.++
Kafrissen, Arthur S.
Keogh, D. Webster
Klein, Richard B.

Kozay, Nicholas, Jr.#
Lachman, Marlene

Latrone, Robert A.
Lazarus, Anne E.
Lehrer, Samuel M.

Lerner, Benjamin▲
Levin, Stephen E.
Lewis, Kathryn Streeter
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
Mozenter, Joyce S.++
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.
Robins New, Shelley++
Robinson, Roslyn K.++
Rogers, Peter F.++
Russell, Edward E.

Sarmina, M. Teresa++
Savitt, David N.◆
Sheppard, Albert W., Jr.
Smith, Gregory E.
Snite, Albert John, Jr.

Summers, Edward R.
Sylvester, Esther R.
Temin, Carolyn Engel

**PHILADELPHIA COUNTY,
continued**

Tereshko, Allan L.
Watkins, Thomas D.

Wolf, Flora Barth
Younge, John M.
Zaleski, Jerome A.

- * Resigned 7-7-97
- ** Retired 9-10-97
- + Retired 10-22-97
- ++ Elected 11-4-97
- # Retired 12-23-97
- ## Term expired 1-4-98
- ▲ Term expired 1-4-98;
confirmed 6-3-98
- ▲▲ Retired 5-20-98
- ◆ Retired 5-21-98
- ◆◆ Confirmed 6-3-98
- Resigned 7-5-98
- Retired 7-30-98

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.
Russell, Jacqueline L.*
Stine, D. Michael

- * Elected 11-4-97
- ** Term expired 1-4-98
- + Appointed president judge
effective 1-5-98

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

*Bromfield, Wayne A.**
*Woelfel, Harold F., Jr.***
Knight, Louise O.+

- * Resigned 9-1-97
- ** Appointed president judge
effective 9-2-97
- + Confirmed 6-3-98

SOMERSET COUNTY (16)
Complement 3 †1

Fike, Eugene E., II
Cascio, John M.
Gibson, Kim R.*

- * Elected 11-4-97

**SUSQUEHANNA
COUNTY (34)**
Complement 1

Seamans, Kenneth W.

TIOGA COUNTY (04)
Complement 1

Dalton, Robert E., Jr.

VENANGO COUNTY (28)
Complement 2 †1

White, William H., Jr.
Lobaugh, Oliver J.*

- * Elected 11-4-97

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

Millin, Paul H.

WASHINGTON COUNTY (27)
Complement 5

Gladden, Thomas D.
Emery, Katherine B.
Gilmore, David L.
O'Dell Seneca, Debbie
Pozonsky, Paul M.*

- * Elected 11-4-97

WAYNE COUNTY (22)
Complement 1

Conway, Robert J.

**WESTMORELAND
COUNTY (10)**
Complement 11 †1
Vacancy 1

Scherer, Bernard F.+
Loughran, Charles H.++
Ackerman, Daniel J.
Blahovec, John E.
Caruso, Gary P.

Driscoll, John J.
Hathaway, Rita Donovan**
Marker, Charles E.
McCormick, Richard E., Jr.
Ober, William J.*
Pezze, Debra A.

- * Confirmed 6-9-97
- ** Elected 11-4-97
- + Died 4-18-98
- ++ Elected president judge
effective 4-23-98

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

Vanston, Brendan J.

YORK COUNTY (19)

Complement 11 ‡2

Uhler, John C.

Blackwell, Penny L.

Brillhart, Michael J.

Chronister, John H.

Dorney, Sheryl Ann

Horn, Richard H.

Kennedy, John S.

Linebaugh, Stephen P.**

Miller, John T.*

Renn, Richard K.**

Snyder, Gregory M.**

Thompson, John W., Jr.**

* Retired 3-26-97

** Elected 11-4-97

**Common
Pleas
Court
Senior
Judges**

ALLEGHENY COUNTY

Doyle, Robert A.+
Johnson, Livingstone M.++
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
Wekselman, I. Martin##
Zeleznik, Richard G.

* Effective 3-1-97, sits on occasion in Commonwealth Court
** Resigned 4-30-97
+ Removed from list 6-1-97
++ Effective 12-28-97
Removed from list 12-31-97
Effective 1-5-98

ARMSTRONG COUNTY

House, Roy A., Jr.

BEAVER COUNTY

Mannix, Thomas C.*
Rowley, James E.
Salmon, J. Quint

* Effective 3-24-98

BEDFORD COUNTY

Van Horn, Ellis W., Jr.

BERKS COUNTY

Edenharter, Frederick
Eshelman, W. Richard

Schaeffer, Forrest G., Jr.*
Smith, Calvin E.

* Effective 9-10-97

BUCKS COUNTY

Bortner, Oscar S.
Clark, Ward F.*
Sokolove, Leonard B.

* Effective 12-10-97

BUTLER COUNTY

Brydon, John H.
Kiester, George P.

CAMBRIA COUNTY

Creany, Eugene A.

CHESTER COUNTY

Endy, Alexander
Sugerman, Leonard*

* Effective 10-12-97; died 12-1-97

CLINTON COUNTY

Brown, Carson V.

COLUMBIA-MONTOUR COUNTIES

Myers, Jay W.

CRAWFORD COUNTY

Thomas, P. Richard

(As of 7-31-98)

DAUPHIN COUNTY

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

* Sits on occasion in
Commonwealth Court
** Removed from list 6-1-97

DELAWARE COUNTY

Wright, Robert A.

ELK-CAMERON COUNTIES

Greiner, Paul B.

ERIE COUNTY

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

* Removed from list 6-1-97

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

JEFFERSON COUNTY

Snyder, Edwin L.

LACKAWANNA COUNTY

Cottone, S. John
O'Malley, Carlon M., Jr.*
Penetar, Daniel L.

* Effective 1-5-98

LANCASTER COUNTY

Bucher, Wilson

LEBANON COUNTY

Gates, G. Thomas

LEHIGH COUNTY

Backenstoe, John E.
Diefenderfer, James N.
Young, Robert K.

LUZERNE COUNTY

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

LYCOMING COUNTY

Greevy, Charles F.
Raup, Thomas C.*

* Resigned 8-19-97

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**

Feudale, Barry F.*
Ranck, Samuel C.

* Effective 1-5-98

PHILADELPHIA COUNTY

Biunno, Francis A.**
Bradley, Edward J.♦
Bruno, Joseph C.
Caesar, Berel#
Carson, Curtis C., Jr.**

Chiovero, John J.+
Cipriani, Nicholas A.
Clarke, Eugene H., Jr.
DeFino, Anthony J.++
Doty, Ethan A.**

Gutowicz, Theodore S.**
Halbert, Marvin R.
Hill, Louis G.
Jackson, Frank M.*
Jenkins, Norman A.▲▲

Kozay, Nicholas, Jr.▲
Lederer, William J.
McCabe, Joseph P., Jr.**
O'Brien, Frank X.##
Rosenberg, Edward B.

Sabo, Albert F.
Savitt, David N.♦♦
Stout, Juanita Kidd

* Died 3-12-97
** Removed from list 6-1-97
+ Effective 7-22-97
++ Effective 9-13-97
Died 10-9-97
Effective 10-25-97

**PHILADELPHIA COUNTY,
continued**

- ▲ Effective 12-26-97
- ▲▲ Removed from list 1-23-98
- ◆ Effective 5-23-98
- ◆◆ Effective 5-24-98

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 1-12-97

WESTMORELAND COUNTY

Mihalich, Gilfert M.

YORK COUNTY

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

* Effective 3-29-97

** Resigned 3-31-97

Philadelphia Municipal Court Judges

Complement 22 †3

Silberstein, Alan K.

Administrative Judge

Blasi, Robert S.

Anderson, Linda F.##

Brady, Frank T.**

Conway, Gwendolyn A.**

Coppolino, Matthew F.*

Cosgrove, Francis P.+

Daher, Georganne V.

DeLeon, James M.

Deni, Teresa Carr

Gehret, ThomasF.##

Gilbert, Barbara S.

Kirkland, Lydia Y.

Krase, Morton

Lilian, Eric L.

McCaffery, Seamus P.

Meehan, William Austin, Jr.

Mekel, Edward G.

Merriweather, Ronald B.

Neifield, Marsha H.**

O'Grady, John J., Jr.#

Prezenza, Louis J.

Retacco, Louis F.

Robbins, Harvey W.

Schwartz, Harry#

Simmons, J. Earl, Jr.++

Stack, Felice Rowley

Washington, Craig M.**

* Retired 10-14-97

** Elected 11-4-97

+ Term expired 1-4-98

++ Resigned 1-4-98

Term expired 1-4-98;
confirmed 2-9-98

Confirmed 2-9-98

Philadelphia Traffic Court Judges

Complement 7 †1

Vacancy 1

*Cuffield, Charles H.***

Little, Francis J.+

Administrative Judge

DeAngelis, Bernice A.

Howlett, Joseph A.++

Kelly, Francis E.

Perri, Fortunato N., Sr.*

Tynes, Thomasine

* Confirmed 2-10-97

** Retired 12-8-97

+ Appointed president judge
effective 12-9-97

++ Elected 11-4-97

Pittsburgh Magistrates Court

Complement 6

Simmons, William T.

Chief Magistrate

Butler, Daniel E.

Cobb, Linda A.

Coles, Louis

Harrington, Moira

McLaughlin, Irene M.

Philadelphia

and

Pittsburgh

Special

Courts

Judges

(As of 7-31-98)

Philadelphia

Special

Courts

Senior

Judges

**Municipal Court
Senior Judges**

Bashoff, Martin W.
Blount, Lynwood F.
Brady, William J., Jr.
Coppolino, Matthew F.*
Cosgrove, Francis P.**
King, William A., Jr.
McCormack, Thomas J.
Rose, Meyer Charles

* Effective 10-17-97
** Effective 2-18-98

**Traffic Court
Senior Judges**

Cox, Edward S.
Cuffeld, Charles H.*
Podgorski, Lillian H.

* Effective 12-11-97

(As of 7-31-98)

ADAMS COUNTY (51)

Complement 4

Bowman, Daniel S.*
Carr, Thomas R.
Deardorff, Harold R.
Frymyer, Samuel K.**
Zepp, John C., III

* Elected 11-4-97
** Term expired 1-4-98

ALLEGHENY COUNTY (05)

Complement 55
Vacancy 1

Barton, David J.
Bender, John T.+
Bengel, Carolyn S.
Blaschak, Suzanne R.
Bova, John N.+

Boyle, Mary Grace
Brletic, Thomas S.
Burnett, Edward
Cercone, Mary Ann
Comunale, Frank, III

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.
Hromyak, Leonard J.+
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.
Miller, Thomas G., Jr.**

Morrissey, 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.

* Retired 2-24-97
** Confirmed 4-30-97
+ Elected 11-4-97
++ Defeated for reelection
11-4-97; term expired
1-4-98
Retired 4-20-98

ARMSTRONG COUNTY (33)

Complement 4

DeComo, J. Gary
Gerheim, Michael L.
Goldstrohm, Samuel R.
Young, Jay A.

**District
Justices**

(As of 7-31-98)

(Judicial Districts in
parentheses)

BEAVER COUNTY (36)

Complement 9
Vacancy 1

Armour, John W.
Dibenedetto, James F.
Eiler, Donald L.
Genevie, Debra A.**
Howe, Edward C.*

Knafelc, Harry E.
Loughner, C. Douglas
Schulte, Martin V.
Swihart, Janet M.

* Elected 11-4-97
** Term expired 1-4-98

BEDFORD COUNTY (57)

Complement 4

Baker, Brian K.
Bingham, H. Cyril, Jr.
Calhoun, Kathy S.
McVicker, Erika

BERKS COUNTY (23)

Complement 18
Vacancy 1

Beck, Richard C.
Bentz, Nicholas M., Jr.
Dougherty, John F.*
Dougherty, Timothy**
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.

* Retired 3-3-98
** Confirmed 4-28-98
+ Resigned 6-8-98

BLAIR COUNTY (24)

Complement 7

Dole, Elizabeth**
Garman, Kenneth L.
Greene, John B., Jr.
Jones, Patrick T.
Kelly, Todd F.

Klepser, Frederick L.*
Moran, Joseph L.
Ormsby, Craig E.

* Resigned 3-31-98
** Confirmed 6-3-98

BRADFORD COUNTY (42)

Complement 4
Vacancy 1

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

* Retired 6-12-98

BUCKS COUNTY (07)

Complement 18

Adamchak, Joanne M.
Basile, Joseph F.*
Brown, Leonard J.
Cappuccio, Charles A.
Dietrich, Ruth C.

DuBree, M. Kay
Falcone, Joseph P.+
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.

* Died 11-29-97
** Retired 2-17-98
+ Confirmed 6-3-98

BUTLER COUNTY (50)

Complement 5

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

* Resigned 1-31-98
** Confirmed 4-21-98

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.

**CARBON COUNTY,
continued**

Hudasky, Irene M.
Lewis, Edward M.

CENTRE COUNTY (49)
Complement 5

Hoffman, Daniel R., II
Horner, Ronald J.
Lunsford, Bradley P.
Prestia, Carmine W., Jr.
Shoff, Robert A.*
Sinclair, Allen W.**

* Resigned 6-30-97
** Confirmed 10-21-97

CHESTER COUNTY (15)
Complement 17
Vacancy 1

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

* Resigned 3-4-98

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.**
Shrawder, Marvin K.*
Stackhouse, Ola E.

* Elected 11-4-97
** Defeated for reelection
11-4-97; term expired 1-4-98

**CRAWFORD
COUNTY (30)**
Complement 6

Chisholm, William D.
Hanson, Wayne E.
Herzberger, George W., III
Nicols, Amy L.

Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

**CUMBERLAND
COUNTY (09)**
Complement 8

Clement, Charles A., Jr.
Correal, Paula P.
Daihl, Donald W.+
Day, Susan K.
Elder, Gayle A.#
Farner, Glenn R.**
Klair, Ronald E.++
Manlove, Robert V.
Placey, Thomas A.*
Perkins, Thomas A.#
Shulenberg, Helen B.

* Elected 11-4-97
** Term expired 1-4-98
+ Resigned 1-5-98
++ Resigned 2-28-98
Confirmed 6-3-98

DAUPHIN COUNTY (12)
Complement 14

Bridges, Roy C.
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Magaro, Samuel J.

Pelino, Dominic A.**
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 9-28-97
** Elected 11-4-97

**DELAWARE
COUNTY (32)**

Complement 32
Vacancy 1

Ballezzi, Michael P.++
Berardocco, Ann
Boyden, Kenneth J. D.
Brennan, 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.

Perfetti, John J.
Quinn, Joseph T.F.**
Seaton, Spencer B., Jr.
Sereni-Massinger,
Christine A.
Shaffer, Robert M.##

Tozer, Peter P.
Truscello, Anthony M.+
Truscello-McHugh,
Deborah M.#
Videon, David T.

* Confirmed 2-10-97
** Elected 11-4-97
+ Resigned 12-31-97

++ Term expired 1-4-98
Confirmed 1-21-98
Resigned 4-3-98

**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
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 5-30-97
** Confirmed 6-16-97

FAYETTE COUNTY (14)
Complement 13

Abraham, Randy S.
Blair, Lawrence
Breakiron, Robert W.
Cavalcante, Brenda K.
Cramer, Jesse J.

Defino, Michael J.
Dennis, Wendy D.
Haggerty, Ronald J., Sr.*
Kula, Deberah L.

Mitchell, Herbert G., Jr.
Rubish, Michael
Shaner, Dwight K.
Vernon, Rick C.

* Confirmed 9-23-97

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

Carter, Gary L.
Hawbaker, David E.
Johnson, Carol J.
Keebaugh, Betty M+
Knepper, Brenda M.

Mellott, Wendy Richards**
Meminger, Larry K.
Ommert, John R.*
Pentz, Larry G.
Shatzer, Shirley M.++
Weyman, John P.

* Resigned 6-30-97
** Elected 11-4-97
+ Term expired 1-4-98
++ Confirmed 1-27-98

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

Clark, George E., Jr.
Farrell, Alyce M.**
Gallagher, Terrance V.
Giglio, Theodore J.
Golden, Thomas J.
Kennedy, James P.
McGraw, Sean P.*
Mercuri, John J.
Pieski, John E. V.
Russell, Robert G.
Yurgosky, Donald A.

* Confirmed 9-30-97

** Elected 11-4-97

LANCASTER COUNTY (02)

Complement 20

Bomgardner, Vicki G.
Brian, David E.
Duncan, Jayne F.
Eckert, Leo H., Jr.
Garrett, James L.
Good, Carl A., Jr.
Hamill, Nancy G.

Hamilton, Maynard A., Jr.
Hartman, Cheryl N.*
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.

* Elected 11-4-97

** Term expired 1-4-98

LAWRENCE COUNTY (53)

Complement 5

Abraham, Charles A., Jr.
Battaglia, Samuel A.
Lamb, J. V.
Reed, James A.
Rishel, David B.

LEBANON COUNTY (52)

Complement 7

Arnold, John F.
Capello, Thomas M.
Foundling, Nigel K.
Lehman, Lee R.
Shultz, Jo Ann

Smith, Betty Ann**
Smith, Michael D.*
Swisher, Hazel V.

* Elected 11-4-97

** Term expired 1-4-98

LEHIGH COUNTY (31)

Complement 14

Vacancy 1

Balliet, Carl L.
Butler, Donna R.**
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

** Confirmed 9-23-97

+ Resigned 6-30-98

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

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

* Elected 11-4-97

** Term expired 1-4-98

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, C. William
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

Augustine, Albert J.
Berkoff, F. Elaine
Borek, Harold D.
Casillo, Ester J.
Crahalla, Benjamin R.

Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.**
Gadzicki, Walter F., Jr.
Griffin, Francis V.+

Householder,
William R., Jr.++
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.

Sachaczanski, John T.
Saraceni, Robert A.
Schireson, Henry J.
Skerchock, Dorothy
Stine, Caroline Culley
Zaffarano, Patricia A.

* Confirmed 6-16-97

** Elected 11-4-97

+ Retired 4-22-98

++ Confirmed 6-3-98

NORTHAMPTON COUNTY (03)

Complement 15

Elwell, Gay L.
Frey, Elmo L., Jr.
Grigg, Sherwood R.
Koury, Michael J.*
Koury, Michael J., Jr.**

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.

* Died 10-22-97

** Elected 11-4-97

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

Vacanzzy 1

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

* Resigned 4-30-98

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.

**SNYDER-UNION
COUNTIES (17)**

Complement 4

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

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.

VENANGO COUNTY (28)

Complement 4

Billingsley, Robert E.**
Boyer, Robert L.*
Fish, David L.
Gerwick, Douglas B.
Lobaugh, Oliver J.+
Martin, William G.++

* Elected 11-4-97

** Term expired 1-4-98

+ Resigned 1-4-98; elected to
Common Pleas court 11-4-97

++ Confirmed 1-27-98

**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

Vacancy 1

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.

* Resigned 1-4-98; elected to
Common Pleas Court 11-4-97

WAYNE COUNTY (22)

Complement 4

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

**WESTMORELAND
COUNTY (10)**

Complement 19

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

DelBene, Frank, Jr.
DiClaudio, Mary S.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.

King, J. Bruce
Mahady, Michael R.
Mansour, Mark S.*

**WESTMORELAND COUNTY,
continued**

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

* Confirmed 9-23-97
** Term expired 1-4-98

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Conway, Leo P.*
Robinson, Patricia A.
Shurtleff, Russell D.**
Smith, Carl W., Jr.**

* Resigned 5-31-97
** Confirmed 9-23-97

YORK COUNTY (19)

Complement 18

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.
Leppo, Kim S.
Martin, Richard E., II
Meisenhelter, Douglas F.
Miner, James S.**
Naylor, Alan G.
Nixon, Barbara H.
Shoemaker, Gerald E.
Walters, Paul A.

* Resigned 6-30-97
** Confirmed 10-21-97

ALLEGHENY COUNTY

Boehm, Leonard W.
Bowen, James H.*
Casper, Raymond L.
Conn, Arthur P.
Diulus, Nicholas A.

Fiore, Sarge
Franci, Georgina G.**
Hanley, James J.+
Komaromy, Paul, Jr.
Lindberg, Howard D.

Nairn, Regis C.
Raible, Eugene L.
Secola, Rinaldo J.
Stocker, Olive S.
Thomas, Raymond C.

* Removed from list 7-22-97
** Effective 4-23-98
+ Removed from list 7-24-98

ARMSTRONG COUNTY

Shaeffer, Eugene W.

BEAVER COUNTY

Keefer, Ross M., Jr.
Kirchner, Lewis E.
Loschiavo, Peter J.
Mihalic, Stephen D.

BERKS COUNTY

Dougherty, John F.**
Wagonseller, Wallace W.*
Wenger, George L.

* Removed from list 6-2-97
** Effective 3-6-98

BLAIR COUNTY

Klepser, Frederick L.*

* Effective 4-1-98

BRADFORD COUNTY

Ayres, Lynn E.**
Huffman, Jack, Jr.*
Wood, Fordham F., Jr.

* Removed from list 7-22-97
** Effective 6-15-98

BUCKS COUNTY

Hunsicker, J. Robert+
Kelly, James M.**
Marks, Catherine++
Spadaccino, Dominick C.
Vislosky, Dorothy*

* Removed from list 2-4-97
** Effective 3-17-97
+ Removed from list 12-12-97
++ Effective 2-20-98

BUTLER COUNTY

Wise, Frank C.*

* Effective 2-1-98

CAMBRIA COUNTY

Rozum, Julia Ann

CENTRE COUNTY

Shoff, Robert A.*

* Effective 7-1-97

**Senior
District
Justices**

(As of 7-31-98)

CHESTER COUNTY

Martini, Harry R.
Mull, Robert G.

CLARION COUNTY

Corsini, John*

* Removed from list 1-21-98

CUMBERLAND COUNTY

Daihl, Donald W.**
Farner, Glenn R.*
Klair, Ronald E.+
Lyons, Meade G.

* Effective 1-5-98

** Effective 1-6-98

+ Effective 3-1-98

DAUPHIN COUNTY

Cross-Shaffner, Mary E.
Rathfon, William P.*

* Effective 8-1-97

DELAWARE COUNTY

Anderson, Garland W.
Dittert, William J., Jr.
Sellers, Nicholas*
Shaffer, Robert M.+
Truscello, Anthony M.**

* Effective 3-17-97; removed
from list 7-24-98

** Effective 1-1-98

+ Effective 4-4-98

ERIE COUNTY

Fuller, Mary Jane+
Stuck, Ronald E.*
Wisniewski, Kathryn L.**

* Effective 5-31-97

** Removed from list 6-2-97

+ Removed from list 7-22-97

FAYETTE COUNTY

Hartz, Charles F.*

* Removed from list 7-24-98

**FRANKLIN/FULTON
COUNTIES**

Ommert, John R.*
Stover, J. William

* Effective 7-1-97; removed from
list 12-17-97

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.

LEBANON COUNTY

Spannuth, Mary M.

LEHIGH COUNTY

Beck, Ralph H.*
Maura, Joseph J.

* Effective 4-18-97; removed
from list 1-22-98

LUZERNE COUNTY

Harvey, Leonard D.
Marshall, Robert N.

LYCOMING COUNTY

McDermott, John M.*
Stack, Robert W.*

* Effective 1-5-98

MERCER COUNTY

McCandless, George E.*

* Died 11-22-97

MONROE COUNTY

McCool, Henry

MONTGOMERY COUNTY

Dasch, Charles A.
Riehl, Donald O.

NORTHAMPTON COUNTY

Auch, Walter F., Jr.
Leo, Joseph N.

VENANGO COUNTY

Turk, Walter S.

WASHINGTON COUNTY

Lilley, June B.
Mark, Walter A.
Zeaman, Daryl*

* Removed from list 7-24-98

WAYNE COUNTY

Buckert, Charles H.
Dix, Edward H.*

* Removed 7-24-98

WESTMORELAND COUNTY

Caruso, Angelo*
Giannini, Michael P.

* Effective 1-5-98

WYOMING COUNTY

Robinson, Marion J.*

* Removed from list 7-24-98

YORK COUNTY

Bria, Margaret L.*
Diehl, Paul M., Jr.
Dixon, Harold C.
Lam, Roy L.+
Sponseller, Curtis C.**
Stambaugh, Quentin R.

* Effective 7-1-97

** Removed from list 7-22-97

+ Removed from list 7-24-98

District Court Administrators

Administrator

Betty Davis Overman
Raymond L. Billotte
Gayle M. Lang
Joseph Cabraja
Laurie J. Staub

Cherstin M. Hamel
Michael D. Reighard
Mary Lou Vanderpool
G. Thomas Wiley
William L. Patterson

Donald J. Scotilla
Roberta L. Brewster
Maxine O. Ishler
Margaret M. Yokemick
Tammy J. Slike

David S. Meholick
Kessinger, Miles D., III
Joseph A. Blass
Ann A. Walker
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Gerald C. Montella, Esq.
Martha Keller Masson
Thomas C. Aaron
Karen M. Kuhn

William A. Sheaffer
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Patrick J. Ward
Norma R. Brown

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Mark Dalton M.
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Edward J. Rutter
Susan T. Schellenberg

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Kevin H. Way, Esq.
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Peter A. Morin
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Kaye V. Raffensperger
Joseph J. DiPrimio, Esq.
Richard M. Simpson
Cynthia Marelia
Colleen E. Kellam

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

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
Pike

District Justice Court Administrators

Administrator

Betty Davis Overman
David W. Brandon, Esq.
Martha J. Davidson
Joseph Cabraja
Laurie J. Straub

Michael F. Krimmel
Patricia M. Gildea
Mary Lou Vanderpool
Charles A. Carey, Jr.
Leslie A. Bridgeman

Donald J. Scotilla
Roberta L. Brewster
Barbara G. Gallo
Anita E. McDevitt
Tammy J. Slike

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Kessinger, Miles D., III
Joseph A. Blass
Ann A. Walker
Ronald E. Johnson, Esq.

Philip M. Intrieri
Ward T. Williams, Esq.
Martha Keller Masson
Peter E. Freed
Roberta A. Meese

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Audrey Szoyka
Carole D. Lang
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Helen L. Montgomery

Lynn Bailey-Fenn
Michael J. Morris, Jr.
Joseph A. Blass
Debra C. French
Lawrence Diorio

Kaye V. Raffensperger

Colleen E. Kellam

Court

Administrators

(As of 7-31-98)

Court

Administrators,

continued

**District Court
Administrators**

Administrator

Patricia Ann Fluty
Lois A. Wallauer
Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster

Carl L. Matteson
Carol E. Hutchison
Sherry R. Phillips
Christine L. Brady
Linus Myers

Paul S. Kuntz, Esq.
Alma F. Custer
J. Robert Chuk

District

Potter
Schuylkill
Snyder-Union
Somerset
Susquehanna

Tioga
Venango
Warren
Washington
Wayne

Westmoreland
Wyoming-Sullivan
York

**District Justice
Court
Administrators**

Administrator

Patricia Ann Fluty
Bruce T. Heffner
Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster

Carl L. Matteson
Carol E. Hutchison
Sherry R. Phillips
Christine L. Brady
Linus Myers

Lena M. Speicher
Alma F. Custer
Terry R. Fleck

Court Administrator

Nancy M. Sobolevitch
*Court Administrator of
Pennsylvania*

Andrea Tuominen, Esq.
*Assistant to the Court
Administrator*

Dawn Brown
Executive Secretary

Diane Bowser
Controller

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*Director of Judicial
Services*

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Donald J. Harris, Ph.D.
*Director of Policy
Research and Statistics*

Fred W. Stakelbeck
Statistical Analyst

Charlotte Kirschner
Research Analyst

Rosemary A. Figazzotto
Research Assistant

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Chief Legal Counsel

Ellen L. Conaway
Executive Secretary

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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

David S. Price, Esq.
Staff Attorney

Administrative

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of

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Philadelphia

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(As of 7-31-98)

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Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court
Administrator of
Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Bill Pennewill*
*Communications/
Legislative Assistant*

Arthur J. Heinz**
*Communications/
Legislative Coordinator*

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

* Retired 9-11-98
** Hired 7-27-98

**Judicial Computer
Project**

C. Sue Willoughby
*Director of Statewide
Automation*

Pamela Stager
Administrative Assistant

David S. Price, Esq.
Staff Attorney

**Information
Technology**

John H. Davenport
*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*

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*Director of Special
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Staff Attorney

LeAnne Yacisin
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Harrisburg, PA 17055
717-795-2000

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	Warren-Forest
Lebanon	52	38	Montgomery
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana

Judicial Districts

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lycoming	29	41	Perry-Juniata
McKean	48	42	Bradford
Mercer	35	43	Monroe
Mifflin	58	44	Wyoming-Sullivan
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	Elk-Cameron
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.

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/executrix**. 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.

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.

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**.

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.

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 convincing**, **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.

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.

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**.

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.

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).

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.

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**.

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.

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 know-ledge 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.

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**.

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.

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.

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.

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 forbidding 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 for which remedy can be

sought in civil court, except that which involves a contract. The most common tort action is a suit for damages sustained in an automobile accident.

tort-feasor One who commits a **tort**; a wrong doer.

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.

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.

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.

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 defedant 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. 