

**Report of the
Administrative Office of
Pennsylvania Supreme Court
1998**

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*

*'98 in Brief
(listed chronologically)*

*Honorable Sandra Schultz
Newman elected to the
American Law Institute*

*Supreme Court reestab-
lished and expanded the
Judicial Council to assist
Court in managing Unified
Judicial System*

*Supreme Court's Special
Commission to Limit
Campaign Expenditures
released report making
eight recommendations to
cap skyrocketing cost of
running for judicial seats;
led to the amendment
of the Code of Judicial
Conduct and to the Rules
Governing Standards of
Conduct of District Justices,
clarifying when judicial
campaign fundraising
activities must end*

*Supreme Court adopted
Pennsylvania's first ever
Rules of Evidence upon
recommendation of its Ad
Hoc Committee on
Evidence*

Supreme Court appointed Carolyn Rudnitsky first non-attorney and first woman as chair of the Disciplinary Board

Chief Justice Flahery called on the state's attorneys to volunteer more of their time to help poor Pennsylvanians who need legal assistance

Juanita Kidd Stout, the first black woman to sit on the Pennsylvania Supreme Court, died at age 79

Honorable Max Baer, Family Court administrative judge for the Court of Common Pleas of Allegheny County was honored by the president for his work in speeding adoptions

Supreme Court enacted new rule of court requiring that senior judges who do not serve on the appellate courts resign at the age of 75

Nancy M. Sobolevitch
Court Administrator of Pennsylvania

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Preface
from the
Court
Administrator

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 1998. Our goal is to provide you with a general reference document that reflects the dedicated service of the staff of the Administrative Office and the staff and members of the boards and committees of the Supreme Court.

Those of us entrusted with managing and operating Pennsylvania's court system take our responsibilities very seriously. Within this report you will find descriptions for an array of programs and services that provide the framework for an effective judicial system and improvements in the administration of justice.

If a general theme emerged concerning the operation of the Commonwealth's courts in 1998, it would be one in which the Judiciary continued to move in the direction of improving service, access and justice for all Pennsylvanians.

By embracing the latest technologies, sharing information and broadening public participation in the court system, many achievements were made over the year.

Shortly after the start of the year, the Supreme Court moved to strengthen and expand its relationship with the public and its sister branches of state government. The court did so by reviving and broadening the Judicial Council of Pennsylvania, an advisory body with membership from both the private and public sectors.

Among the issues the council initially considered were the planning necessary to move to a greater unification of the judicial system, the accessibility of local rules of court to legal practitioners and the public, and the Judiciary's facility needs in the Harrisburg area.

Preface
from the
Court
Administrator,
continued

Another indication of the Court's desire to hear more diverse voices came in June when the first non-lawyer was selected to chair the Disciplinary Board of the Supreme Court. Carolyn Rudnitsky, a Selinsgrove therapist and educator, also became the first woman to head the board since its creation more than 25 years ago.

Created in 1972, the Disciplinary Board investigates complaints about the conduct of Pennsylvania's 51,000-plus practicing attorneys. Investigations are initiated by the Disciplinary Board on its own or in response to a complaint.

Chief Justice of Pennsylvania John P. Flaherty also issued a call during the year to the state's attorneys to volunteer more of their time and talents to help poor Pennsylvanians who come before the courts in search of justice. The call coincided with the Pennsylvania Bar Association's creation of a Task Force on the Delivery of Legal Services, composed of lawyers and law faculty.

Mindful of Pennsylvania's long and proud history of reondng to the legal needs of its poorer citizens through volunteer service, the chief justice implored attorneys to "ensure the doors of justice will be open" to those who are unable to afford professional help.

The process by which Pennsylvanians elect statewide judges also came under review in 1998 as another example of the court's interest in enhancing public trust and confidence in the judiciary.

The Supreme Court's Special Commission to Limit Campaign Expenditures released its findings after several months of study that included hearings to gather public input.

Though the commission was charged with studying all aspects of the state's judicial campaigns, its major focus centered on determining how to limit ever-increasing campaign spending. Among the group's recommendations were proposed limits on campaign spending, contributions and advertising.

In another election-related matter, the court amended two rules governing judicial conduct to eliminate uncertainty over campaign fundraising activity. The changes clarified when fundraising must end for minor court, trial court and appellate court jurists.

The court also demonstrated the Judiciary's commitment to improved criminal/civil litigation by adopting the state's first rules of evidence. An advisory committee that included attorneys, judges and law school professors recommended adoption of the rules after extensive collaboration and consultation with members of the General Assembly. The Committee on Rules of Evidence was also formally constituted as an advisory body for the courts.

Another example of continuing administrative progress in the courts came with the issuance of new search warrant forms in October 1998 that are easier to access, use and update than previous forms. Thanks to technological advances made possible by Pennsylvania's automated District Justice System, and the Judiciary's effective use of the Internet, new electronic application forms were made available to authorized users in offices and in the field.

The new forms were devised over several months with input from prosecutors, criminal defense lawyers, police officers and judges.

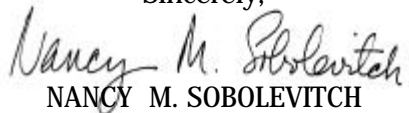
Individual accomplishments during the year included Justice Sandra Schultz Newman's election to the prestigious American Law Institute. Madame Justice Newman joined the select nationwide ranks of other distinguished judges, attorneys and law faculty to promote the law and its adaptation to social needs and justice and encourage scholarly legal work.

The year also marked the passing of former Supreme Court Justice Juanita Kidd Stout who died in August at age 79. Madame Justice Stout was the first black woman to sit on the Pennsylvania Supreme Court.

Madame Justice Stout was appointed by former Governor Robert P. Casey in January 1988 to fill an unexpired term on the high court. She stepped down from the bench later that year after reaching the mandatory retirement age of 70.

As we look back on the year – and the many individuals whose energy and determination helped make a difference – we can be confident in managing an effective court system on behalf of all Pennsylvanians in the years that lie ahead.

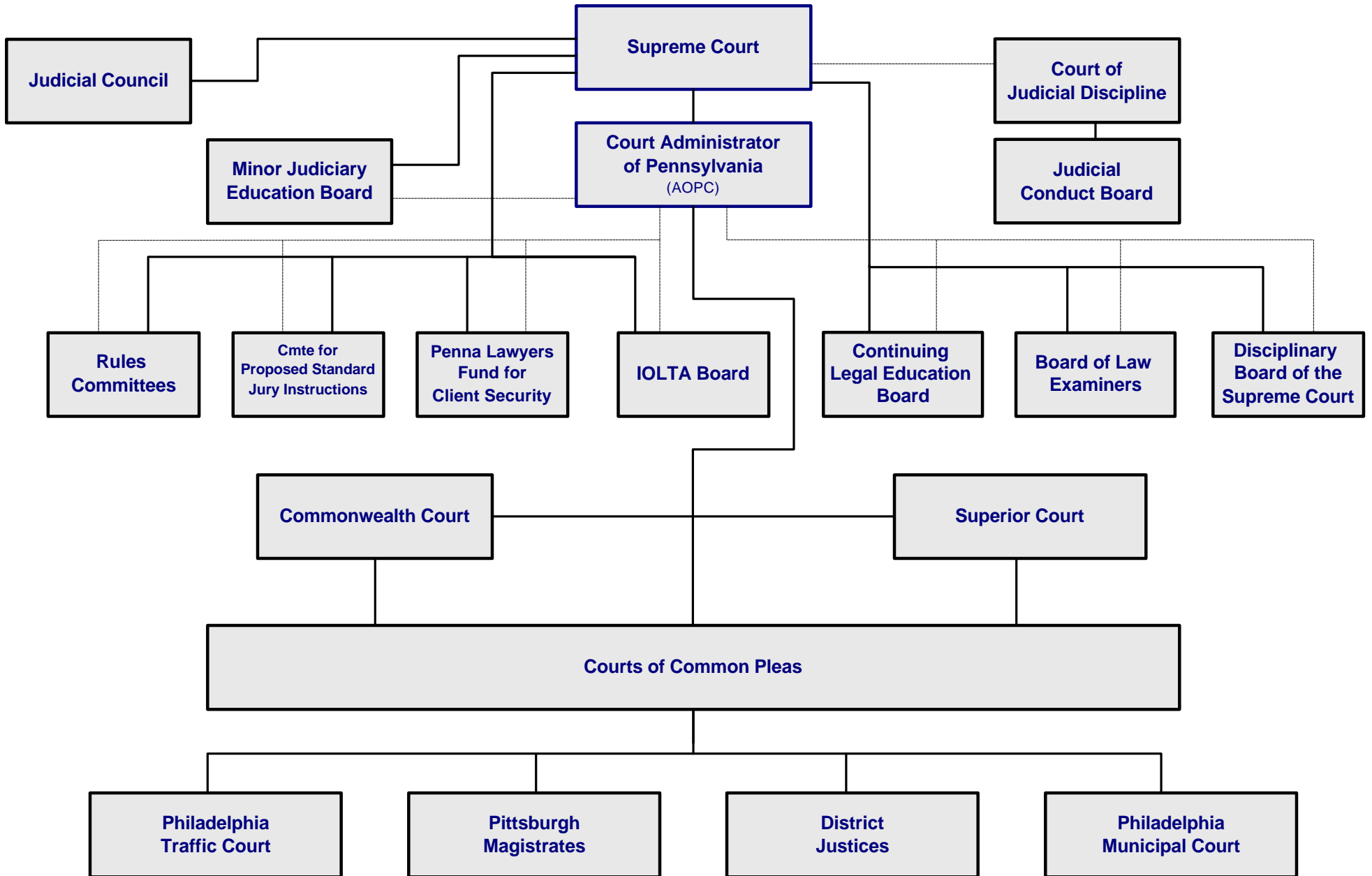
Sincerely,



NANCY M. SOBOLEVITCH
Court Administrator of Pennsylvania

Preface
from the
Court
Administrator,
continued

Pennsylvania's Unified Judicial System



**A Brief
History
of the
Courts of
Pennsylvania**

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

Evolution of Pennsylvania's Judicial System

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

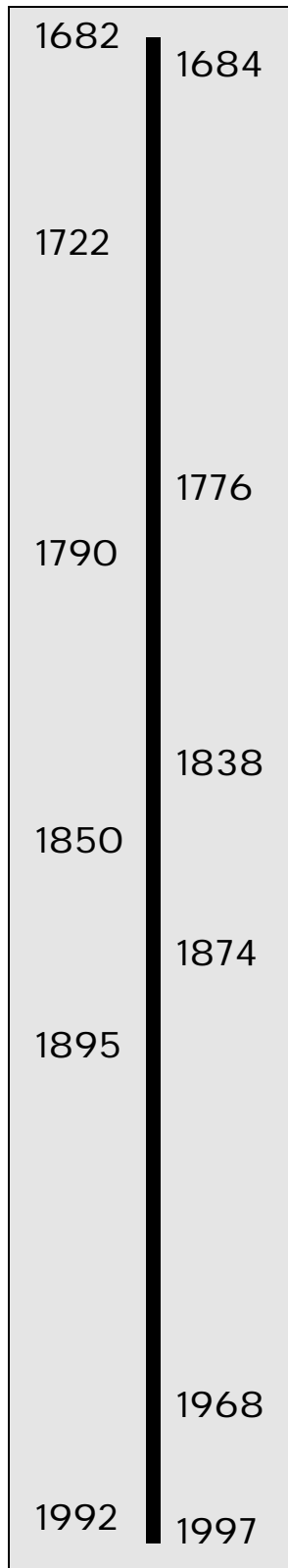
Judiciary Act of 1722 renames Provincial Court the Pennsylvania Supreme Court, allowing for one chief justice and two associate justices

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. 

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. Effective January 1, 1999, all but senior appellate judges and those senior judges who were sitting before this time, may serve as senior judges until they reach the age of 75. 

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

Administrative Office of Pennsylvania Courts

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

- 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.

Office of the Court Administrator

In addition to supporting the work of the Court Administrator of Pennsylvania, staff in the office of the court administrator provide visiting judges to assist with court backlogs and cases involving recusals.

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 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:

- statewide review of local procedures for obtaining a Protection From Abuse (PFA) order
- an analysis of trial court decisional delay based on the 1997 amendments to Rule of Judicial Administration 703, specifically examining Post Conviction Relief Act (PCRA) cases
- comparative analysis of civil filings at the state and national levels
- staff support to the Juvenile Court Rules Project, including a series of detailed surveys on local procedures in juvenile delinquency cases
- survey of judicial safety of the state's trial and special court judges
- analysis of condensed transcripts and e-transcripts with the aim of developing proposals to amend Chapter 5000 of the Pennsylvania Rules of Judicial Administration (governing court reporting transcripts)
- updating and refining the caseload statistical reporting system, including
 - the addition of the PFA Statistical Report
 - revisions to the Family Court Report to provide greater detail in the disposition of divorce cases
 - a breakdown of child dependency cases into abuse/neglect and status offense categories

- cooperative efforts with PACSES for the reporting of detailed child support cases
- survey of senior judge chamber facilities and support staff, followed by a rule change approved by the Supreme Court to meet the needs of senior judges (Pa. R.J.A. 701).

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.

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, www.courts.state.pa.us, continued to increase in 1998. The site had approximately 1.8 million hits in 1998, with nearly as many hits in the last three months of the year as in all of 1997. During 1998, users accessed more than double the number of pages they viewed in 1997.

The AOPC also began setting up its own Web server in-house, a process which will give it total control over its site. The project is expected to be completed in 1999.

Software Development Unit

Statewide District Justice Automation System

Major changes were made to the Statewide District Automation System in response to the adoption by the Supreme Court of Criminal Procedural Rules Committee Recommendations 7 and 8. Recommendation 7 addressed the generation of a pre-warrant notice when a payment of the amount owed on a citation is defaulted. Recommendation 8 implemented procedures from Rule 30, Contempt Proceedings before District Justices; Rule 31, Appeals from Contempt Adjudication; and Rule 32, Defaults in Payment of Fine imposed as punishment. The implementation of the changes brought about by these rules in the DJS was significant. Over 100 objects were modified/created in the implementation of these rules.

In addition to these major software development efforts, the menu structure of the DJS system was completely overhauled to facilitate users' navigation of the system. Routine enhancements and changes are constantly being made to the DJS software in response to user requests.

Administrative Support Application Project

Significant progress was made in 1998 in the development of the Administrative Office's application software project (ASAP). Highlights include:

- award of the programming services contract to a vendor
- commencement and completion of the re-view functional/detail specifications for the payroll module with the vendor.
- commencement and completion of the re-view of the payroll database design with the vendor
- commencement of the development of the payroll module program in a three-tier client/server architecture
- commencement of the analysis of the migration of the existing payroll data on the PRIME into the new ASAP database.

In the existing PRIME system, a major effort in 1998 was the conversion to a new EDI format for the data transmitted to the Department of Treasury per the Department of Treasury's stipulations.

Electronic Data Interchange and Public Access

The Electronic Data Interchange (EDI) and Public Access (PA) 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. Currently, 31 counties are set up to use the data as input to their systems. This includes not only Common Pleas Courts, but probation, prison and warrant management systems as well.

Since the establishment of a public access policy in 1994, formal requests for data have more than doubled. The EDI/PA Section received and responded to 88 requests for

information. Sixty of these requests were from other state and local agencies; 12 were from media; and 16 were from the public.

EDI activities continue to save other state and local agencies millions of dollars per year by eliminating redundant keying and assisting in the automation of manual functions.

JNET

The Justice Network (JNET), a coordinated effort of state agencies and the judiciary, is now online. JNET will provide registered users with data from a variety of agencies such as criminal history information from the state police and warrant and bail information from the district courts.

A big step to this processing was the development of a notifications system. This system will allow agencies to subscribe to information that will help them monitor and track individuals who enter the criminal justice system.

Currently, arrest information is for-warded to the AOPC and warrant information is sent to a number of subscribers, including state probation and parole officers.

The JNET effort has also paved the way toward on-line disposition reporting. Moving toward this goal, the AOPC will have in place, a method through which Common Pleas Courts can send case disposition information and immediately process and forward this information to the Pennsylvania State Police for processing into the Criminal History Repository. Currently, AOPC receives and processes the data via tape. The new process allows for data validation on initial entry and incorporation of previously entered data without rekeying.

Computer Operations Unit

In the summer of 1998 the AOPC completed a statewide upgrade of the DJS AS/400 operating system. The upgrade provided

enhanced TCP/IP functionality for our planned move to TCP/IP as our network protocol.

The LAN section migrated office e-mail to MS Exchange Server for enhanced intra-office communications and calendaring and completed a switch to MS Office Suite on all AOPC desktops. Additionally, laptops were provided for all district court administrators, complete with Internet access to provide for interoffice communications and future JNET connectivity.

The Computer Operations Unit improved network security while completing secure web certification from the International Computer Security Association, becoming the first state agency in the country to obtain such a certification.

A change management function provides installation verification, change coordination and version control for all DJS software developed. Technical support staff distributed a total of 397 program changes in this period on 174 different days. All changes are pre-announced before additional testing and are coordinated using the facilities of an integrated calendaring and e-mail groupware package.

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.

Administrative Unit

Staff provides clerical and administrative services for all personnel units under the Judicial Computer Department, including processing

mass mailings, filing, copying, research, accounts payable and receivable, and various scheduling of meetings and overnight reservations as needed. Clerical staff also provides relief for the main receptionist during lunch breaks and scheduled vacations.

Contract Administration and Project Management

The staff assigned to these tasks researches and compiles necessary information to draft Requests for Proposals for information technology consulting services for the AOPC. They play a major role in vendor selection, contract negotiations and the subsequent contract administration and project management following the awarding of a contract.

Training Unit

In 1998 unit personnel trained 96 district justice staff, new employees and court administrators at the central site in Mechanicsburg. Staff also traveled throughout the state, conducting regional training for 1,400 users.

In addition to training, staff participated in research, analysis, testing and writing program change requests in many areas. One major change came about due to Recommendations 7 and 8 from the Criminal Procedural Rules Committee. Recommendation 7 establishes new procedures regarding default in payment of fines and costs after conviction and amends Rule 75 to require a pre-warrant notice before issuing an arrest warrant for payment default. Recommendation 8 implements district justice contempt powers.

The Training Unit performs user tests on all major code changes to the DJS.

Trainers meet regularly with user groups to discuss concerns and suggestions regarding the automated system. Training staff researched

and answered more than 8,500 second-level help desk calls in 1998.

Work continues on the development of new documentation manuals for the automated system. This unit writes and prepares updates to the manual in the form of 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 1998 the unit responded to 132 requests for additional equipment and equipment/office relocations.

Help Desk Unit

The help desk responded to 55,215 calls in 1998. This included calls resulting from changes to the DJS brought about by new rule changes, new legislation and user suggestions or requests. Calls resulted from 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 the programming unit trains the help desk staff 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 within the times specified in the maintenance contract so that the office work schedule is not negatively impacted. In 1998, 2,214 maintenance calls were received and completed.

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 programmers on user procedures, assembles user documentation

for second-level calls, and reviews laser faxes prior to their release in order to ensure that they are clear. In 1998 the help desk assisted in the redesign of the DJS menu screens.

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 consultation 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 includes:

- developing necessary policies and procedures on accounting and budget issues
- monitoring and preparing the budget request for 36 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 36 line items and deal with operational issues and policies.
- managing \$216.4 million in annual appropriations to the judiciary, including \$32 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 (approximately \$21.7 million). 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 1998 the department coordinated eight major conferences:

- *New Judges Conference*
January 4-8, 1998
- *Pennsylvania Association of Court Management Mid-Annual Conference*
January 25-27, 1998
- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 26-March 1, 1998
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
May 31-June 3, 1998
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 22-26, 1998
- *Rules of Evidence Seminars*
September 11, 18, 25, 1998
- *Joint Family Law Conference-Domestic Relations Association of Pennsylvania*
November 29-December 2, 1998
- *Commercial Law Program*
December 2-4, 1998

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. 

1998 Membership:

Honorable Robert L. Byer, *Chair**
Gaele McLaughlin Barthold, Esq., *Chair***
Honorable Joseph M. Augello, *Vice Chair+*
Jane Campbell Moriarty, Esq., *Vice Chair**
Gabriel L. I. Bevilacqua, Esq.
Charles W. Bowser, Esq.
William P. Bresnahan, Esq.
Maria L. Dantos, Esq.
Anthony W. DiBernardo, Jr., Esq.*
David B. Fawcett, Jr., Esq.*
Frederick N. Frank, Esq.
Wendell G. Freeland, Esq.
Bridget E. Montgomery, 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 chair effective 7-1-98
- + Appointed vice chair effective 7-1-98

Legal Authorization:

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

Appellate

Court

Procedural

Rules

Committee

P.O. Box 447
Ridley Park, PA 19078-0447
(610) 534-3450
fax (610) 534-3453
e-mail trish.nagel@supreme.
court.state.pa.us

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 refining and updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

The committee also responds, when and as appropriate, to inquiries made by lawyers, trial judges and trial court officials. Questions from and suggestions by these parties are often studied in depth by the committee and can result in recommendations for rule changes.

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

1998 Activities

The committee met twice in 1998, in May and October in Philadelphia. As a result of these sessions, the committee prepared, re-viewed and revised numerous recommendations for submission to the Court.

Recommendation 33 amends Pa.R.A.P. 511 (Cross Appeals), 903 (Time for Appeal), 1113 (Time for Petitioning for Allowance of Appeal), 1512 (Time for Petitioning for Review), 2113 (Reply Brief), 2136 (Briefs in Cases Involving Cross Appeals) and 2185 (Time for Serving and Filing Briefs). These proposed rules provide a comprehensive approach to **cross-appeals** and clarify existing ambiguities in cross-appeal practice.

Recommendation 38 rescinds Pa.R.A.P. 3518 (Statement of the Scope and Standard of Review) and amends Pa.R.A.P. 2111(a) (Brief of the Appellant) so that a statement regarding scope and standard of review is now required in

appellate briefs. This recommendation was accepted by the Court on January 14, 1999.

The committee reviewed Pa.R.A.P. 1925(b) (Opinion in Support of Order) and 1931 (Transmission of the Record) in an effort to address the timing problems that have developed following adoption of Pa.R.Crim.P. 1410 making **post-sentence motions** optional.

The committee has studied the Note to Pa.R.A.P. 903 (**Time for Appeal**). This matter is pending.

The committee has considered a possible amendment of Pa.R.A.P. 2117(d) (Appeals From Case Stated), which would abolish the procedural device of "**case stated**" and to provide for "**submission of a case on stipulated facts.**" This matter remains under review.

The committee has also studied Pa.R.A.P. 1941 (**Review of Death Sentences**). This matter likewise remains under consideration.

The committee has recommended amending Pa.R.A.P. 1301 (**Interlocutory Appeals** – Number of Copies) so that the rule will conform to current practice. This matter remains pending.

The committee continued to work diligently throughout all of 1998 with the Orphans' Court Procedural Rules Committee to finalize its Joint Recommendation 98-1 to amend Pa.R.A.P. 341 (Final Orders). This recommendation would amend Pa.R.A.P. 341 by redefining **final orders in orphans' court proceedings** to include orders determining an interest in realty or personalty or determining the status of an individual without regard to whether the order ends the case as to all claims or parties. This recommendation remains under consideration.

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. 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 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.

1999 Plans

The committee will meet regularly in 1999 to continue its work in reviewing Chapter 15, **Judicial Review of Governmental Determinations**, and to identify other aspects of the rules to be considered for refinement and updating. Among subjects on the committee's agenda for 1999:

- recommendation 39 regarding amendment of Pa.R.A.P. 2501 pertaining to **Post-Submission Communications**
- recommendation 40 amending Pa.R.J.A. 5000, *et seq.*, which authorizes the use of condensed **transcripts** except in capital cases

- recommendation 41 amending Pa.R.A.P. 3901 relating to **confidentiality** of appellate proceedings under the Adoption Act
- completion and submission of **Joint Recommendation 98-1** in conjunction with the Orphans' Court Procedural Rules Committee.

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
fax: (215) 665-2013

Honorable Joseph M. Augello, Vice Chair
Luzerne County Courthouse
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Wilkes-Barre, PA 18711
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Dean R. Phillips, Esq., Counsel
Tricia W. Nagel, Executive Director
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fax: (610) 534-3453
E-mail: trish.nagel@supreme.court.state.pa.us



**Board
of
Law
Examiners**

1998 Membership:

Thomas A. Decker, Esq., *Chairman*
Honorable Charles R. Alexander, *Vice Chairman*
Robert J. Coleman, Esq.
Lisa Pupo Lenihan
Honorable James M. Munley*
Jonathan H. Newman, Esq.
Jane Gowen, Penny, Esq.

* Term expires 4-1-99

Staff:

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

Legal Authorization:

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

5035 Ritter Road
Suite 1100
Mechanicsburg, PA 17055
(717) 795-7270
www.pable.org

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.

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 comprises two parts, an essay section, which is administered the first day, and the multiple choice Multistate Bar Examination (MBE), which is administered the second day. The essay portion of the exam consists of eight questions developed by the examiners and

approved by the board. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The MBE is a national exam, prepared by the National Conference Bar Examiners in conjunction with American College Testing. Its 200 questions are not Pennsylvania specific and cover contracts, criminal law, constitutional law, real property, evidence and torts.

To pass the bar exam, applicants must receive a scaled score of at least 130 on the MBE, at least 135 on the essay section and at least 270 on both sections combined. In addition, effective with the February 1998 exam, applicants must also score at least 75 on the Multistate Professional Responsibility Examination (MPRE).

The MPRE is a standardized test used to demonstrate an applicant's knowledge of the professional responsibility and ethical obligations of the legal profession. Applicants may take it at any point during law school or their legal career prior to taking the bar exam. Indeed, they are encouraged to take it while in law school, shortly after they have completed a course on professional responsibility or ethics. They do, however, have up to six months after sitting for the bar exam to take it.

If an applicant is not successful on the MPRE within six months from the date results are released for the bar exam for which he/she sat, he/she will be required to submit to the board an Application for Supplemental Statement and for Character and Fitness as required under Pa.B.A.R. 231. This supplemental application process requires a character and fitness review and may take up to six months or longer to complete. It also currently requires a filing fee of \$275.00.

If an applicant is not successful on the MPRE within three years of the date his/her successful bar exam results were released, he/she must reapply for permission to sit for the

bar exam, successfully retake the exam and meet all of the requirements at that time.

Grading the Bar Exam

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 forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

The MBE is graded by American College Testing.

Grading procedures for the essay exams have been streamlined, and this has resulted in a 30% reduction of release time. Examiners and readers, all of whom are licensed Pennsylvania attorneys, meet and calibrate grading criteria shortly after the bar examination. The applicants' essay exams are divided between the three graders, who then follow a strict timetable to ensure all exams are graded and all rereads are completed prior to the scheduled release date. The reduced grading period has resulted in increased calibration standards.

The most recent results of the bar exam can be found on the Board of Law Examiners

home page at www.pable.org or on the Administrative Office's home page at www.courts.state.pa.us.

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 39 hearings were held in 1998.

1998 Activities

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

Statistics for 1998, including a comparison with 1997's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 38 details the percentage of those who have passed the bar since 1989 while Chart 3.2.3 on page 39 is a comparison of the number of persons who have sat for the exam versus the number who have passed it over the past ten years.

The board met nine times in 1998 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 accommodate applicants with character and fitness issues involving substance abuse, the board initiated an evaluation to determine the feasibility of a conditional admission program. The character and fitness director researched the conditional admission programs in five other jurisdictions and presented the information to the board at the August semiannual meeting.

The conditional admission report was thoroughly reviewed by the board, including draft examples of procedures that would require implementing. The board agreed that a conditional admission program for bar applicants would assist new lawyers with substance abuse problems by providing guidelines, monitoring and mentors. The report was given to the Disciplinary Board of the Supreme Court for coordination. Both the Board of Law Examiners and the Disciplinary Board are continuing to evaluate a conditional admission program.

The chair, executive director and character and fitness director visited several Pennsylvania law schools in 1998 to conduct an informational program on the bar admission process. The chair opened the program by explaining the authority and function of the board as well as the board duties both to applicants and to the Supreme Court. The executive director described the bar examination process, current passing standards and grading procedures. Character and fitness standards and requirements were detailed by the character and fitness director. The board staff also

Admission applications	approx. 3,000	
Sitting for February exam	642	
Change from 1997	(92)	(12.5)%
Persons passing February exam	359	
Persons failing February exam	283	
Passing percentage	56%	
1997 Passing Percentage	66%	
Sitting for July exam	1,847	
Change from 1997	(136)	(7%)
Persons passing July exam	1,294	
Persons failing July exam	553	
Passing percentage	70%	
1997 Passing Percentage	76%	

Table 3.2.1

answered questions from the law school students about the bar admission process and bar application. This program will be expanded in 1999 to two visits per year and include Widener School of Law in Delaware.

World Wide Web

The board's Web site became available on the Internet in October 1998. The page was designed to provide information to bar applicants, law schools, court personnel and the public. The site, located at www.pable.org, contains bar admittance information, the Pennsylvania bar admission rules, *Bar Admissions Information Handbook*, examination

requirements, essay questions and examiners' analyses from previous exams, press releases of successful applicants from several exams, and bar examination statistics. Applicants are also able to download the current bar application and/or request bar applications via e-mail. The site also provides e-mail to each board staff member.

Board Recommendation

The board made the following recommendation to the Supreme Court in 1998:

Recommendation No. 1: Amendment to bar admission rules adopting Pa.B.A.R. 105, which relates to **civil immunity**. The proposed rule provides immunity to the board, its members, employees and agents from civil liability for conduct occurring in the performance of official duties. Additionally, the rule provides immunity from civil liability to persons furnishing information to the board, providing such information is furnished without malice. The recommendation was approved by the Court.

Filing Fees

The filing fees charged for processing applications remained unchanged in 1998 and are as follows:

- \$400 first-time filing fee
- \$550 late filing fee
- \$500 for admission on motion.


Application revenues for fiscal year 1998 totaled approximately \$1.5 million.

Looking Ahead to 1999

As noted above, board staff will expand the information programs presented to Pennsylvania law school students, biannually visiting Pennsylvania's law schools as well as Widener School of Law in Delaware.

The executive director is resigning from her position after six years of service to the board, and the character and fitness director will become the new executive director effective May 1, 1999. The executive director will continue assisting the board on a consulting basis through the end of August 1999.

Contact Person

Anyone having questions about the Board of Law Examiners or the bar exam can contact the board office by calling (717) 795-7270 or by writing to 5035 Ritter Road, Suite 1100; Mechanicsburg, PA 17055. 

Pennsylvania Bar Exam Passing Percentages

1989-1998

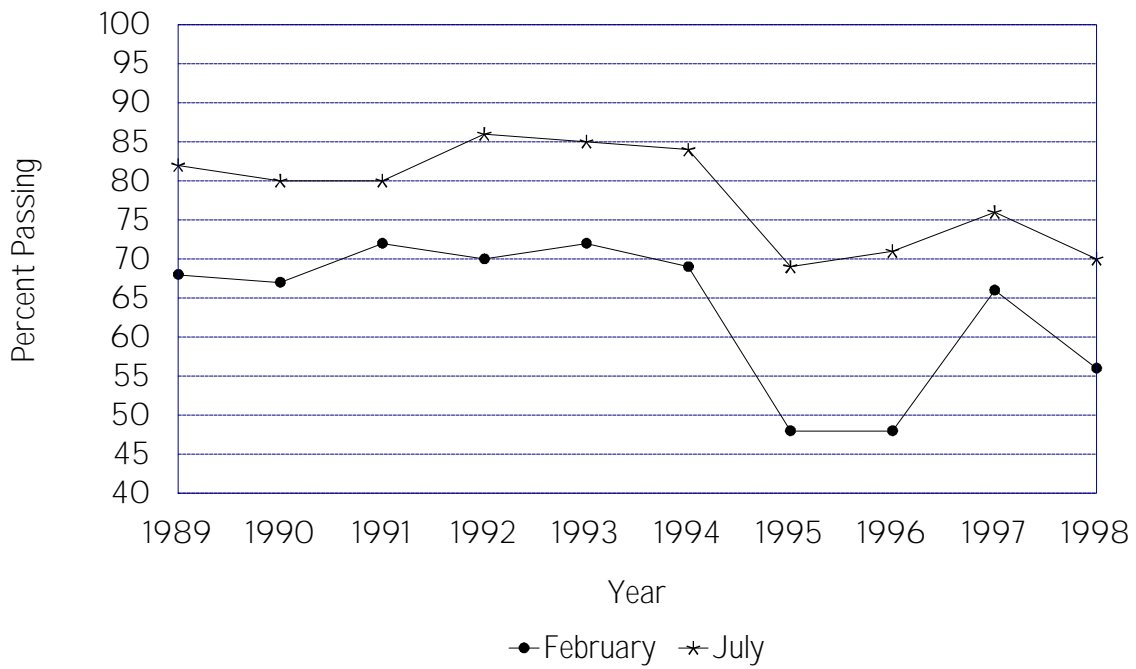


Table 3.2.2

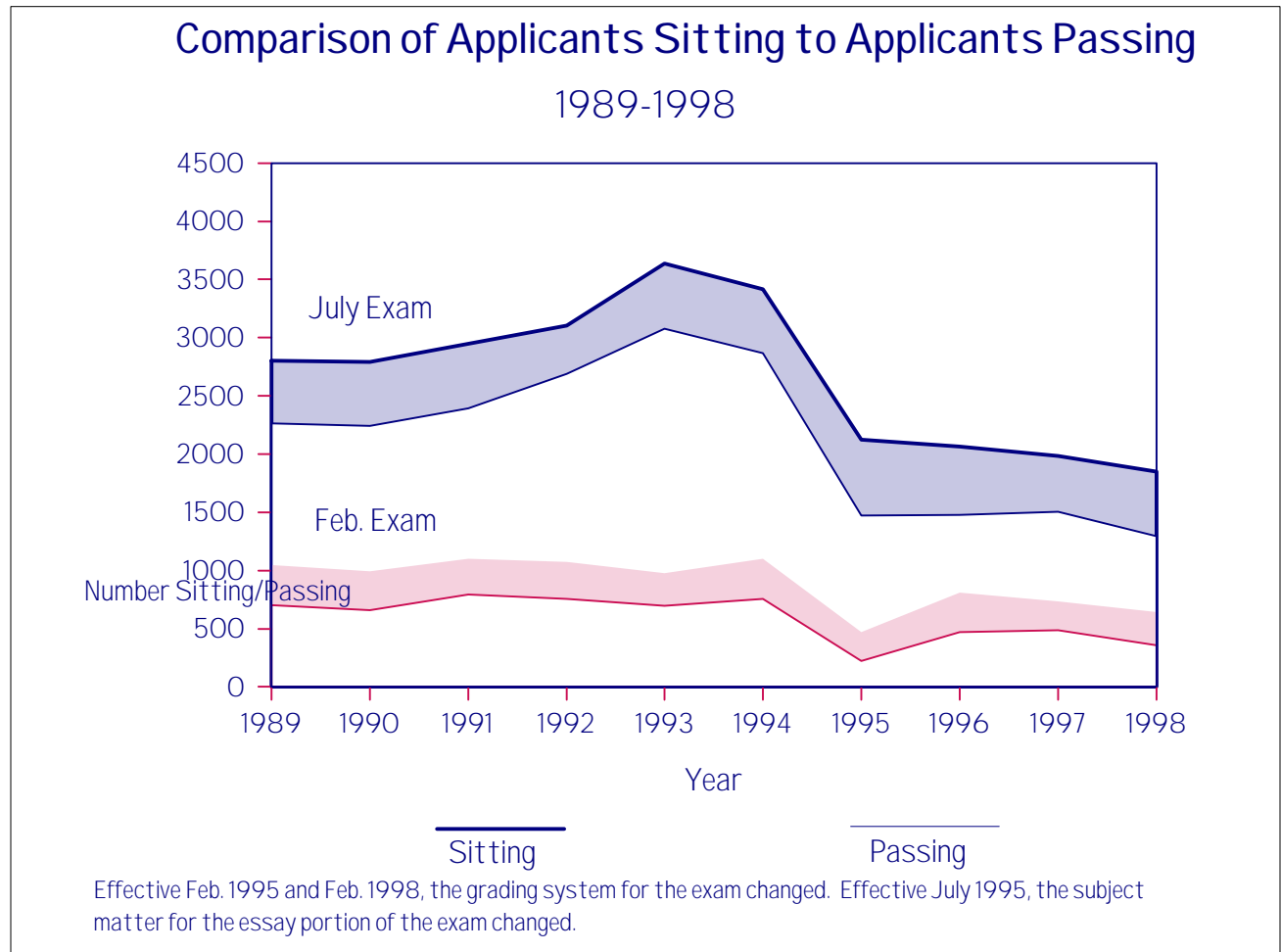


Table 3.2.3

1998 Membership:

Edwin L. Klett, Esq., *Chair##*
Donald J. Farage, Esq., *Vice Chair***
Rea Boylan Thomas, Esq., *Vice Chair*
David F. Binder, Esq.++
Ernest J. Buccino, Jr., Esq.##
Paul S. Diamond, Esq.*
Professor John L. Gedid##
H. Paul Kester, Esq., *ex officio*
James D. McDonald, Jr., Esq.##
Robert A. Newman, Esq.+
Edward G. O'Connor, Esq.+
William Pietragallo, II, Esq.**
Frank S. Poswistilo, Esq.**
Honorable Keith B. Quigley##
Diane Barr Quinlin
Shanin Specter, Esq.
Clayton A. Sweeney, 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#*
Jeffrey M. Wasileski, Esq.
Sharon L. Ciminera, *Office Manager*

- * Resigned 6-98
- ** Term expired 6-30-98
- + Appointed 6-30-98
- ++ Resigned 9-98
- # Retired 10-1-98
- ## Term expires 6-30-99

Legal Authorization:

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

Civil

Procedural

Rules

Committee

5035 Ritter Road, Suite 700
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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.

1998 Activities

The Civil Procedural Rules Committee held five meetings in 1998 as follows:

January	Pittsburgh
April	Philadelphia
June	Pittsburgh
September	Erie
November	via conference call

In addition, a subcommittee met several times by conference call to develop proposed rules governing liens of verdicts and judgments and amendments to rules governing revival of judgments. Subcommittee meetings were similarly held to consider proposed rules governing appeals from district justices and proposed amendments to the rules governing service of original process.

The committee continued to work on other projects begun in prior years. Principal among these were Recommendations No. 142

relating to service of original process and Recommendation No. 144 relating to amendment of pleadings.

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 year 1998 marked the third year during which the committee maintained a home page on the Internet. The committee site is accessed through the home page of the Administrative Office of Pennsylvania Courts at www.courts.state.pa.us.

The site includes an index page, which provides access to the following materials:

- recently promulgated rules and amendments to rules
- a schedule of effective dates
- proposed recommendations of new rules and amendments to existing rules
- the prime rate, which forms the basis for calculating damages for delay under Rule of Civil Procedure 238.

The Administrative Office of Pennsylvania Courts includes a list of the members of the committee as part of its home page.

Judicial Council of Pennsylvania

The Judicial Council of Pennsylvania was reactivated during 1998 and the chairman of the Civil Procedural Rules Committee, Edwin L. Klett, Esq., was appointed to membership. Mr. Klett and the staff of the Civil Procedural Rules Committee were requested to furnish assistance

to the council by revising both Rule of Judicial Administration 301 *et seq.* governing the Judicial Council and the Rules of the Judicial Council as set forth in Title 204 of the Pennsylvania Code, Chapters 101 through 111.

Mr. Klett was assigned to one of the Judicial Council's four newly created standing committees, the Statewide Rules Committee, chaired by Madame Justice Sandra Schultz Newman. Madame Justice Newman requested that the Civil Procedural Rules Committee review the issue of local rules and statewide uniformity of practice with a view toward developing broad recommendations and methodology. The Civil Procedural Rules Committee considered the matter at its June and September meetings and prepared a report which was submitted to Madame Justice Newman in the fall of 1998.

1998 Amendments to the Rules of Civil Procedure

The Supreme Court acted upon several committee recommendations in 1998, 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

Recommendations Effective in 1998

The following recommendations promulgated in 1997 became effective January 1, 1998. They are described in the 1997 annual report.

Recommendation No. 130: Voir Dire Added new Rule 220.1.

Recommendation No. 134: Compulsory Arbitration Amended Rule 1305 governing conduct of a hearing before a board of arbitrators.

Recommendation No. 140: Delay Damages and Post-Trial Practice Amendment to Rule 238 governing delay damages and a note to Rule 227.4 governing post-trial practice.

Recommendations Promulgated in 1998

Recommendation No. 143: Physical and Medical Examination of Persons Amended Rule 4010 so that psychologists and dentists as well as physicians would be authorized to make examinations. Also, certain protections were provided to the parties facing examination, including the right to have counsel or another representative present at the examination and a limitation upon the examiner's interrogation of the person to be examined. In addition, the rule was made gender neutral.

At the same time, new Rule 4010.1 was promulgated to govern evaluation of earning capacity and provide 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."

Promulgated April 24, 1998, effective July 1, 1998.

Recommendation No. 145: Rule 3101 *et seq.* (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. 145 virtually completed the technical revision of the rules of civil procedure in light of JARA. The rules affected by the recommendation were Rule 3101 *et seq.*, governing the enforcement of judgments for the payment of money.

Rule 3104 governing the indexing of the writ of execution is the one execution rule which was not included in the recommendation. It will be included in a separate recommendation relating to liens upon real property and revival of judgments.

Promulgated April 20, 1998, effective July 1, 1998.

Recommendation No. 146: Filing Copies; Service by Facsimile Transmission Added 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.

A note to the rule made clear that the proposed rule was concerned with the filing of copies of documents and did not authorize the filing of documents by "fax."

In addition, proposed amendment of Rules 440 and 1035 provided 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.

Promulgated August 3, 1998, effective January 1, 1999.

Recommendation No. 147: Discovery Added to Rule 4007.1 new subdivision (f) governing proceedings under § 5326 of the Judicial Code, a part of the Uniform Interstate and International Procedure Act. That section provides aid to litigants and tribunals outside the Commonwealth with respect to depositions. To prevent unreasonable expense or burden to the person whose deposition is sought, the new subdivision limits the venue of proceedings to obtain an order under the code to "the county in which the

person who is the subject of the order resides, is employed or regularly transacts business in person." Promulgated August 4, 1998, effective January 1, 1999.

Amendments Promulgated without Prior Publication

Several amendments were promulgated without prior publication because of their perfunctory nature.

Rule 235: Notice to the Attorney General Brought the rule into conformity with the Commonwealth Attorneys Act, 71 P.S. § 732-204(c), which provides that the attorney general "may intervene in any other action, including those involving charitable bequests and trusts or the constitutionality of any statute." The rule, which already provided for notice in an action involving the constitutionality of a statute, was expanded to coincide with the act and require notice when an action involves a charitable bequest or trust. Promulgated August 3, 1998, effective January 1, 1999.

Rule 2958.3: Execution upon a Confessed Judgment The amendment to subdivision (a) of Rule 2958.3 was perfunctory in nature, adding the words "and attached," which had been inadvertently omitted. Effective July 1, 1998.

Rule 231.4, Rule 4009;21(a): Subpoenas; Production of Documents and Things It had appeared that attorneys were of the belief that a subpoena pursuant to Rule 4009.21 *et seq.* is the sole manner of seeking production from a person not a party to an action. The amendment of the note to the rule was designed to change this perception and create an awareness that there are viable alternatives. The alternatives set forth in the note are a deposition upon oral examination under Rule 4007.1 (d) and an independent action.

In a related matter, some attorneys and judges were of the impression that the 20-day prior notice provision of Rule 4009.21 for the

issuance of a subpoena to produce documents or things applied to a subpoena *duces tecum* issued under Rule 234.1 in connection with an oral deposition. A note was added to Rule 234.1(a) effective January 1, 1999, to alert the bench and bar that the 20-day notice did not apply to the subpoena *duces tecum*.

Effective January 1, 1999.

Rule 400.1: Service of Original Process in Philadelphia County The Supreme Court of its own motion amended this rule by making the rule permanent and extending its scope to all courts of the First Judicial District. The title of the rule, "Temporary Provisions for Philadelphia County," was revised to read "Provisions for All Courts of the First Judicial District." Effective August 1, 1998.

Recommendations Published to Bench and Bar

Recommendation 148: Production of Medical Records Proposes to amend Rule 234.1 governing subpoenas to eliminate a conflict with Section 6152(c) of the Judicial Code as amended by Act No. 1998-26. The code conflicts with Rule 4007.1(d)(2) governing oral depositions to the extent that it authorizes the health care provider or facility to deliver the records prior to the date set forth in the subpoena. The recommendation proposes that new subdivision (d) be added to Rule 234.1 requiring that, when medical records are to be produced in connection with the subpoena to attend and testify, a special notice be attached to the front of a subpoena advising that the records are not to be produced before the date set forth in the subpoena in the absence of an authorization from the plaintiff or the plaintiff's attorney.

Recommendation No. 149: Service upon Associations Proposes to amend Rule 423 governing service of original process upon partnerships and unincorporated associations and Rule 424 governing service of original process upon corporations and similar entities. These

rules currently provide, *inter alia*, a method of service whereby a copy of process may be handed to "the manager, clerk or other person for the time being in charge of any regular place of business or activity." A barrier of a reception-ist or security guard, however, often makes such service difficult to effect. The recommendation would add a provision to both rules that service may be made upon "a person responsible for receiving visitors, or business mail or deliveries addressed to" the particular association, at any office or regular place of business of the association.

Recommendation No. 150: Associations as Parties Proposes to modernize the definitions of the terms "partnership," "unincorporated association," and "corporation or similar entity." The definitions contain terminology which has become obsolete since the rules governing these associations were adopted in 1939.

Recommendation No. 151: Liens upon Real Property and Revival of Judgments Rules 3025 through 3049 were promulgated in 1964 to provide the procedure in proceedings to revive and continue the lien of a judgment. The note to Rule 3025 advised the bench and bar: "For the substantive law governing the revival of judgment against defendants and terre tenants see the Judgment Lien Law of 1947, 12 P.S. 877 *et seq.*"

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978, but no successor provisions were enacted as part of the Judicial Code or otherwise and the 1947 Act disappeared from Purdon's Pennsylvania Statutes. Unless the superseded volumes of former Title 12 were retained, the Judgment Lien Law became unavailable to the legal community. Yet, as no general rules had been promulgated to date to replace the repealed act, the Judgment Lien Law continued as part of the common law of the Commonwealth under the fail-safe provision of JARA, 42 P.S., § 20003(b).

Recommendation No. 151 proposes to amend the rules of civil procedure to fill the void

left by the repeal of the 1947 Act. It is the last of the major projects arising from JARA.

Recommendation No. 152: Judgment of *Non Pros* for Inactivity Proposes to codify the three-prong test for the entry of a judgment of *non pros* for inactivity as set forth in *James Brothers Lumber Co. v. Union Banking and Trust*, 432 Pa. 129, 247 A.2d 587 (1968) as reaffirmed in *Jacobs v. Halloran, et al.*, 551 Pa. 350, 710 A.2d 1098 (1998). The proposal contains three principal points. First, the test for activity sufficient to avoid a judgment of *non pros* includes activity both on the docket and outside the record. Second, there is no presumption of prejudice which arises from the mere passage of time; rather, prejudice must be actual and not presumed. Finally, the proposed rule requires a written notice of the intention to file a petition for a judgment of *non pros*, thus giving the opposing party the opportunity to exercise due diligence and proceed with reasonable promptitude.

Recommendation No. 153: Electronic Filing of Legal Papers Proposes to amend the rules of civil procedure by adapting them to accommodate the electronic filing of legal papers. The rules are presently based upon a system using paper or "hard copy," and revision is required to take advantage of the technological advances heralded for the twenty-first century. The proposed rules do not authorize the electronic filing of legal papers, but merely set forth procedural guidelines to allow pilot projects and eventual general use when authorized by general rule, rule of court, or special order.


Recommendation No. 154: Conduct of jury trial Proposes to add new subdivision (b) to rule 23 to provide techniques which may be

used in the conduct of a jury trial. The proposal, which reflects a heightened interest in the jury trial nationwide, is directed toward providing jurors with a greater understanding of the case which they are witnessing and, if appropriate, an opportunity to participate more actively in the trial. The rule is designed to be a catalog, advising both the bench and bar of the options available and the court's power to invoke them.

Continuing Responsibilities

The Judicial Code and the JARA have provided the committee with the basis for much of its work since 1978. During 1998 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 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 civil.rules@supreme.court.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
134	Amendment of Rule 1305 governing compulsory arbitration	Promulgated 9-5-97, effective 1-1-98
138	Amendment of Rule 1303 governing compulsory arbitration	Promulgated 7-30-98, effective 1-1-99
140	Amendment of Rule 238 governing damages for delay	Promulgated 9-24-97, effective 1-1-98
142	Amendment of Rule 400 et seq. governing service of original process	Pending before Court
143	Amendment of Rule 4010 governing physical and mental examination of persons; proposed Rule 4010.1 governing evaluation of earning capacity	Promulgated 4-24-98, effective 7-1-98
144	Amendment of Rule 1033 governing amendment of pleadings	Pending before Court
145	Technical amendment (JARA) of Rule 3101 et seq. governing enforcement	Promulgated 4-20-98, effective 7-1-98
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	Promulgated 8-3-98, effective 1-1-99
147	New Rule 4007.1(f) governing application for an order under Section 5326(a) of the Judicial Code relating assistance to litigants outside the Commonwealth	Promulgated 8-4-99, effective 1-1-99
148	Amendment of Rules 234.1 and 4007.1(d) governing issuance of a subpoena duces tecum for medical records and charts	Published to bench and bar for comment

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
149	Amendment of Rules 423 and 424 governing service of original process upon associations	Published to bench and bar for comment
150	Amendment of Rules 2126, 2151 and 2176 defining partnerships, unincorporated associations, and corporations and similar entities	Published to bench and bar for comment
151	Promulgation and amendment of rules governing lines upon real property and revival of judgments	Published to bench and bar for comment
152	Promulgation of New Rule 229.1 governing entry of judgment of non pros for inactivity	Published to bench and bar for comment
153	Promulgation of new Rule 205.4 and amendment of Rule 440 to provide for electronic filing and service of legal papers	Published to bench and bar for comment
154	Amendment of Rule 223 governing conduct of the jury trial	Published to bench and bar for comment

Chart 3.3.1, cont'd.

1998 Membership:

Civil Instructions Committee

James E. Beasley, Esq., *Chairman*

Perry S. Bechtle, Esq.

Honorable John C. Dowling

James Lewis Griffith, Esq.

Lee C. Swartz, Esq., *Reporter*

Civil Instructions Advisory Panel

Lee C. Swartz, Esq., *Reporter*

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Chairman*

Honorable Robert E. Dauer, *Co-chairman*

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

Honorable John N. Sawyer

Professor Arthur A. Murphy, *Reporter*

Criminal Instructions Advisory Panel

Professor Arthur A. Murphy, *Reporter*

Honorable Kevin A. Hess

Honorable Renee Cardwell Hughes

Honorable J. Wesley Oler, Jr.

Staff:

Roger B. Meilton, *Assistant Reporter and Secretary*

Legal Authorization:

Pa. Constitution Article V, § 10(c)

Committee

for

Proposed

Standard

Jury

Instructions

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

History/Background

The Pennsylvania Supreme Court Committee for Proposed Standard Jury Instructions was first appointed in 1968 by Chief Justice John C. Bell for the express purpose of developing pattern jury charges for the assistance of both the bench and the bar. The committee's mission from the outset has been to assist the administration of justice in both civil and criminal court proceedings through the availability of model jury instructions.

As a result, the committee has published comprehensive volumes of suggested civil and criminal jury instructions. The suggested instructions guide judges and lawyers in the preparation and consideration of instructions during the trial process. The ongoing purpose of the committee is to monitor developments in civil and criminal law, recommending and publishing revised and new instructions as required.

Since 1979 the Pennsylvania Bar Institute (PBI) has provided both administrative and publishing support for the committee, as well as funding for this important work. Project costs are underwritten through the sale and distribution of the published suggested standard instructions to the legal community.


The third supplement to the Civil Jury Instructions was published in 1997. With this

supplement, the instructions became available on computer diskette. The process of recruiting a working advisory panel is underway, with the goal of publishing a fourth supplement in the year 2000.

The seventh supplement to the Criminal Jury Instructions was published in 1995. With it, the instructions also became available on computer diskette. During 1998 and 1999, the advisory panel has continued researching and drafting revised and new jury instructions for an eighth supplement targeted to be published in late 1999.

Contact Person

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

Those interested may contact David Hominik, PBI Publications Attorney. He can be reached at the Pennsylvania Bar Institute; 5080 Ritter Road; Mechanicsburg, PA 17055-6903; (800) 932-4637 or (717) 796-0804, ext. 2258; or dhominik@pbi.org. 

**Committee
on
Rules of
Evidence**

1998 Membership

Thomas C. Raup, Esq., *Chair*
Honorable J. Michael Eakin, *Vice Chair*
David F. Binder, Esq.
Raymond J. Bradley, Esq.
Alan Steven Gold, Esq.
Honorable Richard A. Lewis
Patrick J. O'Connor, Esq.
Bernard W. Smalley, Esq.
Ellen M. Viakley, Esq.
Leonard Packel, Esq., *Official Reporter*

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

5035 Ritter Road, Suite 800
Mechanicsburg, PA 17055
(717) 795-2100

History/Background

The Committee on Rules of Evidence was created on September 8, 1998, by the Supreme Court of Pennsylvania to serve as an advisory body to the Court, assisting the Court in fulfilling its constitutional and statutory responsibility to prescribe general rules governing all court proceedings in Pennsylvania's Unified Judicial System. It is the successor to the Ad Hoc Committee on Evidence, which was appointed by the Supreme Court in 1994 to develop a comprehensive code of evidence for the Court's consideration.

After an extensive public comment period and subsequent revisions, the ad hoc committee submitted a proposed evidence code to the Court that was adopted May 8, 1998, as the Pennsylvania Rules of Evidence. It became effective October 1, 1998.

Since then, first the ad hoc committee, and then the standing committee, have been monitoring the practical application of the new rules as well as developments in evidence law in Pennsylvania and in other jurisdictions, as reflected in case law and statutory changes that have occurred since the rules' adoption. In addition, the committees have been reviewing and responding to the various questions that have been raised by judges and lawyers.

Membership and Staff

The first members of the committee on Rules of Evidence have been appointed by the Court for initial one-, two- and three-year terms, commencing October 1, 1998. Committee membership consists of one Common Pleas Court judge, eight attorneys in private practice and a law professor, all of whom have extensive backgrounds in trial practice and procedure and are from different areas of Pennsylvania.

Committee staff consists of two attorneys and an office manager and maintains its office in Mechanicsburg at the AOPC's central site.

1998 Activities

The Committee on Rules of Evidence held its first full committee meeting in October 1998 in Philadelphia. Prior to this, several sub-committee meetings and conference calls were held as the committee became established.


The committee's first undertaking was a carryover from work that the ad hoc committee had begun, viz., to provide statewide training on the new rules. This was accomplished with the assistance of the Pennsylvania Bar Institute. These training sessions also provided the committee members with an excellent opportunity to answer questions and to gather input about the new rules.

The committee's other major undertaking in 1998 was the initiation of what is anticipated to be an ongoing project, working with members of the legislature concerning the interplay between the new Rules of Evidence and existing evidentiary statutes.

Looking Ahead to 1999

The committee plans to continue to monitor the new Rules of Evidence as members of the bench and bar become more familiar with using them and to continue to work with members of the legislature on the statutory/rule project begun in 1998.

Contact Person

Any individuals wanting additional information about the Committee on Rules of Evidence or who have questions about the Rules of Evidence may contact the committee through its Chief Staff Counsel, Anne T. Panfil, Esq., at (717) 795-2100, or by writing to her at the committee's mailing address at 5035 Ritter Road, Suite 800; Mechanicsburg, PA 17055. 

1998 Membership

James C. Schwartzman, Esq., *Chairman*
Vincent J. Grogan, Esq., *Vice Chairman*
Carmen P. Belefonte, Esq.
John A. Carpenter, Esq.
Thomas L. Cooper, Esq.
Phoebe A. Haddon, Esq.*
Ruth E. Ganister, Esq.
Marvin S. Lieber, Esq.
Arthur L. Piccone, Esq.
Sandor Yelen, Esq.**

* Term expired 9-1-98

** Appointed 12-31-98

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

Pennsylvania

Continuing

Legal

Education

Board

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

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

Compliance Requirements and Deadlines

Annual CLE credit-hour requirements are met by completion of accredited courses in the areas of substantive law, practice and

procedure, ethics, professionalism or substance abuse. As of September 1, 1995, lawyers in each compliance year group must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

Compliance deadlines and CLE requirements are based on the annual compliance period to which lawyers have been assigned by random selection of lawyer identification numbers. CLE requirements and group deadlines can be found in Table 3.6.1 below.

Board Organization

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	
4-30-97	12 hours total, minimum 1 hour ethics
4-30-98	12 hours total, minimum 1 hour ethics
4-30-99	12 hours total, minimum 1 hour ethics
Group Two	
8-31-97	12 hours total, minimum 1 hour ethics
8-31-98	12 hours total, minimum 1 hour ethics
8-31-99	12 hours total, minimum 1 hour ethics
Group Three	
12-31-97	12 hours total, minimum 1 hour ethics
12-31-98	12 hours total, minimum 1 hour ethics
12-31-99	12 hours total, minimum 1 hour ethics

Table 3.6.1

Accreditation Committee

The Accreditation Committee has three members: Thomas L. Cooper, Esq., chairman; Phoebe Haddon, Esq.; and Arthur L. Piccone, 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 Thomas L. Cooper, 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.; 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.

1998 Board Actions and Operations Highlights

The board met three times in 1998.

With the Court's approval, the board obtained a copyright for the software which manages the immense database of information required to accurately and efficiently process lawyer compliance. The software was licensed in August of 1998 to the Supreme Court of Ohio Commission on Continuing Legal Education. A copyright was also obtained for the software called Automated System for Accredited Providers (ASAP), which is licensed to accredited providers and allows for automated course registration, and electronic submission of upcoming courses and course attendance rosters to the PACLE office.

The PACLE Internet site, www.pacle.org, was upgraded once again with additional services to lawyers. In addition to information about the board, the rules and regulations, Frequently Asked Questions and upcoming courses approved for Pennsylvania CLE credits, the highly utilized Course Record Check (CRC) was added to the site. With CRC lawyers can learn the last three courses posted to their records and the number of credits earned for their current compliance year.

In May of 1998, the board held its annual Provider Conference. Over 100 providers attended the sessions, which focused on attaining excellence in CLE. A major emphasis of the board with the 170 accredited providers of CLE in Pennsylvania is the importance of interesting, high quality CLE programs.

In 1997 the board initiated a Y2K analysis and plan for necessary remediation to avert any disruption to services in the year 2000. The main operating system hardware, the operating software, the telephone systems, the accounting system, the automated telephone information system known as Conversant, and

all peripheral hardware were either upgraded, replaced, or scheduled for Y2K correction processes by the end of 1999.

As another project, the board completed the technical documentation of all software and system administration.

Attorney Compliance


Attorney compliance with CLE requirements remains exceptionally high, averaging over 99%. Table 3.6.2 on page 57 displays the compliance rate and the number of lawyers whose names were reported to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

Looking Ahead to 1999

The board will complete the Y2K and systems initiatives in 1999 as well as continue to improve Internet services to lawyers. Quality

initiatives include a comprehensive survey of accredited providers to determine best practices in providing courses. The Internet site will be enhanced to encourage lawyers to critique recently attended courses via the Internet.

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%
97-98 - April 98	17,665	17,523	142	99.2%
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%
97-98 - August 98	17,613	17,511	102	99.5%
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	17,456	126	99.3%
97-98 - December 98	17,781	*	*	*
*Information for this compliance period will be available after August 20, 1999.				

Table 3.6.2

1998 Membership

Francis Barry McCarthy, Jr., Esq., *Chairman*+
Honorable J. Michael Eakin, *Vice Chairman*
Joseph P. Conti, Esq.
John P. Delaney, Jr., Esq.
John L. Doherty, Esq.
Honorable Scott A. Evans
Honorable Thomas King Kistler
Paul S. Kuntz, Esq., *ex officio*
Honorable Donna Jo McDaniel
John P. Moses, Esq.
John W. Packel, Esq.
Mary Benefield Seiverling, Esq.
Claude A. Lord Shields**
Lenora M. Smith, Esq.*
Michael W. Streily, Esq.
Stuart Brian Suss, Esq.
Joel P. Trigiani, Esq.*

* Term expired 6-30-98

** Appointed 7-98

+ Term expires 6-30-99

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, Suite 800
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.

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory *Report*, which describes the committee's proposal, and gives members of the bench, bar, and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), and various local bar publications. 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.

Web Site

The Criminal Procedural Rules Committee publishes its rule proposals and explanatory *Reports*, as well as the Supreme Court's orders promulgating criminal rule changes, the text of the rule changes, and the committee's *Final Reports* explaining the rule changes on the Supreme Court's home page. These publications may be found under Supreme Court Committees at www.courts.state.pa.us.

Membership and Staff

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 1998, it included a Superior Court judge, three Common Pleas Court judges, the chief disciplinary counsel for the Disciplinary Board of the Supreme Court, five prosecutors, one assistant public defender, three attorneys in private practice, one law professor and a district court administrator. During the second half of 1998, the membership changed with two of the three attorneys in the private sector completing their terms with the committee, and one additional prosecutor being appointed.

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

1998 Activities

The committee held five two-day full-committee meetings and several subcommittee meetings in 1998. The meetings were held in Pittsburgh, Philadelphia, Hershey, State College, and Wilkes-Barre.

A good deal of the committee's work in 1998 involved an ongoing review of the rules affecting proceedings before the minor judiciary, both in summary cases (Chapter 50), and in court cases (Chapter 100), and responding to specific inquiries from the Supreme Court on issues that arose in case law. In addition, the committee spent substantial time working on its juror information questionnaire proposal, including surveying the president judges concerning the use of juror information questionnaires.

The committee began a major project in the summer of 1998, reviewing all the criminal rules and the organization of the rules. The goal was to determine whether the rules could be presented in a more orderly fashion that more accurately reflects the movement of a criminal case through the criminal justice system, thereby making the rules more "user friendly" and easier to follow.

The committee also addressed several other areas of criminal practice and procedure, including pleas, discovery, venue, trial procedures, and jury procedures, and initiated research into the use of advanced communication technology in criminal proceedings.

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

The committee continued in 1998 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.

1998 Committee Action

The Supreme Court adopted five committee recommendations for rule changes in 1998. 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 1998 can be found beginning on page 64.

Proposals Adopted by the Supreme Court

Recommendation No. 5, Criminal Rules 1997: Revision of the Comment to Rule 1405 clarifying that defendants in **summary cases** are to be advised of their **appeal rights** following a trial *de novo* and that judges must complete the **sentencing guideline forms**. Adopted 1-9-98, effective immediately. See order and *Final Report* at 28 *Pa.B.* 480 (1-31-98) and 703 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 1997: Amendment to Rule 141 and revision of the Rule 83 Comment to clarify that the issuing authority may permit the **affiant to ask questions** of witnesses when no attorney for the Commonwealth is present at the summary trial or at the preliminary hearing. Adopted 2-13-98, effective 7-1-98. See order and *Final Report* at 28 *Pa.B.* 1126 (2-28-98) and 705 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 1 Criminal Rules 1998: Amendments to Rules 6001, 6003, 6009, and 6010 replacing "district attorney" with "attorney for the Commonwealth" in the **Municipal Court Rules**. Adopted 8-28-98, effective immediately. See order and *Final Report* at 28 *Pa.B.* 4625 (9-12-98) and 716 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 2 Criminal Rules 1998: Rule 305 Comment revision clarifying that the

disclosure of information about **remuneration** received by an investigator or prosecutor is included within the scope of Rule 305(B)(2)(a) (iv) and is discretionary with the court. Approved 8-28-98, effective 1-1-99. See order and *Final Report* at 28 *Pa.B.* 4624 (9-12-98) and 716 A.2d (*Pennsylvania Reporter Series*).

Recommendation No. 4 Criminal Rules 1998: New Rule 1107 and amendments to Rules 1104 and 1106 providing procedures for the mandatory use of **juror information questionnaires**, and requiring that the questionnaire be a standardized form. Adopted 9-18-98, effective 7-1-99. See order and *Final Report* at 28 *P.B.* 4883 (10-3-98) and 718 A.2d (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

Note that some 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. 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**, impose a time limit on the disposition of petitions in noncapital cases, and 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. 3 Criminal Rules 1998: Proposed new Rule 300 and amendments to Rules 21 and 1100 to address *Commonwealth v. McPhail*, providing procedures for the **transfer of cases** when multiple charges arise from a single criminal episode, and the charges are filed in different judicial districts or different magisterial districts. See *Report* at 28 *Pa.B.* 475 (1-31-98).

Recommendation No. 5 Criminal Rules 1998: Proposed amendments to Rules 75, 76, and 85 that would clarify that the October 1997 amendments to these rules concerning **summary warrants** require an **ability to pay hearing** following an arrest for failure to respond to the ten-day notice required under the rules.

Recommendation No. 6 Criminal Rules 1998: Proposed new Rule 143, amendments to Rule 23, and revision of the Comment to Rule 107 that would provide the procedures for the **reinstitution of criminal charges** following the withdrawal or dismissal at, or prior to, the preliminary hearing. See *Report* at 28 *Pa.B.* 1505 (3-28-98).

Recommendation No. 7 Criminal Rules 1998: Proposed amendments to Rules 53, 59, 64, and 69 that would clarify the **summary case guilty plea** procedures when there is a **mandatory sentence** of imprisonment. See *Report* at 28 *Pa.B.* 1510 (3-28-98).

Recommendation No. 8 Criminal Rules 1998: Proposed amendments to Rules 53 and 86 that would clarify that a defendant may **appeal** for a trial *de novo* following a **guilty plea** in a **summary case**.

Recommendation No. 9 Criminal Rules 1998: Proposed amendments to Rule 1114 concerning *Commonwealth v. Karaffa* and **written jury instructions** being sent out with the jury during deliberations.

Recommendation No. 10 Criminal Rules 1998: Proposed amendments to Rules 1101 (Waiver of Jury Trial), 1102 (Procedure When Jury Trial Is Waived), and 1103 (Consent to Be Tried by Less Than Twelve Jurors) to implement the constitutional amendment concerning the **Commonwealth's right to a jury trial**.

Looking Ahead to 1999

The committee plans to continue its review of the criminal rules and the rules' organization as it works towards a reorganization that will present the rules in a more

logical order and will make them easier to follow to the conclusion of a criminal proceeding. The committee also plans to continue examining jury procedures and procedures for utilizing advanced communication technology in criminal proceedings, ongoing projects that will be carried over from 1998. In addition to these three major areas of review, the committee will continue its work on the rules affecting the minor judiciary, both relating to summary cases and court cases, and cases in which a summary offense is charged with misdemeanor or felony charges.

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 T. Panfil, Esq., 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
8, 1996	Revision to Rule 86 Comment clarifying procedures concerning a police officer's presence at summary trial and trial de novo to address the holding in Commonwealth v. Hightower	Submitted to Court 8-1-96; pending before Court
16, 1996	Amendments to Rules 71 and 81 clarifying procedures related to collateral in summary cases	Submitted to Court 12-10-97; pending before Court
2, 1997	Revision of Rule 1410 Comment to clarify that the Rule 1410 post-sentence procedures do not apply in context of appellate rule 1925(b)	Submitted to Court 4-25-97; pending before Court
5, 1997	Proposed Rule 1405 Comment revisions to clarify that defendant is to receive notice of his/her appeal rights following a trial de novo in the Court of Common Pleas, and to clarify that sentencing guideline forms must be completed pursuant to statute	Adopted 1-9-98; effective immediately
6, 1997	Proposed amendments to Rules 1500, 1507, 1508, and 1509 to provide for notice to a defendant of PCRA time limits and right to counsel, to impose a time limit on disposition of petitions in noncapital cases, and to provide for extensions of time	Submitted to Court 10-20-97; pending before Court
7, 1997	Proposed amendments to Chapter 100 establishing a uniform procedure for handling cases in which defendant fails to appear for preliminary hearing	Submitted to Court 11-24-97; pending before Court
8, 1997	Proposed amendment to Rule 141 and revision of Rule 83 Comment to clarify procedures when no attorney for the Commonwealth is present at summary trial or at preliminary hearing	Submitted to Court 11-24-97; pending before Court

continued...

Table 3.7.1

Status of Recommendations, continued

Recommendation	Subject	Status
1, 1998	Amendments to Rules 6001, 6003, 6009, and 6010 replacing "district attorney" with "attorney for the Commonwealth" in the Municipal Court Rules	Adopted 8-28-98, effective immediately
2, 1998	Rule 305 Comment revision clarifying that disclosure of information about remuneration received by an investigator or prosecutor is included within the scope of Rule 305(B)(2)(a)(iv) and is discretionary with the court	Adopted 8-28-98, effective 1-1-99
3, 1998	Proposed new Rule 300 and amendments to Rules 21 and 1100 to address Commonwealth v. McPhail, providing procedures for transfer of cases when multiple charges arise from a single criminal episode, and charges are filed in different judicial districts or different magisterial districts	Submitted to Court 4-1-98; pending before Court
4, 1998	New Rule 1107 and amendments to Rules 1104 and 1106 providing procedures for mandatory use of juror information questionnaires, and requiring standardized form of questionnaire	Adopted 9-18-98; effective 7-1-99
5, 1998	Proposed amendments to Rules 75, 76, and 85 to clarify that October 1997 amendments to these rules concerning summary warrants require an ability to pay hearing following an arrest for failure to respond to ten-day notice required under the rules	Submitted to Court 5-29-98; pending before Court
6, 1998	Proposed new Rule 143, amendments to Rule 23, and revision of the Comment to Rule 107 to provide procedures for reinstatement of criminal charges following the withdrawal or dismissal at, or prior to, the preliminary hearing	Submitted to Court 7-28-98; pending before Court

continued...

Table 3.7.1, cont'd.

Status of Recommendations, continued		
Recommendation	Subject	Status
7, 1998	Proposed amendments to Rules 53, 59, 64, and 69 that would clarify summary case guilty plea procedures when there is a mandatory sentence of imprisonment	Submitted to Court 7-28-98; pending before Court
8, 1998	Proposed amendments to Rules 53 and 86 to clarify that a defendant may appeal for a trial de novo following a guilty plea in a summary case	Submitted to Court 7-28-98; pending before Court
9, 1998	Proposed amendments to Rule 1114 concerning Commonwealth v. Karaffa and written jury instructions being sent out with the jury during deliberations	Submitted to Court 10-14-98; pending before Court
10, 1998	Proposed amendments to Rules 1101 (Waiver of Jury Trial), 1102 (Procedure When Jury Trial Is Waived), and 1103 (Consent to Be Tried by Less Than Twelve Jurors) to implement constitutional amendment concerning Commonwealth's right to a jury trial	Submitted to Court 12-14-98; pending before Court

Table 3.7.1, cont'd.

**Disciplinary
Board
of the
Supreme
Court**

1998 Membership:

Stephen T. Saltz, Esq., *Chairman**
Carolyn "Raven" Rudnitsky, *Chairwoman***
William R. Caroselli, Esq.
Dean Mary Watson Carson*
Charles J. Cunningham, III, Esq.
Christine L. Donohue, Esq.
Thomas J. Elliott, Esq.
Duke George, Jr., Esq.
M. David Halpern, Esq.
John E. Iole, Esq.
Alfred Marroletti, Esq.
John W. Morris, Esq.
Gregory P. Miller, Esq.
Robert N.C. Nix, III, Esq.
J. Michele Peck
Angelo L. Scaricamazza, Jr., Esq.
Mark C. Schultz, Esq.
Richard W. Stewart, Esq.

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

* Term expired 4-1-98

** Appointed chair effective 4-1-98

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 1998, 52,324 active attorneys were registered in Pennsylvania, an increase of 1.36% over 1997.

During 1998, 4,845 complaints were filed with the Disciplinary Board, an average of 403 per month and a decrease of 3.7% from last year. Of these 4,845 plus the 1,048 complaints active at the start of the year, 4,936 complaints, or 83.76%, were disposed of, including 3,449 dismissed as "frivolous." At the start of 1999, 957 active complaints remained on hand.

1998 Activities

The board held seven meetings in 1998. The results of the executive sessions can be

found in Table 3.8.1 on page 69. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.2 on page 71. Comparisons of cumulative actions taken and actions taken in 1997 can be found in Chart 3.8.3 on page 73.

Rules Committee

The Rules Committee met and considered amendments to various Pennsylvania Rules of Professional Conduct (Pa.R.P.C.), Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E.) and Disciplinary Board Rules and Procedures (D.B.R.P.).

The board recommended and the Supreme Court adopted amendments to Pa.R.D.E. 301 concerning **incapacitated or severely mentally disabled attorneys** and Pa.R.D.E. 219(d) requiring that members of the Pennsylvania Bar submit to plenary jurisdiction for any action brought against them by the **Pennsylvania Lawyers Fund for Client Security**.

In September 1998, the board forwarded to the Supreme Court a report on proposed Pa.R.P.C. 1.17, relating to the **sale of a law practice**. That report is presently pending before the Supreme Court.

The board rule amendments which were approved and adopted by the Disciplinary Board during 1998 are as follows:

§89.272(b) was amended to prohibit **formerly admitted attorneys** from applying for reinstatement until any previously taxed expenses from a disciplinary or previous reinstatement proceeding have been paid.

§89.272(b) was also amended to conform with Pa.R.D.E. 218(b), which provides that a **person who has been disbarred** may not apply for reinstatement until the expiration of at least five years from the date of the disbarment.

Finance & Pension Committee

In August 1997 the board determined to merge the Financial & Personnel Committee and the Pension Plan Committee into one group, 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.

In 1998 the chair of the committee met 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.

Education Committee

The Education Committee designed the program for the board's retreat meeting in the fall of 1998. The topics were "Formerly Admitted Attorneys Engaging in Law-Related Activities" and "Civility." Justice Nigro participated in the program.

Following a lengthy discussion on both topics, it was decided to refer "Formerly Admitted Attorneys..." to the Rules Committee for publication of a Notice of Proposed Rulemaking. The topic of "Civility" led to a revival of the need for

1998 Executive Session Results	
Action	Total
Adjudications involving formal charges	63
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.]	38
Respondents appearing before board to receive private reprimands	37
Oral arguments before three-member panels of board members	121
Board referrals to Supreme Court, including report and recommendation for public discipline	38
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	20
Supreme Court orders reinstating previously disbarred or suspended attorneys*	15
Supreme Court denials for reinstatement	1
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	18
*Action taken following hearing on petition for reinstatement.	

Table 3.8.1

a mandatory Bridge-the-Gap program for law students seeking admission to the Pennsylvania Bar. Justice Nigro recommended that the Disciplinary Board meet with the Board of Law Examiners and the Continuing Legal Education Board to revisit the concept of Bridge-the-Gap.

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.

Due to an increasing number of formal proceedings being filed through the District II (Blue Bell), however, the board approved the

establishment of three additional Hearing Committees to serve that area, effective February 1, 1999.


On May 1, 1998, the Disciplinary Board conducted an education seminar and convocation for all hearing committee members in Hershey. One hundred five committee and board members participated. The board conducts these seminars every two years to update hearing committee members on changes in the rules and case law in Pennsylvania.

Year 2000 (Y2K) Compliance

All of the Disciplinary Board's computer systems are Year 2000 compliant or were scheduled for replacements during the first quarter of 1999. By December 31, 1998, the board had successfully converted the date fields in the main computer database, which contains

the attorney registration, docketing/case tracking, accounting and payroll applications processed in the Office of the Secretary located in Lemoyne. Date-sensitive software has been tested and is able to accurately process date/time data (including, but not limited to, calculating, comparing and sequencing) from, into and between the twenty-first century and the years 1999 and 2000. Additionally, the leap year concerns of 2000 have been met. The board plans to prepare a Y2K statement to make available to those who request it.

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

Disciplinary Cases	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
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	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: 1993-98

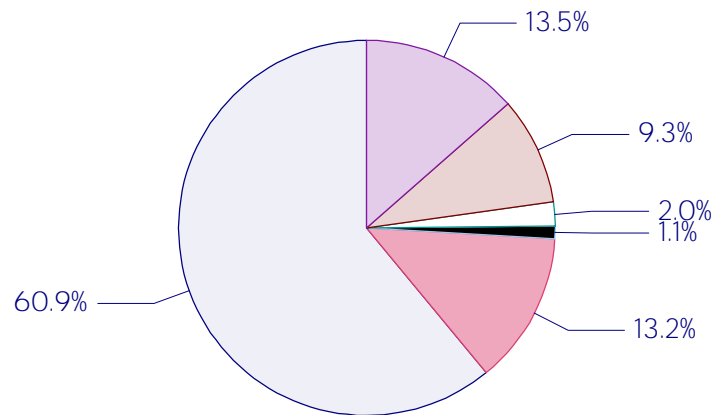
Disciplinary Cases	1993	1994	1995	1996	1997	1998	Total
Informal Admonition	85	75	74	70	106	88	2,572
Private Reprimand	30	41	48	31	46	43	557
Probation	5	5	7	3	8	5	45
Public Censure	0	1	6	3	3	7	85
Suspension	12	23	26	37	33	24*	394
Disbarment	20	32	35	41	40	33+	570
TOTAL	152	177	196	185	236	200	4,223
Reinstatement Cases							
Petitions Granted	29	24	44	31	35	33#	548
Petitions Denied	1	0	1	0	2	1	31
TOTAL	30	24	45	31	37	34	579

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

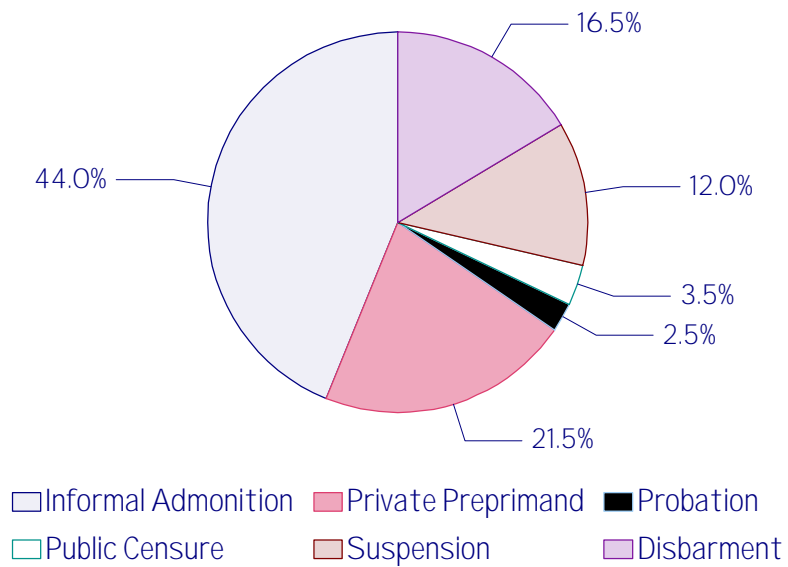
+ This figure includes 30 disbarments on consent (Rule 215 Pa.R.D.E.).

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

Disciplinary Board Actions Comparison 1973-1988



1998



- Informal Admonition
- Private Preprimand
- Probation
- Public Censure
- Suspension
- Disbarment

Table 3.8.3

**Domestic
Relations
Procedural
Rules
Committee**

1998 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)

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2037
fax (717) 795-2116
e-mail patricia.miles@supreme.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 new rules or amendments to the existing 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. It is the goal of the committee to promote statewide uniformity of practice, to streamline procedure and to encourage the expeditious disposition of family law matters.

The Domestic Relations Procedural Rules Committee currently has as members three judges, six attorneys and one district court administrator. Members are appointed by the Supreme Court to three-year terms.

1998 Activities

The committee met five times in 1998 as follows:

January	Pittsburgh
March	Harrisburg
May	Bucks County
September	Allentown
November	Pittsburgh

Invited guests to meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, judges and family law practitioners.

In 1998 the committee continued its revision of the support guidelines. After the original recommendation was published, numerous comments were received and considered by the committee. A revised version of the recommendation was subsequently adopted by the Supreme Court, to become effective April 1, 1999.

The committee also continued to refine proposed new rules to govern the court-related mediation programs authorized by the legislature in 1996 with the amendments to the Divorce Code, codified at 23 Pa.C.S. §§3901-3904. The goal of the proposed mediation rules is to ensure the quality of the programs, including the requirement of certain qualifications for mediators.

On December 16, 1997, Governor Ridge signed into law Act 1997-58. That statute provided the authority for expedited enforcement of child support orders. The committee thus began the process of developing procedures for implementation of Act 58.

Committee staff spoke at conferences and seminars to inform lawyers, court personnel and others of recent and proposed changes in the procedural rules related to family law matters. Staff also attended meetings of the Pennsylvania Bar Association Family Law Section and the Domestic Relations Association of Pennsylvania. The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes, including judges, lawyers, court administrators, domestic relations section personnel, the Department of Public Welfare and the public.

1998 Recommendations

The following recommendations were pending either with the Court or the committee in 1998. Numbers are assigned in the order in which each is submitted for publication. A chart listing the statuses of the recommendations is set forth in [GLE1]Table 3.8.1 on page 77.

Recommendation 45: Amends Pa.R.C.P 1901 *et seq.* relating to **protection from abuse** actions, standardizing court pleadings, orders and other forms. Approved by the Court; effective 7-1-98.

Recommendation 46: Amends Pa.R.C.P. 1910.2 relating to **venue in support actions**. Approved by the Court; effective 1-1-99.

Recommendation 47: Proposes new rules at Pa.R.C.P. 1940.1 through 1940.8 governing court-related **mediation programs**. Pending with the Court.


Recommendation 48: Amends Pa.R.C.P. 1910.16-1 through 1910.16-5 and adds new Rules 1910.16-6 and 1910.16-7 relating to the **support guidelines**. Approved by the Court; effective 4-1-99.

Plans for 1999

The committee will continue its ongoing review of the support guidelines, as required by 23 Pa.C.S. §4322 and as may be necessary and appropriate after the effective date of Recommendation 48. In addition, the committee will complete its proposal to establish procedures implementing Act 58.

In the meantime, committee staff will continue to monitor the activities of the Advisory Committee on Domestic Relations Law of the Joint State Government Commission. It is anticipated that the Advisory Committee will recommend to the legislature numerous changes to statutory law dealing with divorce, equitable distribution, alimony, custody and related issues. In the event such legislation is enacted, the committee will address the need for implementing procedural rules.

Contact Person

Questions about the committee and its work may be directed to Patricia A. Miles, Esq.; Domestic Relations Procedural Rules Committee; 5035 Ritter Road, Suite 700; Mechanicsburg, PA 17055; telephone (717) 795-2037; fax (717) 795-2116; e-mail patricia.miles@supreme.court.state.pa.us. 

Status of Recommendations 1998		
Recommendation	Subject	Status
45	Revised protection from abuse	Approved by the Court; effective 7-1-98
46	Revised venue in support actions	Approved by the court; effective 1-1-99
47	Mediation programs	Pending with the Court
48	Revised support guidelines	Approved by the court; effective 4-1-99

Table 3.9.1

**Interest
on
Lawyers
Trust
Account
Board**

1998 Membership:

Gerald A. McHugh, Jr., Esq., *Chairman*
Robert C. Burd
Harold I. Goodman, Esq.
David E. Lehman, Esq.
Sallie Updike Mundy, Esq.
Carl Oxholm, III, Esq.
Eric W. Springer, Esq.
Thomas M. Thompson, 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
e-mail paiolta@popd.ix.
netcom.com

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 1997 (the most recent year for which statistics are available), however, show that the fund has reached annual revenues of approximately \$6.2 million. This is nearly triple the amount from the start of IOLTA in September 1996.

The IOLTA Board

The IOLTA Board is comprised of nine members 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.

IOLTA Constitutionality

On June 15, 1998, the U.S. Supreme Court announced a decision in a case involving the Texas IOLTA program, *Phillips et al. v. Washington Legal Foundation et al.* Chief Justice William H. Rehnquist authored the 5-4 majority opinion, in which Justices Sandra Day O'Connor, Antonin S. Scalia, Anthony M. Kennedy and Clarence Thomas joined, concluding that Texas law observes the "interest follows principal" doctrine and that interest income earned on client funds held in Texas IOLTA accounts is the private property of the clients.

In dissent, which was joined by Justices John Paul Stevens, Ruth Bader Ginsburg, and Stephen G. Breyer, Justice Souter observed that even if the Court were to find a taking, it would be difficult to imagine that any "just compensation" would be due. During the oral argument, even Justice O'Connor opined that "... it might turn out at the end of the day there's no taking. No damages, no loss, no taking."

The Supreme Court did not eliminate or enjoin the Texas IOLTA program. Instead, it sent the case back to the lower court to decide whether the State of Texas had “taken” the clients' private property in violation of the Fifth Amendment, and if so, whether compensation must be paid for it. It may take years for the courts to reach a final decision on these two issues. In the meantime, the IOLTA programs in every state and the District of Columbia remain in effect.

The Pennsylvania IOLTA Board believes that the property laws of Texas and Pennsylvania are materially quite different, and that, if presented with the issue, the Pennsylvania Supreme Court would hold that clients do not sustain any economic loss as a result of IOLTA. Moreover, the history of Pennsylvania's IOLTA program -- enacted by the General Assembly after debating whether any “property” would be “taken,” approved by the governor and adopted by the Supreme Court -- further separates this program from the reach of any decision that might eventually be rendered regarding the IOLTA program in Texas.

To date, no court (including the Supreme Court) has found that IOLTA is unconstitutional. In fact, two circuits have upheld the constitutionality of IOLTA programs against a wide variety of challenges. As a result, the IOLTA program in Pennsylvania continues to function as usual.

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 IOLTA program, the IOLTA Board has published implementing regulations at Title 204 Pa. Code, Chapter 81. In addition, a booklet entitled *Rules & Regulations for IOLTA* has been distributed to bar associations, bar leaders, and attorneys requesting information on IOLTA requirements. It is also mailed twice yearly to newly licensed Pennsylvania attorneys.

Banks

The banking industry is an integral part of the IOLTA program. Recognizing this, the leadership of the PBA sought input from the leadership of the Pennsylvania Banker's Association in formulating its initial list of nominees of potential IOLTA Board members for submission to the Court. The Court appointed one of these suggested nominees, Robert Burd of Selinsgrove, to serve on the board.

Participation by financial institutions in the IOLTA program is voluntary. Since attorneys must have IOLTA accounts if they handle qualified funds, however, banks that do not offer IOLTA accounts risk losing their attorney customers.

To ease the administrative burden that comes with offering IOLTA accounts, the IOLTA Board initiated an automated clearinghouse (ACH) service for smaller banks. This service is available, at no cost, to financial institutions that do not assess IOLTA service charges and that have 50 or fewer IOLTA accounts. Under the ACH service, the IOLTA Board's staff, through the use of the Federal Reserve's ACH system, initiates the transfer of IOLTA interest from individual attorney/law firm IOLTA accounts to the IOLTA Board's account.

The top five banks, ranked by net interest remitted to the board, for calendar year 1997 were:

- PNC Bank, N.A.
- CoreStates Bank, N.A.
- National City Bank of Pennsylvania
- First Union National Bank
- Mellon Bank, N.A.

A list of all IOLTA participating financial institutions can be found in the IOLTA Board's 1998 annual report.

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.

This includes the full range of legal services needed for the representation of a client, including brief service, litigation or representation of a class of similarly situated eligible clients, and other advocacy.

The board also seeks to assure the geographical dispersion of IOLTA grant awards to legal services organizations and encourages law schools to reach beyond the physical locations of the schools when providing extern-ship opportunities for their law students.

Board policy states that IOLTA funds may not be used to provide legal assistance for 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, \$5 million 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 projects its expected annual revenues for the upcoming fiscal year grant cycle (July 1 - June 30). Variations from projections are generally taken into consideration in subsequent grant cycles, although the board reserves the right to adjust current grants if actual IOLTA revenues are significantly below projections. In mid-January the board announces 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 are 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 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.

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. 

Contact Person

Anyone with questions regarding the IOLTA program or who wishes to learn more

**Minor
Court
Rules
Committee**

1999 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
(570) 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.

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

1999 Activities

Throughout 1999 the committee considered many requests for rules changes. In response to these requests, the committee has taken the following actions:

- The committee published for comment a proposal to amend the Rules Governing the Emergency Relief Under the **Protection from Abuse Act** (Rules 1201 through 1211). These proposed changes provide for both substantive changes and clarifications and related "housekeeping" amendments to bring the rules into conformity with the Protection from Abuse Act and the Rules of Civil Procedure.
- The committee published for comment a proposal to amend Rules 307, 403, 405, 506, 508, and 516, which would allow a district justice to use any certified **constable** in the Commonwealth to perform service of complaints, orders, notices, etc., in counties with no certified constables and the sheriff is unwillingly to perform service.
- The committee published for comment a proposal to amend **Rule 1002** so that the phrase "**date of judgment**" would be replaced with "date of entry of the judgment" to eliminate any confusion regarding the intent of the rule.
- Upon request by the Civil Procedural Rules Committee the committee reviewed/commented on the civil rules committee's proposal to amend the procedure for an **appeal from a district justice judgment**.
- Upon request by the Criminal Procedural Rules Committee the committee reviewed/commented on **video preliminary arraignments** being conducted by Advanced Communication Technology.

The Court adopted the committee's proposal to amend Rule 317 (Subpoena of Witnesses), which provides for **Subpoenas Duces Tecum**; amend Rule 313 (Service Outside the Commonwealth), which provides what **form of service** is required when service of a complaint is attempted by certified or registered mail but returned marked "unclaimed"; and to adopt Rule 113 (Use of **Facsimile Signature**).

Looking Ahead to 2000

The committee will review any comments it receives regarding the proposals that it published. It also expects to forward those proposals to the Court for consideration. The committee has begun to consider whether a judgment creditor at the request of the judgment debtor should be allowed and/or required to file a Notice of Satisfaction of Judgment with a district justice. Lastly, the committee has begun its search to hire a full time chief staff counsel, which the committee hopes to have in place in early 2000.

Contact Person

Anyone wishing to contact the Minor Court Rules Committee may call the chairman, District Justice Fred A. Pierantoni, III, at (570) 655-0552 or write to him at District Court 11-1-04; 35 Broad Street; Pittston, PA 18640.



Minor

Judiciary

Education

Board

1998 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.

1998 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
- managing the angry public and employees
- judicial ethics

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

- human behavior (pre-judgement)
- criminal law review
- arrest, search and seizure
- judicial ethics

The orientation course for new district justices included:

- human behavior (two days)
- district justice practice
- Alliance for the Mentally Ill
- Pennsylvania game law
- Pennsylvania Coalition against Rape

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
- evidence
- judicial ethics
- Pennsylvania Motor Vehicle Code review and update

The Minor Judiciary Education Board provided continuing education to 638 individuals; certification classes to 56 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 70 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**

1998 Membership:

Honorable Robert A. Kelly, *Chair*
Honorable Jane Cutler Greenspan, *Chair***
Honorable I. Martin Wekselman*
Honorable Kathryn Streeter Lewis*
Honorable John M. Cleland
Henry G. Beamer, III, Esq.
Samuel Y. Stroh, Esq.
Honorable Judith Jamison*
Mark S. Blaskey, Esq.
Lawrence Barth, Esq.

Staff:

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

* Resigned early 1998

** Appointed chair effective 1-4-99

Legal Authorization:

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

1206 Criminal Justice Center
1301 Filbert Street
Philadelphia, PA 19107
Telephone: (215) 683-7035
Fax: (215) 683-7037

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.

1998 Activities

The committee met twice in 1998, in July and December.

The committee continued its review and preparation with the Appellate Court Procedural Rules Committee of a joint recommendation revising Rules 7.1 and 7.2 (pertaining to "**exceptions**" practice) and Pa.R.A.P. 341 (Final Orders). It had previously submitted to the Supreme Court amendments Rule 5.6 (**Notice to Beneficiaries and Intestate Heirs**) and proposed Rule 5.7 (**Form of Notice and Certification**) and Rule 14 (**Incapacitated Persons**). The Supreme Court adopted the committee's amendments to Rule 5.6, 5.7 and 14.1 through 14.4 by order dated December 23, 1998, which became effective January 1, 1999.

1999 Plans

In 1999 the committee plans to review uniform probate forms. It will also review existing rules and statutes governing adoption,

guardianship, standby guardianship and termination of parental rights to determine if the existing rules are sufficient to assure judicious, orderly and swift determination of such matters. Notarization of disclaimers will also be addressed.

The committee looks forward to finalizing its joint recommendation with the Appellate Court Procedural Rules Committee governing finality and appealability of orphans' court orders. It also intends to review several questions arising from the recent amendments to Rule 5.6 (Notice to Beneficiaries and Intestate Heirs).

Contact Persons

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

Honorable Jane Cutler Greenspan, Chair
Court of Common Pleas of Philadelphia County
1206 Criminal Justice Center
1301 Filbert Street
Philadelphia, PA 19107
Telephone: (215) 683-7035
Fax: (215) 683-7037

Dean R. Phillips, Esq., Counsel
P.O. Box 447
Ridley Park, Pennsylvania 19078
telephone: (610) 534-3450
fax: (610) 534-3453.



Pennsylvania

Lawyers

Fund

for

Client

Security

1998 Membership:

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

Staff:

Arthur R. Littleton, Esq., *General Counsel*
Kathryn J. Peifer, *Executive Director*
Susan L. Erdman, *Administrative Assistant*

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.

1998 Claims Statistics

Statistics for the 1998-99 fiscal year can be found in Table 3.14.1.

The fund received 189 claims alleging a loss of \$3,486,517 during FY 1998-99. Chart 3.14.2 on page 96 is a breakdown of amounts claimed by category. Chart 3.14.3 on page 97 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.14.4 on page 98 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 1998-99.

Claims Categories

Fiduciary funds - Theft of estate funds and trust/escrow funds consistently tops the list of claims filed against attorneys. Combined, these two types of theft during FY 1998-99 cost the fund \$1,188,511, or 64.97%, of its total award dollars.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
1998-99		
Awarded	142	\$1,829,267
Rejected	71	2,197,107
Discontinued	<u>21</u>	<u>200,615</u>
Total	234	\$4,226,989
Pending	157	

Table 3.14.1

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 \$265,838 to 22 claimants fitting this category were made in 1998-99, 14.53% of the total dollars awarded.

Fraud and deceit - The conversion of funds through fraudulent representations or activities by the attorney represented the third highest payment category in 1998-99 with awards to eight claimants totaling \$216,172, or 11.82% of the 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.

The types of claims which typically fall within this category are those where a long-standing attorney/client relationship has existed. They tend to be the most difficult to evaluate and are decided on a case-by-case basis.

Notwithstanding the award amounts reported, it should be noted that claims are filed against less than one percent of all Pennsylvania licensed attorneys.

1998 Activities

The board met in Mendenhall, Hershey, Pittsburgh and Scranton in FY 1998-99.

The board continued to make educating the legal community about the fund a high priority in 1998-99. This included hosting dinners on the eve of board meetings for the judiciary, bar leaders and prominent local citizens from in and around the counties in which the board meets.

Restitution and Subrogation Efforts

The fund received \$677,371 in subrogation and restitution payments during FY 1998-1999. Of this amount, \$600,000 was received in settlement of the fund's claim against a constructive trust pursuant to an orphans' court decision. This amount represents approximately one-half of the awards paid by the fund as a result of the covered attorney's actions.

Two other claimants in the constructive trust proceedings who were denied recovery by the orphans' court appealed to the Pennsylvania Superior Court. The Superior Court remanded the matter back to the orphans' court. The fund and other parties to the action have appealed the decision of the Superior Court to the Supreme Court of Pennsylvania. If this appeal is unsuccessful, the fund may be required to disgorge a portion of the recovered funds.

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 1998-99 the fund received 234 overdraft notices, 212 of which were reviewed and dismissed and 16 of which were referred to the Office of Disciplinary Counsel (ODC). Six remained pending at the end of the fiscal year.

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)

Centre County (1995)

Chester County (1990, 1998)

Cumberland County (1998)

Dauphin County (1984-85, 1989, 1991, 1993, 1996, 1997, 1999)

Delaware County (1994, 1997)

Erie County (1989, 1992, 1994)

Fayette County (1992)

Lackawanna County (1990, 1999)

Lancaster County (1990)

Lehigh County (1989)

Luzerne County (1996)

Monroe County (1992)

Northampton County (1994)

Philadelphia County (1982-88, 1990-93, 1995-96, 1998)

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 1998-99 \$99,440 of funding was given to the organization known as Lawyers Concerned for Lawyers.

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.

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.

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.



Categories of Claims

Amounts Awarded - 1998-99

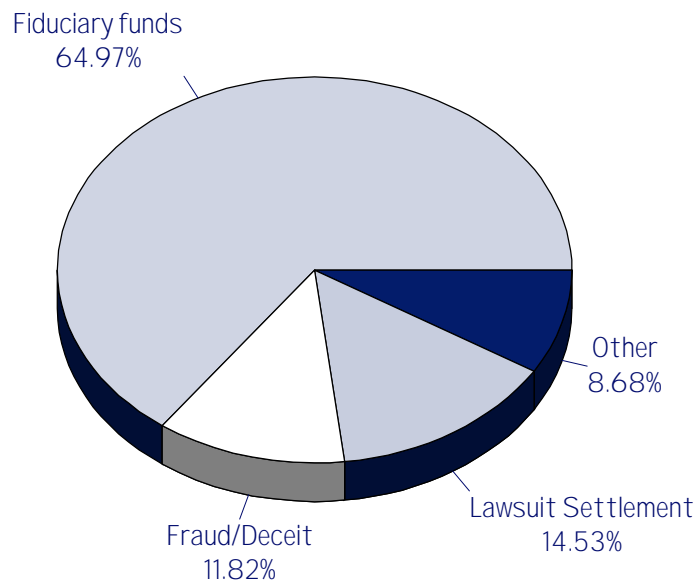


Table 3.14.2

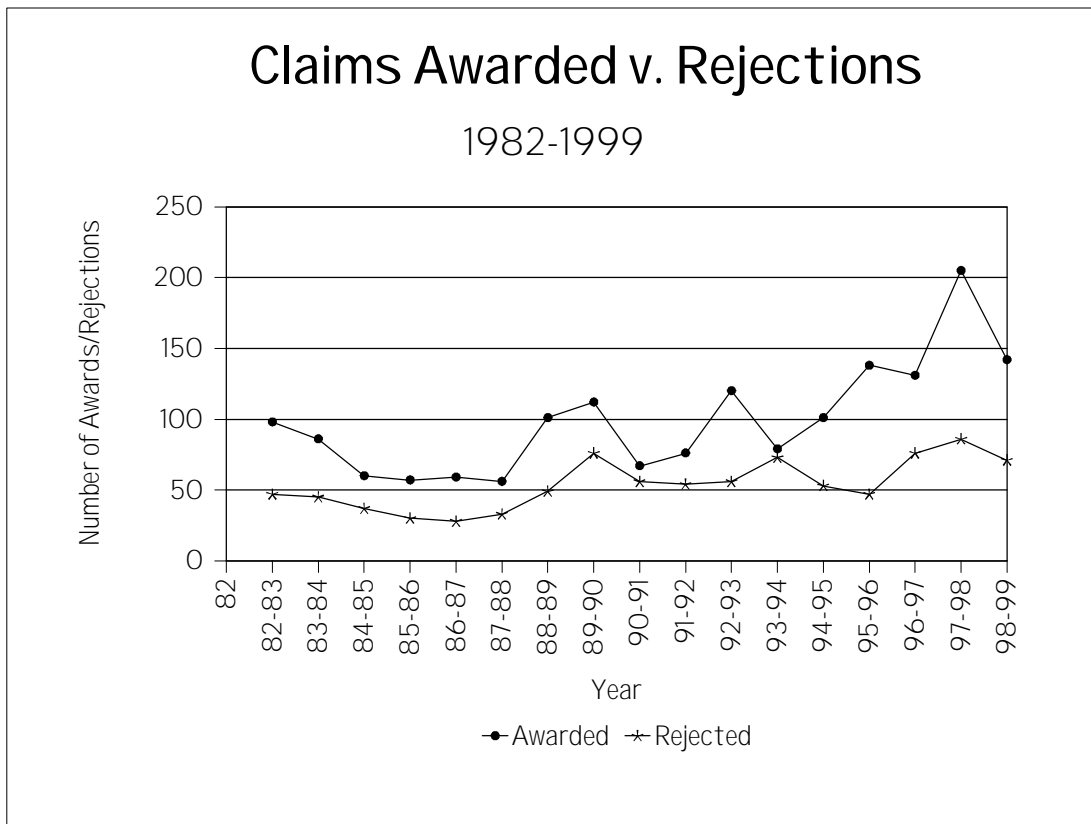
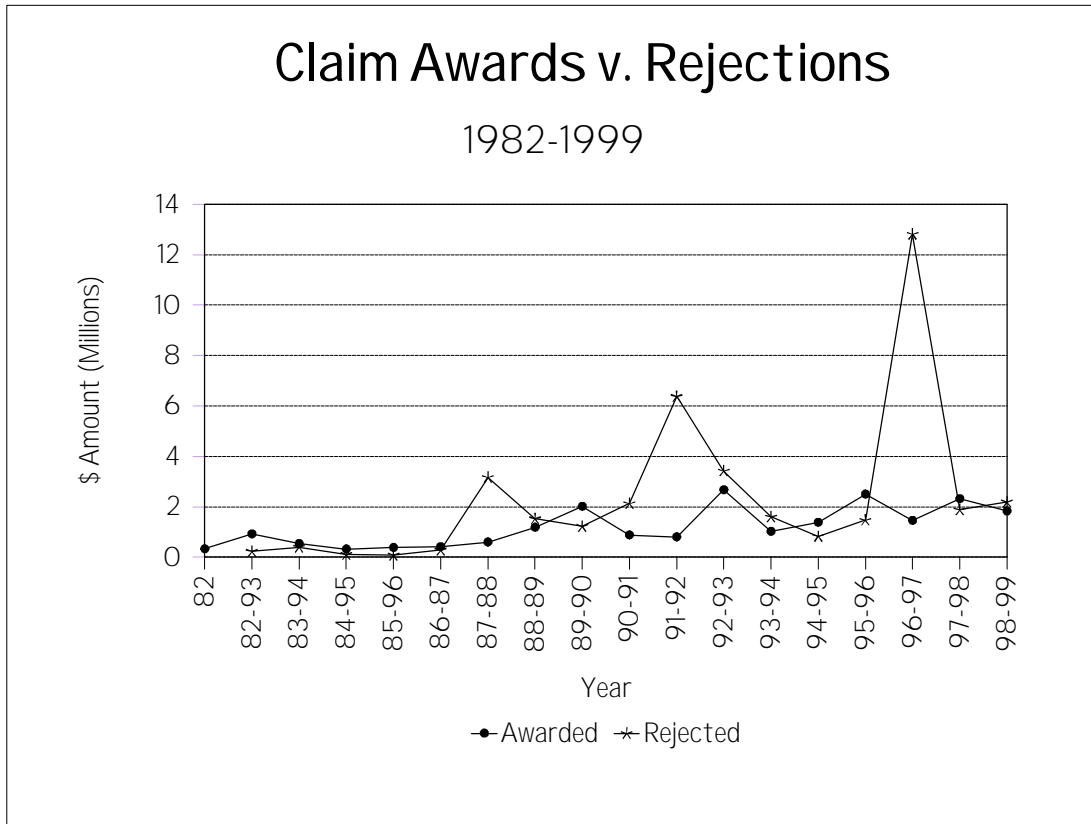
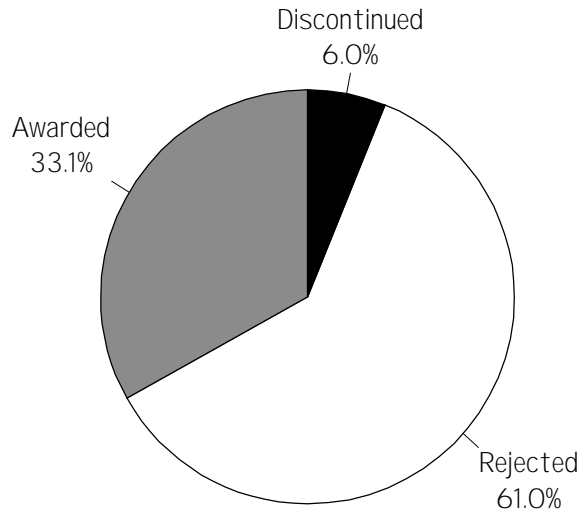


Table 3.14.3

Comparison of Claim Dispositions

Cumulative



1998-99

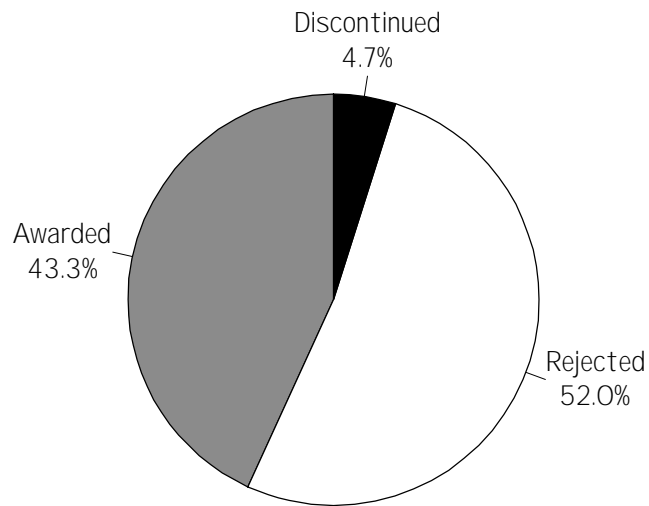


Table 3.14.4

Court

Finances -

Fiscal

Year

1998-1999

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 101 provides a break-down of these state-funded expenditures for fiscal year 1998-1999.

Of the total state government expenditures for fiscal year 1998-99, *administrative costs for the judiciary accounted for slightly more than one-half of one percent.* Table 4.2 on page 103 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 1998-99.

No funding was provided for the district justice reimbursement grant in FY 1998-99. 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 104 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 1998-99.

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 1998-99 in the amount of \$1.2 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 106, 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 System. 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.



APPROPRIATION	1998-99 (thousands)
Supreme Court	\$9,729
Justice Expenses*	180
Civil Procedural Rules Committee	337
Criminal Procedural Rules Committee	347
Domestic Relations Committee	135
Judicial Council*	180
Juvenile Court Rules Committee	65
Superior Court	20,371
Judges' Expenses	237
Commonwealth Court	12,082
Judges' Expenses	143
Court Security	150
Court Administrator	5,118
Statewide Funding Appropriations:	
Study Unified Judiciary	1,358
Statewide Funding - Court Administrator	2,859
County Court Administrators	11,982
Court Management Education	200
JCS - Statewide Funding	273
Statewide Judicial Computer System**	12,929
Integrated Criminal Justice System (JNET)	1,950
Courts of Common Pleas	53,894
Common Pleas Senior Judges	3,450
Common Pleas Judicial Education	677
Ethics Committee*	54
District Justices*	42,613
Retired DJ Health Care	97
District Justice Education	520
Philadelphia Traffic Court*	668
Philadelphia Municipal Court*	4,399
Philadelphia Law Clerks	39
Domestic Violence	200
Pittsburgh Magistrates Court	1,200
Juror Cost Reimbursement*	1,469
County Court Reimbursement	29,071

Table 4.1

APPROPRIATIONS, continued

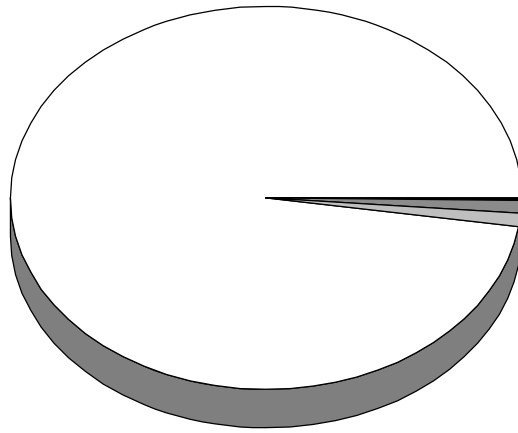
APPROPRIATION	1998-99 (thousands)
Judicial Conduct Board	891
Court of Judicial Discipline	374
TOTAL	\$220,241

* As authorized by Act 6-A of 1998 funds were transferred from other judiciary appropriations and made available to the Statewide Judicial Computer System as a miscellaneous augmentation for use in FY 1999-2000 in the following amounts: Supreme Court Justice Expenses - \$56,000; Judicial Council - \$38,000; Ethics Committee - \$30,000; District Justices - \$1,009,000; Philadelphia Traffic Court - \$67,000; Philadelphia Municipal Court - \$253,000 and Juror Cost - \$150,000, for a total of \$1,603,000. 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 \$1,875,000 in augmentations which represented funds transferred from various FY 1997-98 judiciary appropriations: \$175,000 transferred in FY 1998-99 from augmentations of the Board of Law Examiners; \$11,498 derived from fees charged to users for information generated by the District Justice System; and \$88,941 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 1998-99 was \$15,079,799.

Table 4.1, cont'd.

Pennsylvania Government FY 1998-99 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.82%
- ▒ Legislative Branch - .57%
- Judicial Branch - .52%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The Governor's budget showed FY 1998-99 funds available to the judiciary as \$221,255. Actual total budgeted funds are \$223,313. The state total operating expenditures shown here was adjusted upward to reflect this difference.

Source: FY 1999-2000 Governor's Recommended Budget

Table 4.2

**COUNTY REIMBURSEMENTS FOR COURTS
FY 1998-99**

COUNTY	JUROR COST	COUNTY COURT	TOTAL
Adams	\$0.00	\$140,000.00	\$140,000.00
Allegheny	139,017.17	2,870,000.00	3,009,017.17
Armstrong	2,281.22	140,000.00	142,281.22
Beaver	10,240.43	350,000.00	360,240.43
Bedford	0.00	70,000.00	70,000.00
Berks	14,709.81	700,000.00	714,709.81
Blair	7,705.81	280,000.00	287,705.81
Bradford	0.00	140,000.00	140,000.00
Bucks	23,739.43	770,000.00	793,739.43
Butler	9,815.23	280,000.00	289,815.23
Cambria	0.00	350,000.00	350,000.00
Cameron	0.00	9,800.00	9,800.00
Carbon	1,791.89	140,000.00	141,791.89
Centre	1,432.02	140,000.00	141,432.02
Chester	14,968.56	630,000.00	644,968.56
Clarion	3,299.72	70,000.00	73,299.72
Clearfield	3,249.03	140,000.00	143,249.03
Clinton	279.17	140,000.00	140,279.17
Columbia	473.86	109,200.00	109,673.86
Crawford	11,850.58	140,000.00	151,850.58
Cumberland	7,179.19	350,000.00	357,179.19
Dauphin	52,267.34	490,000.00	542,267.34
Delaware	26,647.61	1,120,000.00	1,146,647.61
Elk	3,733.69	60,200.00	63,933.69
Erie	13,077.09	560,000.00	573,077.09
Fayette	15,155.72	350,000.00	365,155.72
Forest	0.00	7,000.00	7,000.00
Franklin	3,338.62	189,000.00	192,388.62
Fulton	0.00	21,000.00	21,000.00
Greene	8,706.24	70,000.00	78,706.24
Huntingdon	297.39	70,000.00	70,297.39
Indiana	3,473.29	140,000.00	143,473.29
Jefferson	155.42	70,000.00	70,155.42
Juniata	0.00	46,200.00	46,200.00
Lackawanna	22,936.13	420,000.00	442,836.13
Lancaster	11,053.20	630,000.00	641,053.20
Lawrence	15,187.63	210,000.00	225,187.63
Lebanon	3,202.40	210,000.00	213,202.40
Lehigh	36,194.58	560,000.00	596,194.58
Luzerne	24,492.21	560,000.00	584,492.21
Lycoming	5,544.21	280,000.00	285,544.21
McKean	0.00	70,000.00	70,000.00
Mercer	6,318.33	210,000.00	216,318.33
Mifflin	548.69	70,000.00	70,548.69
Monroe	5,530.14	280,000.00	285,530.14
Montgomery	56,437.99	1,120,000.00	1,176,437.99

Table 4.3

**COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 1998-99**

COUNTY	JUROR COST	COUNTY COURT	TOTAL
Montour	286.20	30,800.00	31,086.20
Northampton	4,380.05	420,000.00	424,380.05
Northumberland	2,787.84	140,000.00	142,787.84
Perry	96.59	93,800.00	93,896.59
Philadelphia	597,520.00	9,750,316.00	10,347,836.00
Pike	1,050.96	70,000.00	71,050.96
Potter	224.61	70,000.00	70,224.61
Schuylkill	14,147.95	350,000.00	364,147.95
Snyder	4,254.63	70,000.00	74,254.63
Somerset	4,753.97	140,000.00	144,753.97
Sullivan	0.00	12,600.00	12,600.00
Susquehanna	447.31	70,000.00	70,447.31
Tioga	506.43	70,000.00	70,506.63
Union	422.16	70,000.00	70,422.16
Venango	5,089.54	70,000.00	75,089.54
Warren	260.26	63,000.00	63,260.26
Washington	17,724.72	350,000.00	367,724.72
Wayne	2,085.03	70,000.00	72,085.03
Westmoreland	15,351.54	700,000.00	715,351.54
Wyoming	0.00	57,400.00	57,400.00
York	31,345.15	630,000.00	661,345.15
Transfer to JCS	150,000.00	0.00	150,000.00
TOTAL	\$1,419,066.18	\$29,070,316.00	\$30,489,382.18

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.

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 1998-99, 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	1998-99 (thousands)
Supreme Court	\$352
PA Board of Law Examiners	1,688
Judicial Computer System*	100
Superior Court	271
Commonwealth Court	201
District Justice Education	69
Court Administrator	3
TOTAL	\$2,684

*Includes revenues collected under Act 119 of 1996 (Jen and Dave’s Law). These collections provided \$88,941 to support the “Jen/Dave” functions during FY 1998-99.

Table 4. 4

Supreme Court Justices

Complement 7

Flaherty, John P.
Chief Justice

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

Superior Court Judges

Complement 15

McEwen, Stephen J., Jr.
President Judge

Cavanaugh, James R.
Del Sole, Joseph A.
Tamilia, Patrick R.**
Popovich, Zoran
Johnson, Justin M.
Kelly, John T. J., Jr.
Hudock, Joseph A.
Elliott, Kate Ford

Eakin, J. Michael

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

* Term expired 1-4-98;
reappointed 2-9-98

** 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 7-31-99)

**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
Tamilia, Patrick R.*

* Effective 4-23-98

** Died 6-22-98

**Commonwealth
Court Senior
Judges**

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

* Allegheny 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

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

Philadelphia County senior
Common Pleas judge assigned
to Commonwealth Court

Schuylkill County senior
Common Pleas judge assigned
to Commonwealth Court

▲ Washington County senior
Common Pleas judge assigned
to Commonwealth Court

(As of 7-31-99)

ADAMS COUNTY (51)
Complement 3

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

ALLEGHENY COUNTY (05)
Complement 41
Vacancy 1

*Dauer, Robert E.***
Kelly, Robert A.+

Administrative Judges

Baer, Max##
Bigley, Gerard M.▲
Cercone, David S.##
McLean, James H.
Mulligan, Kathleen R.▲
Zavarella, Paul R.▲

Baldwin, Cynthia A.
Cashman, David R.
Clark, Kim B.#
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.
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.*
Nauhaus, Lester G.

Novak, Raymond A.
O'Brien, W. Terrence
O'Reilly, Timothy P.
O'Toole, Lawrence J.
Penkower, Alan S.

Ruffner, M. Susan#
Scanlon, Eugene F., Jr.*
Strassburger, Eugene B., III
Wettick, R. Stanton, Jr.
Zottola, John A.

- * Confirmed 5-4-98
- ** Resigned 12-23-98
- + Elected president judge effective 12-24-98
- ++ Retired 8-19-98
- # Confirmed 3-17-99
- ## Administrative judge term expired 4-16-99
- ▲ Appointed administrative judge effective 4-19-99
- ▲▲ Retired 7-11-99

ARMSTRONG COUNTY (33)
Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

BEAVER COUNTY (36)
Complement 6

Reed, Robert C.
James, George E.**
Kunselman, Robert E.
Mannix, Thomas C.*
McBride, John D.

Steege, Peter O.
Walko, Joseph S.

- * Resigned 3-31-98
- ** Confirmed 11-17-98

BEDFORD COUNTY (57)
Complement 1

Howsare, Daniel L.

**Common
Pleas
Judges**

(As of 7-31-99)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BERKS COUNTY (23)

Complement 10

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.

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

Vacancy 2

*Garb, Isaac S.***
McAndrews, R. Barry+
Biehn, Kenneth G.
Biester, Edward G., Jr.
Heckler, David W.

Kane, Michael J.
Lawler, Daniel J.
Rufe, Cynthia M.
Rufe, John J.
Rufe, William Hart, III*

Scott, Susan Devlin

- * Resigned 1-1-99
- ** Retired 6-17-99
- + Elected acting president judge effective 6-29-99

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

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

CHESTER COUNTY (15)

Complement 10

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.
Wood, Lawrence E.

CLARION COUNTY (18)

Complement 1

Vacancy 1

*Alexander, Charles R.**

- * Resigned 12-22-98

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

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

DAUPHIN COUNTY (12)

Complement 7

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

DELAWARE COUNTY (32)

Complement 18

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.
 Zetusky, Edward J., Jr.

ELK-CAMERON COUNTIES (59)

Complement 1

Roof, Vernon D.

ERIE COUNTY (06)

Complement 8

Vacancy 1

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

* Confirmed 3-31-98; elected acting president judge effective 2-10-99

** Resigned 12-31-98

+ President judge term expired 2-9-99

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

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

GREENE COUNTY (13)

Complement 2

Grimes, H. Terry
 Nalitz, William R.

HUNTINGDON COUNTY (20)

Complement 1

Kurtz, Stewart L.

INDIANA COUNTY (40)

Complement 2

*Ruddock, W. Parker**
*Martin, William J.***
 Olson, Gregory A.+

* Retired 9-15-98

** Became president judge effective 9-16-98

+ Confirmed 11-17-98

JEFFERSON COUNTY (54)

Complement 1

Henry, William L.

LACKAWANNA COUNTY (45)

Complement 6

Vacancy 1

Walsh, James J.
 Corbett, Patricia
 Harhut, Chester T.
 Minora, Carmen D.
 Munley, James M.**

Nealon, Terrence R.*

* Confirmed 5-4-98

** Resigned 10-26-98

LANCASTER COUNTY (02)

Complement 10

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.

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

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.

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.
Toole, Patrick J., Jr.

* Confirmed 5-4-98

LYCOMING COUNTY (29)

Complement 5

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

MCKEAN COUNTY (48)

Complement 1

Cleland, John M.

MERCER COUNTY (35)

Complement 3

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

MIFFLIN COUNTY (58)

Complement 1

Searer, Timothy S.

MONROE COUNTY (43)

Complement 4

Vican, Ronald E.
Cheslock, Jerome P.

Miller, Linda Wallach
O'Brien, Peter J.

MONTGOMERY COUNTY (38)

Complement 18

Vacancy 1

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.

* Retired 4-18-99

NORTHAMPTON COUNTY (03)

Complement 7

Freedberg, Robert A.
Baratta, Stephen G.
Hogan, James C.
McFadden, F. P. Kimberly
Moran, William F.

Panella, Jack A.
Simpson, Robert E., Jr.

**NORTHUMBERLAND
COUNTY (08)**

Complement 2

Sacavage, Robert B.
Wiest, William Harvey

**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.
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.
Jelin, Sheldon C.
Jones, C. Darnell, II
Joseph, Barbara A.

Kafrissen, Arthur S.
Keogh, D. Webster
Klein, Richard B.
Lachman, Marlene
Latrone, Robert A.

Lazarus, Anne E.
Lehrer, Samuel M.
Lerner, Benjamin*
Levin, Stephen E.
Lewis, Kathryn Streeter

Lineberger, James A.
Lynn, James Murray
Maier, Eugene Edward J.
Manfredi, William J.
Massiah-Jackson,
Frederica A.

Matthews, Robert J.♦
Mazzola, William J.
McInerney, Patricia A.
Means, Rayford A.
Moss, Sandra Mazur

Mozenter, Joyce S.
New, Arnold L.
O'Keefe, Joseph D.
Papalini, Joseph I.
Pawelec, Edmund S.

Poserina, John J., Jr.
Quinones Alejandro, Nitza I.
Ransom, Lillian H.
Reynolds, Abram Frank
Ribner, Paul##

Richette, Lisa A.▲
Rizzo, Annette M.♦
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
Tereshko, Allan L.

Watkins, Thomas D.
Wolf, Flora Barth
Woods-Skipper, Sheila A.♦
Younge, John M.
Zaleski, Jerome A.

- * 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
- ▲ Retired 9-9-98
- ▲▲ Retired 9-14-98
- ♦ Confirmed 11-17-98

PIKE COUNTY (60)

Complement 1

Thomson, Harold A., Jr.

POTTER COUNTY (55)

Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)

Complement 5

Baldwin, William E.
Dolbin, C. Palmer
Domalakes, John E.
Russell, Jacqueline L.
Stine, D. Michael

**SNYDER-UNION
COUNTIES (17)**

Complement 2

Woelfel, Harold F., Jr.
*Knight, Louise O.**

* Confirmed 6-3-98

SOMERSET COUNTY (16)

Complement 3

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

**SUSQUEHANNA
COUNTY (34)**

Complement 1

Seamans, Kenneth W.

TIOGA COUNTY (04)

Complement 1

Dalton, Robert E., Jr.

VENANGO COUNTY (28)

Complement 2

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

**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.

WAYNE COUNTY (22)

Complement 1

Conway, Robert J.

**WESTMORELAND
COUNTY (10)**

Complement 11

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.

* 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

Uhler, John C.
Blackwell, Penny L.
Brillhart, Michael J.
Chronister, John H.
Dorney, Sheryl Ann
Horn, Richard H.
Kennedy, John S.
Linebaugh, Stephen P.
Renn, Richard K.
Snyder, Gregory M.
Thompson, John W., Jr.

**Common
Pleas
Court
Senior
Judges**

ALLEGHENY COUNTY

Dauer, Robert E.**
Johnson, Livingstone M.
Kaplan, Lawrence W.*
McGregor, James R.#
O'Brien, John W.++

O'Malley, Michael J.
Ridge, Joseph H.
Ross, George H.
Schwartz, Nathan+
Watson, J. Warren

Wekselman, I. Martin
Zelevnik, Richard G.

- * Effective 8-22-98
- ** Effective 12-24-98
- + Resigned 4-30-99
- ++ Removed from list 6-30-99
- # Effective 7-12-99

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.

BUCKS COUNTY

Bortner, Oscar S.
Clark, Ward F.
Garb, Isaac S.**
Rufe, William Hart, III*
Sokolove, Leonard B.

- * Effective 1-2-99
- ** Effective 6-20-99

BUTLER COUNTY

Brydon, John H.
Kiestler, George P.

CAMBRIA COUNTY

Creany, Eugene A.

CHESTER COUNTY

Endy, Alexander

CLARION COUNTY

Alexander, Charles R.*

- * Effective 12-23-98

CLINTON COUNTY

Brown, Carson V.

**COLUMBIA-MONTOUR
COUNTIES**

Myers, Jay W.

CRAWFORD COUNTY

Thomas, P. Richard

(As of 7-31-99)

DAUPHIN COUNTY

Lipsitt, William W.
Morgan, Warren G.*

* Sits on occasion in
Commonwealth Court

DELAWARE COUNTY

Wright, Robert A.

ELK-CAMERON COUNTIES

Greiner, Paul B.

ERIE COUNTY

Fischer, Roger M.*
Levin, George E.

* Effective 1-1-99

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker*

* Effective 9-18-98

JEFFERSON COUNTY

Snyder, Edwin L.

LACKAWANNA COUNTY

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

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.

MERCER COUNTY

Stranahan, John Q.

MONROE COUNTY

Marsh, James R.

MONTGOMERY COUNTY

Brown, Lawrence A.
Davenport, Horace A.

Lowe, Richard S.
Subers, Albert R.**
Taxis, Alfred L., Jr.*

Vogel, William W.

* Removed from list 1-1-99

** Effective 4-21-99

NORTHAMPTON COUNTY

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

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.
Ranck, Samuel C.

PHILADELPHIA COUNTY

Bradley, Edward J.**
Bruno, Joseph C.
Chiovero, John J.
Cipriani, Nicholas A.
Clarke, Eugene H., Jr.#

DeFino, Anthony J.
Halbert, Marvin R.
Hill, Louis G.
Ivanoski, Leonard A.▲
Jenkins, Norman A.*

Kozay, Nicholas, Jr.
Lederer, William J.
O'Brien, Frank X.
Richette, Lisa A.##
Rosenberg, Edward B.

**PHILADELPHIA COUNTY,
continued**

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

* Removed from list 1-23-98
** Effective 5-23-98
+ Effective 5-24-98
++ Died 8-21-98
Died 8-24-98
Effective 9-12-98
▲ Effective 9-17-98

SCHUYLKILL COUNTY

Dolbin, Donald D.
Rubright, Wilbur H.

SOMERSET COUNTY

Shaulis, Norman A.*

* Readded 1998

TIOGA COUNTY

Kemp, Robert M.

VENANGO COUNTY

Breene, William E.

**WARREN-FOREST
COUNTIES**

Wolfe, Robert L.

WASHINGTON COUNTY

Bell, John F.
Terputac, Thomas J.

WESTMORELAND COUNTY

Mihalich, Gilfert M.

YORK COUNTY

Cassimatis, Emanuel A.
Erb, Joseph E.
Miller, John T.

Philadelphia Municipal Court Judges

Complement 25
Vacancy 1

Silberstein, Alan K.+
Prezenza, Louis J.++

Administrative Judge
Blasi, Robert S.

Anderson, Linda F.**
Brady, Frank T.
Conway, Gwendolyn A.
Daher, Georganne V.
DeLeon, James M.

Deni, Teresa Carr
Gehret, Thomas F.**
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.*
Retacco, Louis F.
Robbins, Harvey W.
Schwartz, Harry*

Stack, Felice Rowley
Washington, Craig M.

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

** Confirmed 2-9-98

+ President judge term expired
1-18-99

++ Elected president judge
effective 1-19-99

Resigned 4-30-99

Philadelphia Traffic Court Judges

Complement 7

Little, Francis J.

Administrative Judge
DeAngelis, Bernice A.

Adams, Willie J.*
Howlett, Joseph A.
Kelly, Francis E.
Perri, Fortunato N., Sr.
Tynes, Thomasine

* Confirmed 2-9-98

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 7-31-99)

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.**
Mekel, Edward G.+
Rose, Meyer Charles

* Effective 2-18-98

** Died 8-18-98

+ Effective 7-14-99

**Traffic Court
Senior Judges**

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

(As of 7-31-99)

ADAMS COUNTY (51)
Complement 4

Bowman, Daniel S.
Carr, Thomas R.
Deardorff, Harold R.
Zepp, John C., III

ALLEGHENY COUNTY (05)
Complement 55
Vacancy 3

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
Cioppa, Ross C.+

Comunale, Frank, III
Conroy, Eileen M.
Cooper, Kevin E.
Costa, Ronald N., Sr.
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.
Scharing, 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 4-20-98
- ** Resigned 3-31-99
- + Confirmed 6-8-99
- ++ Retired 6-16-99

ARMSTRONG COUNTY (33)
Complement 4

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

BEAVER COUNTY (36)
Complement 9

Armour, John W.
Dibenedetto, James F.
Eiler, Donald L.
Howe, Edward C.
Knafelc, Harry E.

District

Justices

(As of 7-31-99)

(Judicial Districts in parentheses)

BEAVER COUNTY,
continued

Loughner, C. Douglas
Schulte, Martin V.
Swihart, Janet M.
Zupsic, Joseph*

* Sworn in 11-17-98

BEDFORD COUNTY (57)

Complement 4

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

BERKS COUNTY (23)

Complement 18

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.
Korch, James M.++
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
++ Confirmed 9-29-98

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 2

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

* Retired 6-12-98

** Resigned 3-13-99

BUCKS COUNTY (07)

Complement 18

Vacancy 1

Adamchak, Joanne M.
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.

* Retired 2-17-98

** Confirmed 6-3-98

+ Died 5-11-99

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

Vacancy 1

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

* Resigned 12-31-98

CENTRE COUNTY (49)

Complement 5

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

CHESTER COUNTY (15)

Complement 17

Anthony, John F.
Arnold, Rita A.
Bicking, Brenda J.
Blackburn, Jeremy
Brown, Arthur
Bruno, Mark A. **
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

** Confirmed 4-21-98

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.
Shrawder, Marvin K.
Stackhouse, Ola E.

**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.
Day, Susan K.
Elder, Gayle A. **
Klair, Ronald E.*

Manlove, Robert V.
Placey, Thomas A.
Perkins, David P.**
Shulenberger, Helen B.

* 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
Semic, Steven M.
Shugars, Ray F.
Solomon, Joseph S.

Stewart, Marsha C.
Williams, Edward R.
Yanich, Bernard B.
Zozos, George A.

**DELAWARE
COUNTY (32)**

Complement 32

Vacancy 2

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

**DELAWARE COUNTY,
continued**

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-McHugh,
Deborah M.*
Videon, David T.

* Confirmed 1-21-98
** Resigned 4-3-98
+ Resigned 1-3-99

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15
Vacancy 1

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-Lewis, Denise M.
Urbaniak, Paul
Vendetti, John A.
Weindorf, Arthur J.

* Retired 11-14-98

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.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 9

Carter, Gary L.
Hawbaker, David E.
Johnson, Carol J.
Knepper, Brenda M.
Mellott, Wendy Richards

Meminger, Larry K.
Pentz, Larry G.
Shatzer, Shirley M.*
Weyman, John P.

* 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.
Wilt, Richard S.**

* Retired 9-7-98
** Confirmed 1-27-99

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.

LACKAWANNA COUNTY,
continued

Mercuri, John J.
Pieski, John E. V.
Russell, Robert G.

Yurgosky, Donald A.

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, Sandra L.
Miller, David P.
Musser, Richard W.
Mylin, Stuart J.
Reuter, William G.

Savage, Ronald W.
Stoltzfus, Isaac H.
Williams, Louise B.
Willwerth, Jene A.
Winters, John C.

LAWRENCE COUNTY (53)
Complement 5

Abraham, Charles A., Jr.*
Amodie, Melissa A.**
Battaglia, Samuel A.
Lamb, J. V.
Reed, James A.

Rishel, David B.

* Died 2-26-99
** Confirmed 5-11-99

LEBANON COUNTY (52)
Complement 7
Vacancy 1

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

Smith, Michael D.
Swisher, Hazel V.

* Resigned 6-30-99

LEHIGH COUNTY (31)
Complement 14

Balliet, Carl L.
Butler, Donna R.
Crawford, Charles H.
Dugan, John E.
Gatti, Richard A.

Harding, David B.
Hartman, Edward E.
Hausman, Joan K.*
Leh, David G.**
Jepsen, Diane R.

Murphy, Thomas P.
Rapp, Anthony G., Jr.
Snyder, Joan L.
Varricchio, Michele A.
Youkonis, Patricia E.

* Resigned 6-30-98
** Confirmed 10-6-98

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.
McGee, Gerald A.
McRae, C. Roger
Page, Allen P., III

Sortman, James H.

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.

Sachaczenski, John T.
Saraceni, Robert A.
Schireson, Henry J.
Skerchock, Dorothy
Stine, Caroline Culley

Zaffarano, Patricia A.

* 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., 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.

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

Cooper, Alan B.**
McBride, Stephen A.
Purdue, Carolyn H.
Quinn, Gudrun K.*
Sanquilly, William N.

* Resigned 12-4-98
** Confirmed 6-14-99

POTTER COUNTY (55)

Complement 4

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

* Resigned 4-30-98
** Confirmed 6-9-98

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.

**SNYDER-UNION COUNTIES,
continued**

Savidge, Willis E.
Solomon, Hall E., Sr.

SOMERSET COUNTY (16)

Complement 5
Vacancy 1

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

* Resigned 2-1-99

**SUSQUEHANNA
COUNTY (34)**

Complement 3

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

TIOGA COUNTY (04)

Complement 3
Vacancy 1

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

* Resigned 3-2-99

VENANGO COUNTY (28)

Complement 4

Boyer, Robert L.
Fish, David L.
Gerwick, Douglas B.
Martin, William G.*

* 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

Amati, Ronald
Celaschi, Lawrence P.
Costanzo, Valarie S.*
Dutton, Jay H.
Ellis, James C.

Havelka, Gary H.
Mark, David W.
Pelkey, William
Spence, J. Albert
Teagarden, Marjorie L.

Thompson, Curtis L.
Weller, Jay H.

* Confirmed 9-29-98

WAYNE COUNTY (22)

Complement 4

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

**WESTMORELAND
COUNTY (10)**

Complement 19
Vacancy 1

Albert, James E.
Bilik, Mark J.
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.
McCutcheon, Bernice A.
Medich, Martha
Peck-Yokopec, Cheryl J.

Scott, Robert E.
Smittle, John D.*
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

* Resigned 9-30-98

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Robinson, Patricia A.
Shurtleff, Russell D.
Smith, Carl W., Jr.

YORK COUNTY (19)

Complement 18
Vacancy 1

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

Haskell, Ronald J., Jr.
Heilman, Vera J.
Hodge, James D.
Kessler, Harold D.
Lafean, John W.

**YORK COUNTY,
continued**

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 6-30-99

ALLEGHENY COUNTY

Boehm, Leonard W.
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.
Swearingen, John E.++
Terrick, Richard J.+
Thomas, Raymond C.

* Effective 4-23-98
** Removed from list 7-24-98
+ Effective 4-1-99
++ Effective 6-19-99

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.*
Wenger, George L.
* Effective 3-6-98

BLAIR COUNTY

Klepser, Frederick L.*
* Effective 4-1-98; resigned
3-9-99

BRADFORD COUNTY

Ayres, Lynn E.*
Wood, Fordham F., Jr.
* Effective 6-15-98

BUCKS COUNTY

Kelly, James M.
Marks, Catherine*
Spadaccino, Dominick C.
* Effective 2-20-98

BUTLER COUNTY

Wise, Frank C.*
* Effective 2-1-98

CAMBRIA COUNTY

Rozum, Julia Ann

CENTRE COUNTY

Shoff, Robert A.

CHESTER COUNTY

Martini, Harry R.
Mull, Robert G.

Senior

District

Justices

(As of 7-31-99)

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 3-1-98

** Removed from list 8-24-98

DAUPHIN COUNTY

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

DELAWARE COUNTY

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

* Effective 4-4-98

** Removed from list 7-24-98

ERIE COUNTY

Smith, Charles F.*
Stuck, Ronald E.

* Effective 11-17-98

FAYETTE COUNTY

Hartz, Charles F.*

* Removed from list 7-24-98

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Bertugli, Emil

HUNTINGDON COUNTY

Kyper, James H.*

* Effective 9-10-98

INDIANA COUNTY

Cravotta, Angelo C.
Wilkins, Geraldine M.*

* Resigned 4-12-99

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

Shultz, Jo Ann*
Spannuth, Mary M.

* Effective 7-1-99

LEHIGH COUNTY

Beck, Ralph H.*
Maura, Joseph J.

* Removed from list 1-22-98

LUZERNE COUNTY

Harvey, Leonard D.
Marshall, Robert N.

LYCOMING COUNTY

McDermott, John M.
Stack, Robert W.

MONROE COUNTY

McCool, Henry*

* Removed from list 2-12-99

MONTGOMERY COUNTY

Dasch, Charles A.
Riehl, Donald O.

NORTHAMPTON COUNTY

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

PIKE COUNTY

Quinn, Gudrun K.*

* Effective 12-5-98

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.

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.*
Stambaugh, Quentin R.

* Removed from list 7-24-98

District Court Administrators

Administrator

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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
John L. Shuttleworth
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Martha Keller Masson
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Karen M. Kuhn

William A. Sheaffer
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Carole D. Lang
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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

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Administrator

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Court

Administrators

(As of 7-31-99)

Court

Administrators,

continued

**District Court
Administrators**

Administrator

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Lois A. Wallauer
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Kathleen A. Riley
Mary L. Foster

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

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J. Robert Chuk

District

Potter
Schuylkill
Snyder-Union
Somerset
Susquehanna

Tioga
Venango
Warren-Forest
Washington
Wayne

Westmoreland
Wyoming-Sullivan
York

**District Justice
Court
Administrators**

Administrator

Patricia Ann Fluty
Bruce T. Hefner
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
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Joseph W. Chernesky
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Administrative Services*

Deborah B. McDivitt
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*Manager of Computer
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Arese O. Ness
*Manager of Software
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Nicholas Melnick, Jr.
*EDI (Public Access)
Coordinator*

Special Projects

Ralph W. Hunsicker
*Director of Special
Projects*

Timothy McVay, Esq.
Staff Attorney

Kristen E. Swauger
Administrative Assistant

Alphabetical Order

District Order

County	District	District	County
Adams	51	01	Philadelphia
Allegheny	05	02	Lancaster
Armstrong	33	03	Northampton
Beaver	36	04	Tioga
Bedford	57	05	Allegheny
Berks	23	06	Erie
Blair	24	07	Bucks
Bradford	42	08	Northumberland
Bucks	07	09	Cumberland
Butler	50	10	Westmoreland
Cambria	47	11	Luzerne
Cameron-Elk	59	12	Dauphin
Carbon	56	13	Greene
Centre	49	14	Fayette
Chester	15	15	Chester
Clarion	18	16	Somerset
Clearfield	46	17	Snyder-Union
Clinton	25	18	Clarion
Columbia-Montour	26	19	York
Crawford	30	20	Huntingdon
Cumberland	09	21	Schuylkill
Dauphin	12	22	Wayne
Delaware	32	23	Berks
Elk-Cameron	59	24	Blair
Erie	06	25	Clinton
Fayette	14	26	Columbia-Montour
Forest-Warren	37	27	Washington
Franklin-Fulton	39	28	Venango
Fulton-Franklin	39	29	Lycoming
Greene	13	30	Crawford
Huntingdon	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawanna	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Forest-Warren
Lebanon	52	38	Montgomery
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana

Judicial Districts

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lycoming	29	41	Juniata-Perry
McKean	48	42	Bradford
Mercer	35	43	Monroe
Mifflin	58	44	Sullivan-Wyoming
Monroe	43	45	Lackawanna
Montgomery	38	46	Clearfield
Montour-Columbia	26	47	Cambria
Northampton	03	48	McKean
Northumberland	08	49	Centre
Perry-Juniata	41	50	Butler
Philadelphia	01	51	Adams
Pike	60	52	Lebanon
Potter	55	53	Lawrence
Schuylkill	21	54	Jefferson
Snyder-Union	17	55	Potter
Somerset	16	56	Carbon
Sullivan-Wyoming	44	57	Bedford
Susquehanna	34	58	Mifflin
Tioga	04	59	Cameron-Elk
Union-Snyder	17	60	Pike
Venango	28		
Warren-Forest	37		
Washington	27		
Wayne	22		
Westmoreland	10		
Wyoming-Sullivan	44		
York	19		

Glossary

Following is a glossary of terms commonly used in the judicial system.

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 pro-

ceedings 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 scien-

tific, 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. Legal 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 tye) 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 knowledge of the facts. Generally admissible only when given by an expert witness unless opinion is based on matters common to lay persons.

ordinance Municipal law regulating conduct or defining misdemeanor crimes.

oral argument Opportunity for lawyers to summarize their positions before the court and also answer judges' questions.

order Written or oral command from a court directing or forbidding an action.

ordinance Local law adopted by a municipality.

overrule Judge's decision not to allow an **objection**. Also, decision by higher court finding that lower court decision was in error.

overt act Act essential to establishment of intent to commit a crime and done to carry out or in furtherance of intention.

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, person's title is **executor/executrix**. If no valid will exists, 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 MITT 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 judice (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 defendant is imprisoned, but is released during

daytime to work at a job approved by Department of Corrections or the court. After working hours prisoner is returned to confinement.

writ Judicial order directing a person to do something.

writ of certiorari Order issued by Supreme Court directing lower court to transmit records for a case it will hear on appeal. See **certiorari**.

writ of execution Writ to put in force the judgment or decree of a court. 