

**Report of the
Administrative Office of
Pennsylvania Supreme Court
2000**

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*

*'00 in Brief
(listed chronologically)*

*Philadelphia Court of
Common Pleas Commerce
Case Program begins
operation. Program will
handle all new business
litigation*

*Philadelphia Court of Com-
mon Pleas is recognized by
the National Council of
Juvenile and Family Court
Judges for its efforts to
expedite adoptions for
children removed from
their homes. Accelerated
Adoption Review Court
seeks to condense multiple
hearings months apart
into one hearing*

*UJS's efforts to computerize
Pennsylvania's courts
moves forward as Common
Pleas project gets
underway. Phase one of
the project will be to
computerize criminal
courts*

Zygmunt A. Pines, Esq. is appointed Court Administrator of Pennsylvania, succeeding Nancy M. Sobolevitch, who had retired at the end of 1999 after 13 years of service

Act 105 of 2000 is passed, adding 19 judgeships to the Courts of Common Pleas over the next three years

Law passed to allow judges to work through the end of the calendar year in which they turn 70. As this change requires a constitutional amendment, question will be placed on the primary ballot in May 2001. Currently, the Pennsylvania Constitution requires that judges retire upon reaching age 70.

Supreme Court of Pennsylvania adopts a new Code of Civility to reinforce the longstanding practices of civility and courtesy

Zygmunt A. Pines, Esq.
Court Administrator of Pennsylvania

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

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts for 2000. Our goal is to provide a general reference document that reflects the hard work and dedicated service of the Administrative Office and the boards and committees of the Supreme Court.

Within this report we have attempted to outline the array of programs and services that provide the framework of our effective judicial system. This report also serves to highlight noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

The judiciary continued to move in the direction of improving service, access and the administration of justice for all Pennsylvanians in 2000.

Among the year's highlights was the successful and efficient transition of 175 senior county court administrative staff into state service -- a move that became effective on January 1, 2000, according to guidelines established in legislation passed during the previous year by the General Assembly. Various human resource and organizational issues were occasioned by the transfer of these staff over the course of the year.

Another noteworthy event was the Supreme Court's creation -- also with funding provided by the General Assembly -- of a committee to study the subjects of race, ethnicity and gender as they arise within Pennsylvania's courts.

The judiciary also continued to make strides in statewide court automation to help manage its diverse and substantial caseloads. Of particular significance was the successful implementation in December 2000 of the Pennsylvania Appellate Court Case Management System (PACMS) for the Supreme, Superior and Commonwealth Courts.

Preface
from the
Court
Administrator

Preface
from the
Court
Administrator,
continued

The ultimate goal in automating Pennsylvania's judicial system remains a fully integrated case and financial management system at all court levels to effectively perform judicial record keeping, collect fines, fees and costs and provide a timely and accurate statewide court case data link.

Other automation accomplishments during the year included first phase implementation of the Administrative Support Application Project in August 2000. The system replaced an outdated accounting/payroll/human resources computer network with one that is able to serve the judiciary's existing and projected computerization needs.

The year also marked the starting point for efforts to upgrade the District Justice System to Criminal Justice Network or JNET standards and needs. The effort underscores the judiciary's interest in developing and implementing modern technology for use both independently and as an integral part of the executive branch's JNET initiative.

Allowing Philadelphia Municipal Court civil cases to be filed electronically over the Internet for the first time was another example of how the state court system improved service and accessibility through automation during the year. The move made the claims process easier for citizens and their attorneys while providing an alternative to a largely manual system that generated tons of cumbersome paperwork into the municipal court system each year.

In 2000 the Supreme Court adopted a new Code of Civility to underscore the importance of courtroom conduct in resolving cases and upholding the dignity of the legal profession.

I was honored to be named Court Administrator of Pennsylvania on a permanent basis toward the end of the year after having served as acting state court administrator since January 2000.

The judiciary takes great pride in demonstrating through this report to you the challenges and changes faced by the courts and how they are being met through our efforts to provide effective service, access and justice for all Pennsylvanians.

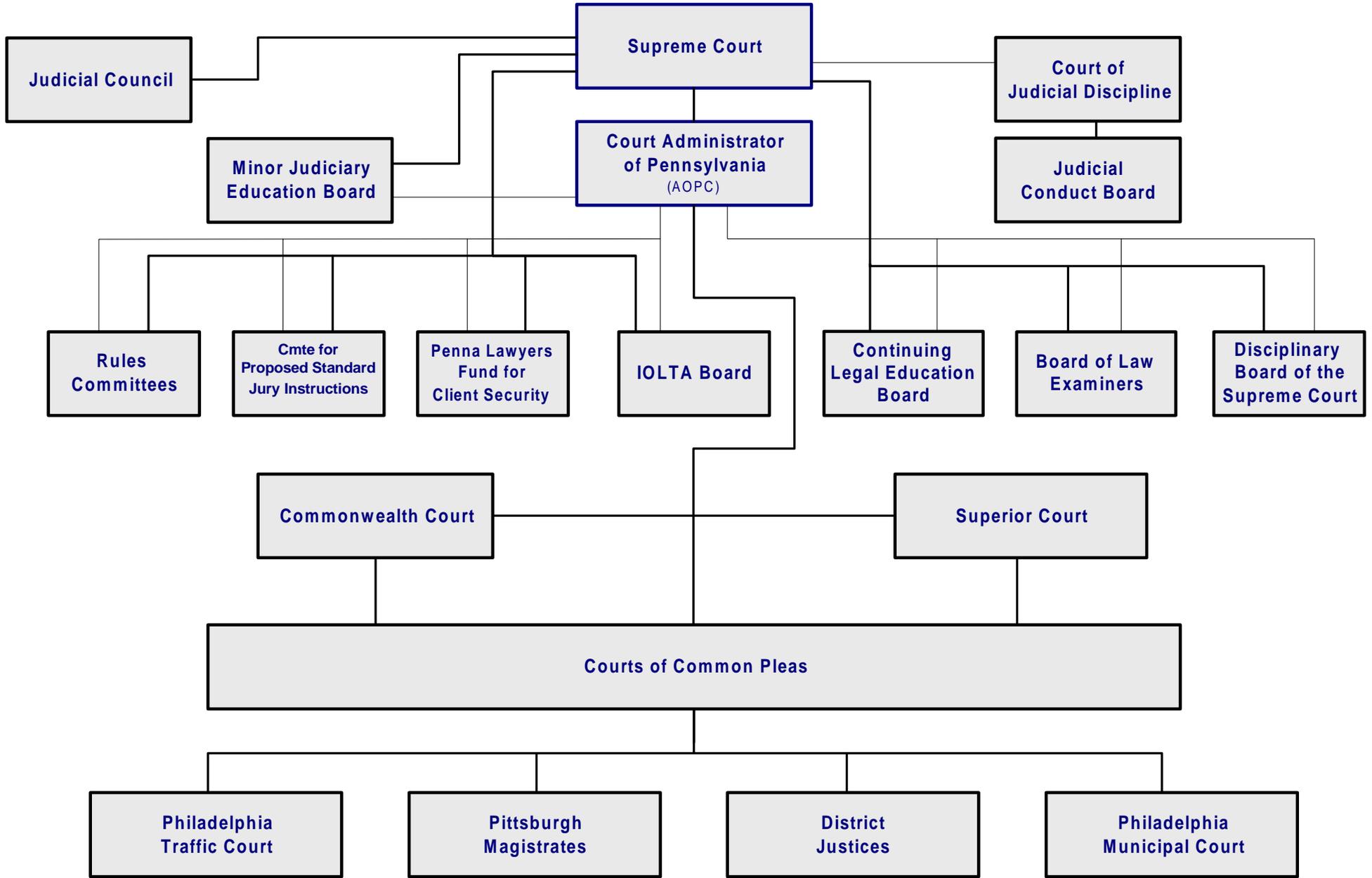
Sincerely,



ZYGMONT A. PINES

Acting Court Administrator of Pennsylvania

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 changes in 1838 and 1874 and a constitutional amendment in 1850 effected changes in the

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) linking state's 538 district justices is completed

UJS takes a step closer to achieving constitutional mandate of being truly unified by bringing court administrators on board as UJS staff

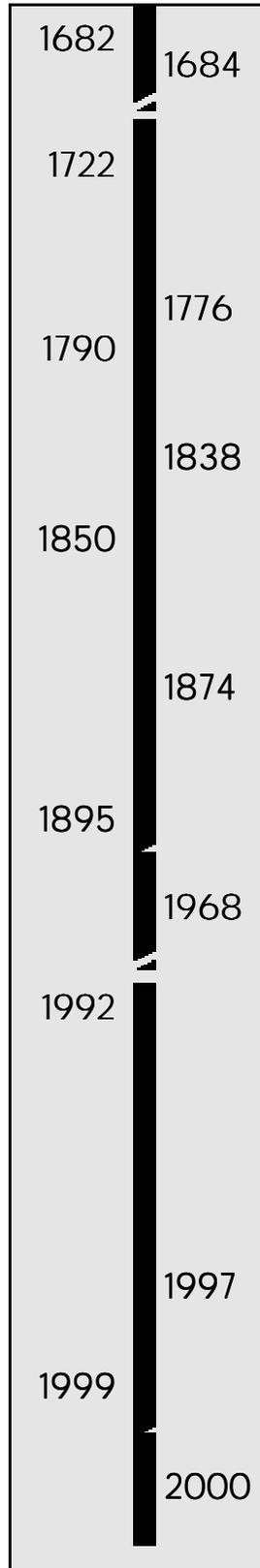


Chart 2.1.1

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 timeline of the evolution of Pennsylvania's judicial system. 

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

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

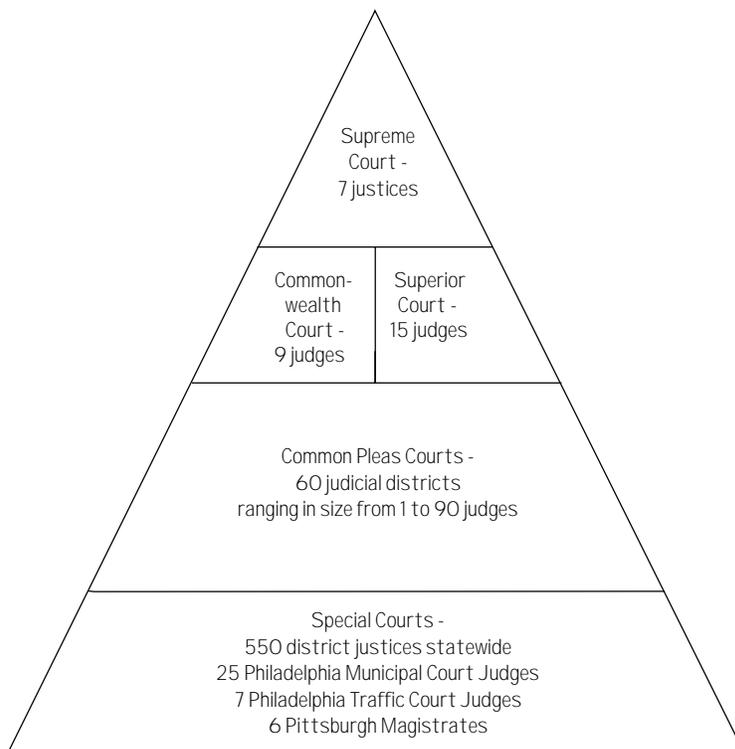


Figure 2.2.1

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

Special Courts

Special courts, also called minor courts or courts of limited jurisdiction, constitute the “grass roots” level of Pennsylvania’s court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter. The special courts include 550 district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

District Justice Courts

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

- conduct non-jury trials concerning criminal summary matters not involving delinquent acts as defined in 42 Pa.C.S., § 6301 *et seq.*
- conduct non-jury trials concerning civil claims (unless the claim is against a Commonwealth party as defined in 42 Pa.C.S., § 8501) where the amount in controversy does not exceed \$8,000, exclusive of interests and costs, in the following classes of actions:
 - landlord-tenant actions
 - *assumpsit* actions unless they involve a contract where the title to the real estate may be in question
 - trespass actions
 - fines and penalties by any government agency
- preside over preliminary arraignments and preliminary hearings
- fix and accept bail except in cases involving murder or voluntary manslaughter
- issue arrest warrants
- accept guilty pleas to the charge of Driving under the Influence (75 Pa.C.S.A., § 3731) so

long as it is a first offense, no personal injury occurred to a third party other than the defendant’s immediate family, property damage to any third party is less than \$500 and the defendant is not a juvenile

- preside over non-jury trials involving all offenses under Title 34 (relating to game)
- accept guilty pleas to misdemeanors of the third degree in certain circumstances.

District justices are not required to be lawyers, but if they are not, they must complete an educational course and pass a qualifying examination before they can take office. They must also complete one week of continuing education each year in a program administered by the Minor Judiciary Education Board. (For more information on the Minor Judiciary Education Board see page 91.)

Philadelphia Municipal Court

One of two special courts in Philadelphia County, Municipal Court is Pennsylvania’s only court of record at the minor courts level. Its judges have the same jurisdiction as district justices with the following exceptions:

- jurisdiction includes all criminal offenses except summary traffic offenses that are punishable by a term of imprisonment not exceeding five years
- they may enter judgments in civil claims where the amount does not exceed \$10,000.

The Municipal Court complement numbers 25, and judges who serve on this court must be attorneys.

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

In addition, an administrative judge appointed by the Supreme Court is responsible for judicial assignments, budgeting and the daily operation of the court.

Philadelphia Traffic Court

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

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

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

Pittsburgh Magistrates Court

In addition to the district justices who serve throughout Allegheny County, the city of Pittsburgh has six police magistrates. These magistrates, who are required to be members of the Pennsylvania bar, sit on the Pittsburgh Magistrates Court. As members of Pennsylvania's only nonelective court, each magistrate is appointed by Pittsburgh's mayor to a four-year term.

Pittsburgh Magistrates may:

- issue arrest warrants
- preside at arraignments and preliminary hearings for criminal offenses occurring within the city
- preside over criminal cases brought by Pittsburgh police for violations of city ordinances and other specified offenses

- handle all summary offenses under the Motor Vehicle Code and related city ordinances.

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

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

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

Common Pleas Courts

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

The courts are organized into 60 judicial districts which generally follow the geographic boundaries of the Commonwealth's counties; however, seven of the districts are comprised of two counties. They are: Perry-Juniata, Snyder-Union, Franklin-Fulton, Wyoming-Sullivan, Columbia-Montour, Warren-Forest and Elk-Cameron. Each district has from one to 90 judges.

Each district also has a president judge to administer the affairs of the court. In districts with seven or fewer judges, the judge with the longest continuous service holds this position. In districts with eight or more judges, the president judge is elected to a five-year term by his or her peers.

Appellate Court System

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

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

Commonwealth Court

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

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

- civil actions brought against the Commonwealth government or an officer of the government usually seeking equitable relief or declaratory judgment and not damages
- civil actions brought by the Commonwealth government (note: these could also be brought in the Courts of Common Pleas)
- matters under the Election Code involving statewide offices.

Its **appellate** jurisdiction includes:

- appeals relating to decisions made by most state administrative agencies
- appeals from the Courts of Common Pleas involving:
 - actions against the Commonwealth that could not be initiated in Commonwealth Court
 - actions by the Commonwealth that could have been commenced in Commonwealth Court
 - some appeals from decisions of the Liquor Board and the Department of Transportation
 - most local government matters other than contract matters, including actions for damages
 - eminent domain proceedings
 - matters involving the internal affairs of non-profit corporations.

Superior Court

Because the Superior Court's main function is as an appeals court, its original jurisdiction is limited. Such jurisdiction includes applications made by the attorney general and district attorneys under the Wiretapping and Electronic Surveillance Control Act.

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

Supreme Court

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

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

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

The Court's **original** jurisdiction is non-exclusive and includes cases:

- of *habeas corpus*, cases involving detention of a party and determination of whether that party has been denied liberty without due process
- of *mandamus* or prohibited to courts of inferior jurisdiction
- of *quo warranto*, lawsuits challenging the right of an individual to hold a public office, alleging that the individual is holding the office illegally.

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

Appeals from final orders of Common Pleas Courts include:

- cases involving matters prescribed by general rule
- the right to public office
- matters where the qualifications, tenure or right to serve or the manner of service of any member of the judiciary is in question

- review of death sentences
- supersession of a district attorney by the attorney general or by a court
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question
- statutes and rules held unconstitutional by the Courts of Common Pleas
- matters where the right to practice law is involved.

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

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

The Court also has exclusive jurisdiction of appeals from Common Pleas Court involving the death penalty. Such cases are automatically appealed to the Supreme Court.

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

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

For a list of Pennsylvania's judges and their jurisdictions, please refer to The Directory 2000, beginning on page 111. 

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 six 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 and Court-Related Education. The three departments in Mechanicsburg, just south of Harrisburg, are Administration, which includes Financial Systems, Payroll and Human Resources; Judicial Automation; and Communications/Legislative Affairs. Another department -- Judicial Programs (formerly "Court Management") -- awaits reestablishment.

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 (UJS) 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 page on the UJS Web site at www.courts.state.pa.us.

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

Among the departmental projects recently completed or now in progress are:

- a study of post-conviction collateral relief (PCRA) petitions to assist the Criminal Procedural Rules Committee in its review of procedures
- an analysis of trial court decisional delay based on the 1997 amendments to Rule of Judicial Administration 703, specifically examining cases awaiting decision over twelve months
- support to the Judicial Reestablishment Committee, including the drafting of reestablishment guidelines and assembling caseload statistic and census figure/population reports
- a study of data regarding judicial safety and security in Pennsylvania, resulting in two published articles as well as presentations
- an analysis of transcripts fee schedules in the 60 judicial districts
- the development of "eForms," which enable judicial districts to submit all of the monthly caseload statistical reports electronically and include caseload analysis tools such as built-in charts and graphs that offer instant feedback, allowing judicial districts to manage their caseloads more effectively

- feasibility analysis of expanding the caseload statistical reports to include more case types, such as the addition of Indirect Criminal Contempt information to the Protection from Abuse report
- support to the AOPC Financial Systems Department in responding to legislative requests for forecasts and projections involving new initiatives affecting the judiciary

Within the Policy Research and Statistics Department, the Docket Transcript Section receives, reviews and corrects data on misdemeanor, felony and escalating summary cases filed in the 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 those using the forms on a daily basis.

Legal Department

The Legal Department provides advice and counsel to the Court Administrator of Pennsylvania and to the other units of the Unified Judicial System (UJS) while also assisting in various administrative areas.

Specifically, the chief counsel's staff represent UJS personnel -- including those of the various courts of the Commonwealth and judicial agencies, and the Pennsylvania Board of Law Examiners -- in state and federal litigation. Representation is not provided in criminal or disciplinary actions. 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, petitions to determine the rights and duties of public officials, and appeals.

Other significant activities include:

- active participation in planning and implementing the Judicial Computer System and related statewide court automation programs
- reviewing and negotiating 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 of Pennsylvania
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Communications/Legislative Affairs

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

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

Judicial Automation

The AOPC's various automation divisions -- Information Technology, Statewide Automation and the Supreme Court's Office of Legal Systems -- are tasked with developing and maintaining case management systems and other applications as well as providing technology support to the Supreme Court justices, judicial staff and administrative court staff in Pennsylvania.

Several important projects were completed or in progress during 2000.

Pennsylvania Appellate Court Case Management System (PACMS)

The AOPC's most ambitious system to come online in 2000 was the Pennsylvania Appellate Court Case Management System. This system provides case management functions for the Commonwealth's appellate court chambers and filing offices. The system contains case docketing and administrative functions as well as chambers functions including online voting. The system was written in Visual Basic and uses a Sybase database engine and Seagate Crystal Reports to generate notices, forms and reports.

Over the next year, the PACMS staff will continue to enhance the software and provide new functionality, such as the ability for the general public to obtain up-to-date docket sheets for each of the appellate courts over the Web.

Administrative Support Application Project (ASAP)

ASAP is an integrated administrative package for AOPC's finance, human resources, payroll and administrative services departments. It was first introduced to AOPC and First Judicial District users in 1999. Because it did not contain some requested functionality, however, an

effort to provide more flexibility and functionality by reworking some of the base system was initiated. Additional staff was assigned to the project, and new development began while other staff continued to maintain the current system. Completion of the enhancements is scheduled for January 2003.

District Justice System (DJS)

During this calendar year, the AOPC began the roll-out of thin client devices to the district justice courts to provide access to Pennsylvania's Integrated Justice Network (JNET). The district courts also received Microsoft Word software.

DJS staff continued to modify the system based on changes in rules and legislation and to provide enhancements requested by the District Justice System users.

Common Pleas Project

In 1995 the AOPC terminated its initial efforts on a criminal case management system for the Courts of Common Pleas due to inadequate funding. At that time an enormous amount of effort had gone into determining system requirements and designing preliminary screens.

In 2000 an effort to develop this system was reinitiated. A consultant was hired to review the old materials and update them for use in developing an integrated, statewide Common Pleas criminal case management system. Based on site visits and joint application development sessions with users from various counties, new requirements were developed, changes to business practices and rules were noted, and a new set of high-level specifications for the Common Pleas System were generated for a Request for Proposal to be issued for the new system. The Request for Proposal is scheduled for release in spring of 2001.

In conjunction with the Common Pleas System efforts, the AOPC, working with its consultant, also conducted a study of its information technology departments in preparation for beginning the Common Pleas Project. As a result, the Information Technology and Statewide Automation Departments and the Supreme Court's Office of Legal Systems were unified into one large Judicial Automation Department, which now has responsibility for all AOPC and Supreme Court automation initiatives.

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

The Office of Human Resources:

- monitors and ensures 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, and the Civil Rights Act of 1964
- maintains all UJS fringe benefit programs and counsels judiciary personnel regarding their provisions and utilization. The selection of medical programs includes traditional indemnity medical insurance, preferred provider organizations, health maintenance organizations, and a variety of specialized medical insurance plans. Other programs include group and individual life insurance, long-term disability insurance, long-term care insurance, work-related disability and accidental death insurance programs for judiciary personnel.
- administers the UJS employee leave accounting program and the UJS Unemployment Compensation and Workers Compensation programs
- formulates and administers the personnel policies and procedures that govern the personnel operations of the UJS, and supervises the proper maintenance and administration of these policies
- recruits candidates to fill employment positions within the UJS, designs and places position advertisements, screens candidate resumes, schedules and conducts employment interviews, completes background and reference checks, monitors and facilitates the hiring of selected candidates, provides new hire orientation programs to incoming personnel, and assists employees with questions and concerns related to their pay and fringe benefit programs
- develops and administers AOPC hiring procedures and assists managers in the recruiting, interviewing and hiring of new staff. This includes designing position advertisements, reviewing candidate resumes, scheduling and/or conducting interviews, and completing background and reference checks on candidates
- monitors UJS employment actions to ensure compliance with existing statutes and UJS policies and procedures, performs exit interviews with terminating employees, and assists departing employees with questions and concerns related to their judiciary employment
- maintains COBRA, Retiree and Survivor Medical Insurance Programs that provide medical insurance coverage to former employees, retired judiciary personnel, and surviving spouses of deceased judiciary personnel

- administers uniform classification and pay plans for the UJS, develops and maintains appropriate class specifications and job descriptions, and insures the consistent application of uniform classification and pay standards for all UJS employment positions
- maintains the UJS complement of employment positions, and prepares and processes the personnel transaction orders necessary to effect changes in employee pay and employment status
- develops training curriculum, policies, and procedures; schedules and administers training programs for judiciary personnel; and maintains necessary training logs and records

Financial Systems Unit

Financial Systems is responsible for managing all budgets, accounting and the accounting system for the Unified Judicial System. It serves as the primary resource to the various components comprising the UJS regarding financial matters. The Financial Systems unit fulfills its responsibility through the following activities:

- developing necessary policies and procedures on accounting and budget issues and training staff at all levels in their use
- monitoring and preparing the budget for some 35 UJS line items in the Commonwealth's annual budget. These line-item appropriations include not only the funding for the Administrative Office, but for all of the state-funded courts; most Supreme Court advisory procedural rules committees and a special commission; juror cost reimbursements; and county court reimbursements. Financial systems staff develop budget materials for the justices and Court Administrator of Pennsylvania, including briefing materials used for hearings before the

legislative appropriations committees. Staff monitor budget trends, maintain communications and regular reporting to the various legislative and executive branch agencies as required by law and tradition, and participate in budget hearings as required

- managing \$235.4 million in annual appropriations, including \$32.1 million in grants to counties
- participating in the annual financial audit of the UJS. This includes preparing and providing the necessary financial records and information and responding to questions; reviewing the audit results; drafting footnotes to statements; and approving the draft that is submitted to and voted upon by the Judicial Audit Agency (JAA). Staff also participate in the JAA and make recommendations to the JAA regarding accounting policies and procedures
- serving as the central clearinghouse for all financial transactions impacting the judiciary
- overseeing the finances of the First Judicial District/AOPC Procurement Unit (approximately \$28.9 million), including recommending investment and banking strategy. The procurement unit, created by and operating under an agreement between the Administrative Office and Philadelphia City government, was established to improve the procurement function in Philadelphia's three courts, including purchases, service contracts and reconciliation. Since the agreement was put into effect, the First Judicial District has realized significant savings through efficiencies in its procurement function
- undertaking special projects, as requested and upon its own initiative, to develop financial information regarding cost trends, comparative analyses, and the like. Such information includes analyses of legislation for fiscal impact routinely requested by the both the legislative and executive branches.

- responding to questions and providing information on the judiciary's financial operations as needed to the legislature, the executive branch, other judiciary employees and the public

In addition to these functions, Financial Systems has been participating on a "need" basis in the development of an updated automated accounting system to serve the UJS to ensure that it fulfills accounting and budgeting needs and requirements. In this process staff have been working to identify and assist in the resolution of incorrect processes and formats. Staff have also been working to establish procedures for the use of the automated system and train users.

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 handles all issues relating to facility management, fixed asset control, mail and messenger services and vehicle management. It also 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 2000 the department coordinated nine conferences:

- *New Judges Conference*
January 9-15, 2000
- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 24-27, 2000
- *Corporate and Commercial Law Program*
May 29 and June 23, 2000
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 4-7, 2000
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 27-30, 2000
- *Creative Sentencing Seminar*
September 8, 15, 22, 2000
- *Evidence Seminar*
October 13 and 27 and November 17, 2000
- *Pennsylvania Association of Court Management Mid-Annual Conference*
November 5-7, 2000
- *Pennsylvania Joint Family Law Conference*
November 30-December 1, 2000

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 legal staff, maintains and updates all Pennsylvania state department lists,

handles the filing of financial disclosures and disseminates news clippings of interest state-wide for the Pennsylvania judiciary.

Judicial Services' other functions include publishing *Jurisprudence*, a judicial newsletter

linking Pennsylvania's trial judges across the state; 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. 

Appellate

Court

Procedural

Rules

Committee

2000 Membership:

Honorable Joseph M. Augello, *Chair*
Marvin L. Wilenzik, Esq., *Vice Chair*
Gaele McLaughlin Barthold, Esq.
William P. Bresnahan, Esq.
Maria L. Dantos, Esq.
Frederick N. Frank, Esq.
Charles E. Gutshall, Esq.
Sarah V. Hart, Esq.
Honorable Joseph A. Hudock
Bridget E. Montgomery, Esq.
Andrew M. Ominsky, Esq.
Peterclyde N. Papadakos, Esq.
Paul W. Roman, Esq.
Honorable Cynthia M. Rufe

Staff:

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

Legal Authorization:

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

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History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function is to make recommendations to the Supreme Court for 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.

2000 Activities

The committee met twice in 2000, in April in Philadelphia and in October in Harrisburg. As a result of these sessions, the committee prepared, reviewed and revised numerous recommendations for submission to the Court.

The Supreme Court, by Order dated December 20, 2000, adopted Joint Recommendation 98-1 amending Pa.R.A.P. 341 (**Orphans' Court Orders Determining Realty, Personalty and Status of Individuals or Entities**). This Recommendation was submitted jointly with the Orphans' Court Procedural Rules Committee and will become effective January 2, 2001.

The committee has submitted to the Supreme Court the following two proposals:

- amendment to Pa.R.A.P. 2541 (**Form of Papers; Number of Copies**). The Court is expected to adopt this recommendation early in 2001.

- amendment to Pa.R.A.P. 2521 (**Entry of Judgment or Other Orders**).

The committee is also recommending amendment of Pa.R.A.P. 3102 (**Quorum and Action**) and adoption of new Pa.R.A.P. 3761 (**Enforcement Proceedings**). These proposals have been published.

In addition to the aforementioned matters, 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 further recommendations.

Counsel for the committee has actively participated in court-related meetings regarding the appellate rules, statewide 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 Unified Judicial System. The site is located at www.courts.state.pa.us/Index/SupCtCmtes/AppCtRulesCmte/IndexAppCtRulesCmte.asp. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

2001 Plans

Among the subjects on the committee's agenda for 2001 are:

- finalization of its work in revising Chapter 15 (**Judicial Review of Governmental Determinations**) and amendments to Pa.R.A.P. 511 (**Multiple 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**) and the Notes to the cited rules

- preparation of a recommendation regarding Pa.R.A.P. 124 (**Form of Papers; Number of Copies**) and 2135 (**Length of Briefs**)
- proposal of new Pa.R.A.P. 1316 (**Incorrect Use of Petition for Permission to Appeal**)

The committee will also continue its review of issues related to Pa.R.A.P. 1925 (**Opinion in Support of Order**); Pa.R.A.P. 1931 (**Transmission of the Record**); Pa.R.A.P. 311(c) (**Interlocutory Appeals as of Right**); and, Pa.R.A.P. 512 (**Joint Appeals**).

The committee expects to be able to submit to the Court for adoption a recommendation regarding Pa.R.A.P. 1702(d) (**Stay Ancillary to Appeal**) prior to the end of 2001.

Contact Person

Anyone wishing to speak to a member of the advisory committee can contact any of the following:

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Appellate Court Procedural Rules Committee
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e-mail: trish.nagel@supreme.court.state.pa.us



**Board
of
Law
Examiners**

2000 Membership:

Jonathan H. Newman, Esq., *Chair*
Lisa Pupo Lenihan, Esq., *Vice Chair*
Honorable Charles R. Alexander
Robert J. Coleman, Esq.
Thomas A. Decker, Esq.
Gregory E. Dunlap, Esq.
Jane Gowen, Penny, Esq.

Staff:

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Executive Assistant*

Legal Authorization:

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

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History/Background

The Pennsylvania Board of Law Examiners holds the responsibility for recommending the admission of persons to the bar and thus the practice of law in Pennsylvania. Such responsibility includes reviewing admission applications, both for those wishing to sit for the bar examination and for those practicing attorneys from other states seeking admittance to the bar without sitting for the exam; administering the bar exam itself; and recommending rules pertaining to admission to the bar and the practice of law.

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.

Board office staff includes the executive director, counsel to the board/supervising law examiner, an executive assistant and six administrative support staff. The board also employs eight examiners, 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 employed temporarily to assist in the administration of the bar exam.

Bar Procedures

The Board of Law Examiners administers Pennsylvania's bar exam over two days twice a year, on the last Tuesdays and Wednesdays in February and July. In February the exam is held in King of Prussia and 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 of Bar Examiners (NCBE) 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, 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.

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, the examiners' proposed analyses and the 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.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at www.pabarexam.org or on the Unified Judicial System'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 33 hearings were held in 2000.

2000 Activities

Office staff processed approximately 2,600 applications for permission to sit for the bar exam and approximately 150 applications for admission on motion and for character and fitness determination.

Statistics for 2000, including a comparison with 1999's figures, can be found in Table 3.2.1 on page 34. Chart 3.2.2 on page 36 details the percentage of those passing the bar since 1991 while Chart 3.2.3 on page 37 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 eight times in 2000 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.

Grading Standards

The board conducted a comprehensive review of the pass/fail standards for the Pennsylvania bar exam in 2000 to ensure that the standards continue to accurately reflect the level of minimum competency necessary to practice law.

In January it held a review session conducted by Dr. Stephen Klein, the board’s psychometric consultant. The purpose of the session was to obtain independent input on how well an applicant should perform on the bar examination in order to demonstrate the minimum competency required to be admitted to practice law. To properly evaluate the board’s standards, the board selected 50 practicing attorneys, judges and law professors to contribute their knowledge and experience.

Following this review two changes were made to the bar examination process:

- effective with the July 2001 exam, separate passing scores for the essay and MBE portions of the exam will no longer be required. Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion weighted 55% and the MBE portion weighted 45%. In addition, the essay portion will be reduced to six questions.
- also effective with the July 2001 exam, the Supreme Court is requiring the Multistate

Performance Test (MPT) as a component of the essay portion of the exam. The MPT is prepared by the NCBE and is designed to test an applicant’s ability to use fundamental lawyering skills in situations that are comparable to those encountered in the practice of law.

Admission applications	approx. 2,600	
Sitting for February exam		708
Change from 1999	51	7.76%
Persons passing February exam		371
Persons failing February exam		337
Passing Percentage		52%
1999 Passing Percentage		55%
Sitting for July exam		1,867
Change from 1999	(16)	(0.85%)
Persons passing July exam		1,305
Persons failing July exam		562
Passing percentage		70%
1999 Passing Percentage		70%

Table 3.2.1

Some of the tasks an applicant might be required to complete in responding to a question on the MPT include preparing or writing a memorandum to a supervising attorney, a letter to a client, a persuasive memorandum or brief, a statement of facts, a contract provision, a will, a counseling plan, a proposal for settlement, an agreement, a discovery plan, a witness examination plan or a closing argument.

One MPT question will be given in place of two of the eight Pennsylvania essay questions previously used. The MPT score will be weighted at one and a half times one essay question and combined with the scores for the remaining six essay questions

Applicants will have 90 minutes to complete one MPT question.

Board Recommendations

The board made the following recommendations to the Supreme Court in 2000:

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 203 regarding the **new passing standards** as described in the previous section.

Recommendation No. 2: Proposed amendment to Pa.B.A.R. 204, regarding the **admission of domestic attorneys**. The amendment allows for admission on motion if an applicant has

- provided legal services as an attorney for the federal government regardless of the location of the services, or
- served full time as a law clerk to a judge of any court of the United States or of any state or territory of the United States regardless of the location of the service;

provided the applicant had at some time been engaged in the practice of law in reciprocal jurisdictions for at least five years or for a substantial portion of the five-out-of-seven-year period immediately preceding the application.

Recommendation No. 3: Proposed amendment to Pa.B.A.R. 402, regarding **confidentiality**. The proposed amendment permits the release of names only of successful applicants of the bar examination and prohibits the release of addresses of successful applicants.

All three amendments were approved by the Court.

Filing Fees

The filing fees charged for processing applications in 2000 are as follows:

- \$450 first-time filing fee
- \$600 late first filing fee
- \$900 second late filing fee
- \$1,300 final filing fee
- \$850 for admission on motion.

Looking Ahead to 2001

The Pennsylvania Supreme Court and its agencies, the Continuing Legal Education Board, the Disciplinary Board, and the Board of Law Examiners, have developed a program to “bridge the gap” between law school and the practice of law. The objective of the program is to provide newly admitted attorneys the information and resources necessary to practice law competently within the boundaries of the Pennsylvania legal system.

The program, which will be open to law school students in their last year of law school and to law school graduates, will be conducted in an eight-hour, one-day format at no cost to applicants. It will be held on scheduled Saturdays in the spring and fall, at or near Pennsylvania law schools and will be required for all applicants seeking admission to the bar of the Commonwealth of Pennsylvania under Pa.B.A.R. 203 and 205. It will be offered for the first time in the spring of 2001. For more information on the Bridge-the-Gap Program, see the Disciplinary Board on page 70.

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 5070 Ritter Road, Suite 300; Mechanicsburg, PA 17055. 

Pennsylvania Bar Exam Passing Percentages

1991-2000

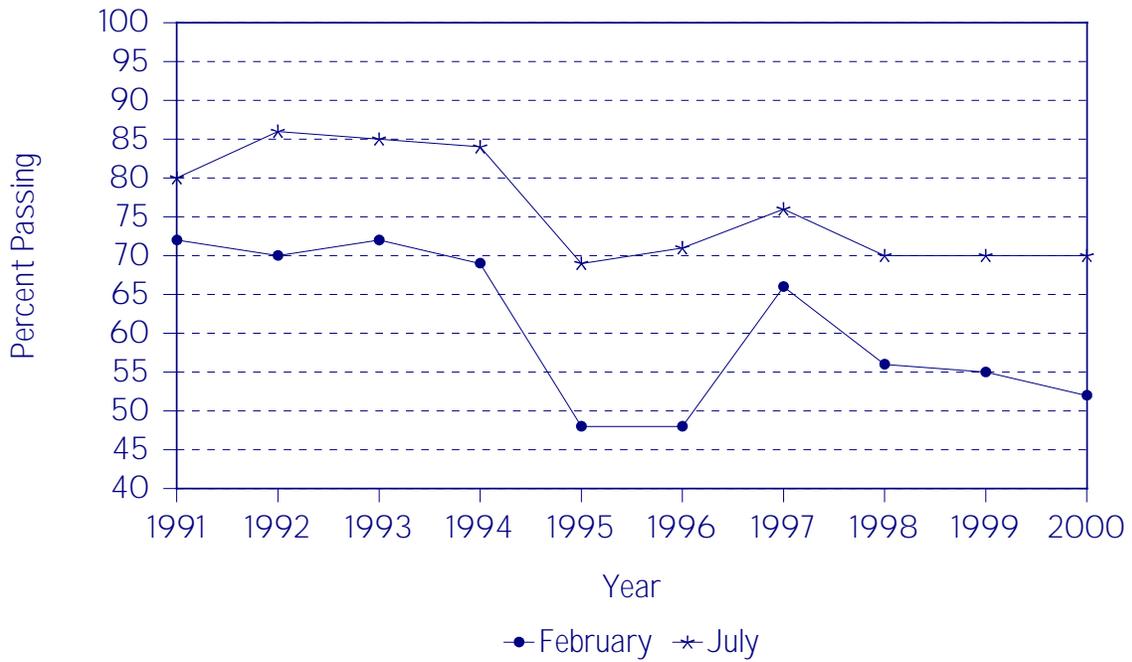


Table 3.2.2

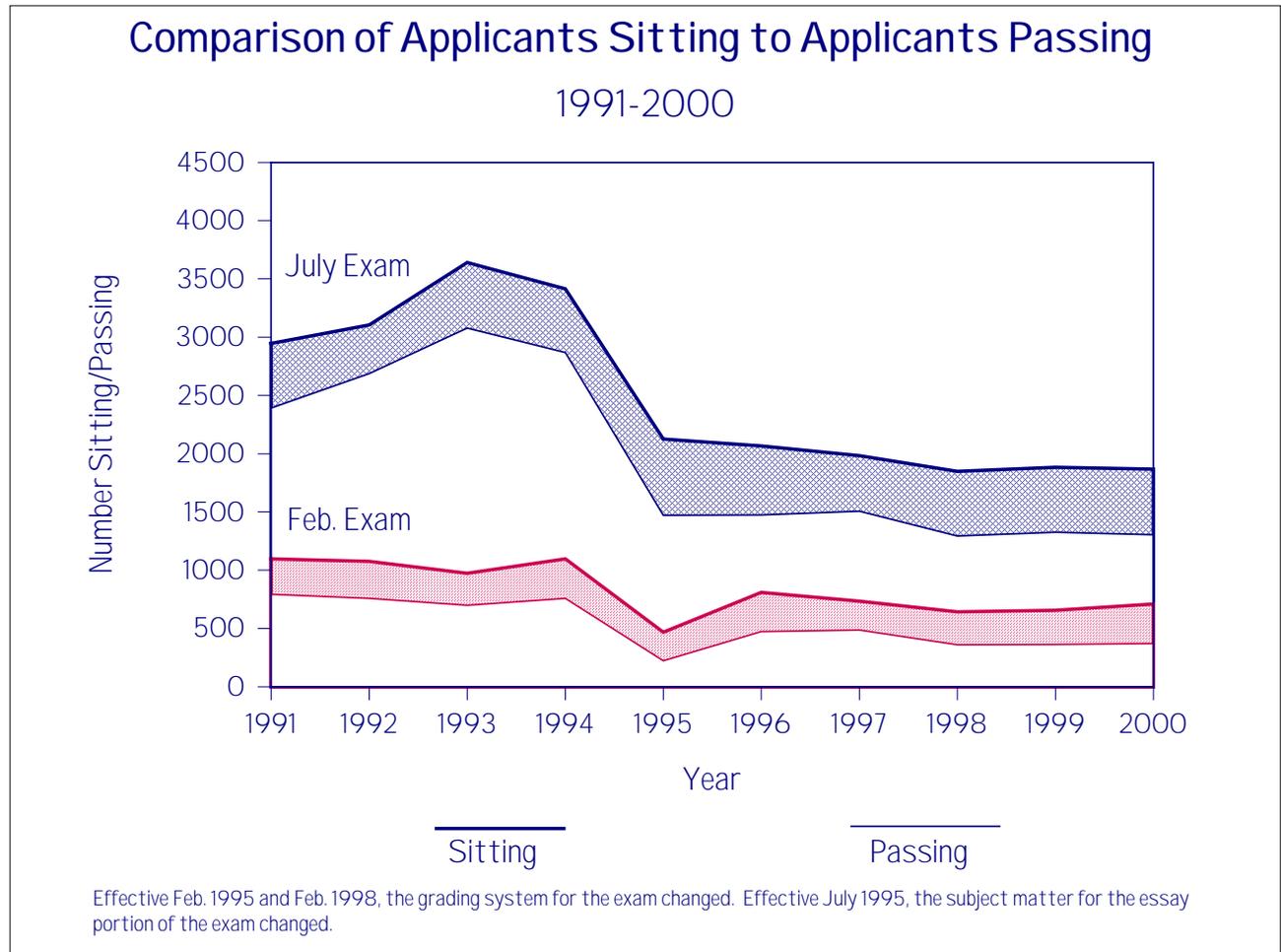


Table 3.2.3

2000 Membership:

Honorable Rea Boylan Thomas, Esq., *Chair##*
Honorable R. Stanton Wettick, Jr., *Vice Chair*
Mark Aronchick, Esq.**
Morton R. Branzburg, Esq.
Joseph H. Foster, Esq.
H. Paul Kester, Esq., *ex officio*
Honorable George E. Hoffer
Honorable D. Donald Jamieson+
Joseph A. Katarancic, Esq.**
Bruno A. Muscatello, Esq.#
Robert A. Newman, Esq.+
Edward G. O'Connor, Esq.
Diane Barr Quinlin, Esq.*
Anton Henri Rosethal, Esq.
Robert Ross, Esq.#
Shanin Specter, Esq.++
Thomas A. Sprague, Esq.
Clayton A. Sweeney, Esq.
Paul H. Titus, Esq.
Kevin H. Wright, Esq.

Staff:

Harold K. Don, Jr., Esq., *Counsel*
Jeffrey M. Wasileski, Esq., *Research Assistant*
Sharon L. Ciminera, *Office Manager*

- * Term expired 6-30-00
- ** Effective 6-30-00
- + Resigned 2000
- ++ Term expires 1-1-01
- # Effective 1-4-01
- ## Term expires 6-30-01

Legal Authorization:

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

Civil

Procedural

Rules

Committee

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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. Currently, 16 lawyers and judges, including one *ex officio* member, comprise the committee.

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.

2000 Activities

The Civil Procedural Rules Committee held four meetings in 2000 as follows:

March	Philadelphia
June	Pittsburgh
September	Pittsburgh
November	Philadelphia

Internet

The committee continued to maintain a home page on the Internet. The site is accessed through the home page of the Unified Judicial System 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 Unified Judicial System includes a list of the members of the committee as part of its home page.

Pennsylvania Conference of State Trial Judges

Counsel to the Civil Procedural Rules Committee was appointed in 1998 to membership on the Civil Bench Book Committee of the Pennsylvania Conference of State Trial Judges. He continued as a member in 2000.

2000 Amendments to the Rules of Civil Procedure

The Supreme Court acted upon several committee recommendations in 2000, promulgating new rules and amending existing ones. The committee issued several additional recommendations, which were published to the bench and bar for comment and remain pending. The 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 2000

The following recommendations promulgated in 1999 became effective January 1, 2000:

Recommendation No. 148: Production of Medical Records Amended Rule 234.1 governing subpoenas in light of Act No. 1998-26, which amended Section 6151 *et seq.* of the Judicial Code, relating to the production of medical

records and charts. After considering comments received following publication of the recommendation and further reviewing revisions proposed by the recommendation, the committee, with one exception, abandoned the project as too complex and unnecessary.

The one amendment resulting from the recommendation was the addition of a note to Rule 4001(d). The rule lists the methods of discovery and provides that a party may obtain documents and things from a person not a party by means of a subpoena under Rule 4009.21 *et seq.*; a subpoena *duces tecum* in connection with an oral deposition under Rule 4007.1(d); and an independent action.

Recommendation No. 154: Conduct of Jury Trial Amended existing Rule 223 and promulgated new Rule 223.1.

The recommendation effected no substantive change to Rule 223. Since the provisions of the rule applied equally to jury and non-jury trials, the title of the rule was changed from “Conduct of the Jury Trial” to “Conduct of the Trial. Generally.”

New Rule 223.1 is entitled “Conduct of the Trial. Trial by Jury.” The rule, 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.

The options set forth in the new rule are:

- viewing a premises
- reading back specified testimony upon the jury’s request
- charging “the jury at any time during the trial”
- making “exhibits available to the jury during its deliberations.”

Rule 223.1, as published to the bench and bar for comment, included provisions relating to note-taking by jurors, submission to the court of questions by jurors and written copies of the charge being supplied to the jury. These provisions were not included in the rule as promulgated.

Recommendations Promulgated in 2000

Recommendation Nos. 150 & 156: Associations as Parties; Definition of Political Subdivision Recommendation 150 proposed to modernize the definitions of the terms “partnership,” “unincorporated association” and “corporation or similar entity” as set forth in Rules 2026, 2051 and 2076. The definitions in these rules contained terminology which had become obsolete since promulgation of the rules in 1939.

Recommendation No. 156 proposed to amend Rule 76 by revising the definition of “political subdivision” to include a “municipal or other local authority.”

Promulgated December 29, 2000, effective July 1, 2001.

Recommendation No. 157: Affidavit of Non-involvement Proposed the addition of new Rule 1036 governing the dismissal of an action pursuant to an affidavit of noninvolvement. Two statutes provide for such an affidavit: Section 7502 of the Judicial Code, relating to construction design professionals, and Section 827-A of the Health Care Services Malpractice Act, relating to health care providers. The role of the court in these procedures, not specified by the statutes, is supplied by the new rule. Promulgated December 11, 2000, effective January 1, 2001.

Recommendation 159: Notice of Entry of Orders and Decrees Rule 236(a)(2) provides for the prothonotary to give written notice of the entry of an order, decree or judgment, but does not prescribe the manner of giving such notice. Without limiting the prothonotary in the manner of giving notice, new subdivision (d) authorizes

the prothonotary to give notice by means of facsimile or other electronic transmission and describes the requirements therefor. The new provision extends service by facsimile or other electronic transmission to “other matters.” Other matters are in addition to orders, judgments and decrees and may include court notices, scheduling notices and other matters of an administrative nature. Promulgated November 28, 2000, effective January 1, 2001.

Recommendation 163: Pleading a Writing Proposed that Rule 1019 be amended as it applied to the pleading of a writing. Subdivision (h) of Rule 1019 governing the pleading of writings was revised to apply specifically to agreements. The pleading must state if an agreement is oral or written. A note advises that a written agreement must be attached to the pleading as provided by subdivision (i). New subdivision (i) was added to govern writings generally and is derived from former subdivision (h). It provides that a writing or the material part thereof must be attached to the pleading. Promulgated November 28, 2000, effective January 1, 2001.

Recommendations Submitted to the Supreme Court in 2000

Recommendation No. 161: Venue in Actions in Equity Proposes to modernize and simplify venue in an action in equity by rescinding former Rule 1503 and promulgating new Rule 1503. In contrast to the former rule, new Rule 1503 simply provides for an action in equity to be brought in any county in which a civil action may be brought or, if property is involved, in the county in which the property is located. Promulgated January 19, 2001, effective July 1, 2001.

Recommendation No. 162: Motions to Exclude Expert Testimony Which Relies upon Novel Scientific Evidence Proposed the addition of new Rule 207.1 governing motions to exclude expert testimony which relies upon novel scientific evidence. The principal purpose of the rule is to give the court discretion to hear such

a motion pre-trial or at trial, as best befits the case. Promulgated January 22, 2001, effective July 1, 2001.

Rule 1308: Compulsory Arbitration Amended Rule 1308(a)(1) governing the time to appeal from the award of arbitrators in compulsory arbitration. The amended rule incorporates the holding of *Stellar Construction Inc. v. Ronald Sborz et al, individually and trading as Keystone Meats*, 748 A.2d 667 (Pa. 2000) that “the date of entry of an order” for purposes of the appeal period is “the day on which the prothonotary fulfills its duty to make the required notation on the docket reflecting that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3).” Promulgated November 29, 2000, effective January 1, 2001.

Rule 4020: Discovery Rule 4020 governs the use of depositions at trial. Subdivisions (a) and (b) of the rule were amended to accommodate the new Pennsylvania Rules of Evidence. No change in practice or procedure was effected by the amendment. Promulgated November 28, 2000, effective January 1, 2001.

Rule 239: Local Rules A second paragraph was added to the note to Rule 239(c)(5) to make reference to the local rules page of the Internet site of the Pennsylvania Unified Judicial System. The local rules page contains links to the rules of the Courts of Common Pleas of the various counties and enables practitioners to easily access the local rules. Promulgated November 28, 2000, effective January 1, 2001.

Recommendations Published to Bench and Bar

At the end of the year the committee published the following recommendations for comment:

Recommendation No. 166: Damages for Delay Rule of Civil Procedure 238 provides for damages for delay upon a defendant who does not make an appropriate offer of settlement as

required by the rule. The Superior Court in *Sonlin v. Abington Memorial Hospital*, 748 A.2d 213 (2000) imposed three requirements to bring an offer of settlement within the exclusion of that rule from the calculation of delay damages. Recommendation No. 166 proposes the amendment of Rule 238(b)(1) by incorporating these requirements into the rule.

The first requirement applies to offers generally and provides that the offer contain “a clause expressly validating the offer for 90 days...” The second and third requirements are limited to the offer of a structured settlement including an annuity. The offer must state the actual cost of the annuity and the identity of the underwriter to enable, in the words of *Sonlin*, a “knowledgeable appraisal of the offer’s legitimacy.”

Recommendation No. 167: Summary Judgment Proposes the addition of new subdivision (e) to Rule 1035.3 to make clear that a court may decide a motion for summary judgment at any time prior to the start of trial and need not require written responses or briefs so long as the parties suffer no prejudice thereby. Such a motion “on eve of trial” may obviate a trial where, for instance, a motion *in limine* has resulted in the exclusion of testimony by an expert witness so that the party is unable to establish facts which would require the submission of the case to a jury. A note emphasizes that the decision to entertain a motion for summary judgment on the eve of trial remains entirely within the discretion of the court.

Recommendation No. 168: Entry of Appearance; Civil Cover Sheet Affects three aspects of the pleading stage of an action. The first is the requirement that an entry of appearance state an address within the Commonwealth and that a pleading or other legal paper be endorsed with an address within the Commonwealth. The recommendation proposed that these requirements set forth in Rules 1012(a) and 1025 be deleted. Rather, the proposed amendment is that “[t]he address shall be a street address where papers may be mailed or delivered.” The

appearance or an address must include a telephone number. A facsimile transmission number is optional.

The second aspect of practice is entry and withdrawal of an appearance by an attorney. The recommendation proposes to revise Rule 1012 to include notice provisions both of the petition and the order of court granting withdrawal of appearance by an attorney. New forms for entry and withdrawal of appearance are also proposed.

The third area is the civil cover sheet, which is not a requirement of general statewide rules, but rather a requirement of local rules in certain counties. The recommendation proposes the addition of new Rule 1012.1, which would require that the local court “file a copy of the form with the Administrative Office of Pennsylvania Courts, which shall maintain the form on its Web site.” In addition, the omission of a cover sheet from the first document filed in an action or an incorrectly completed cover sheet would not be a ground for the prothonotary to refuse the filing of the document.

The provisions with respect to appearance and cover sheet were originally published as Recommendation No. 155, making several revisions. The major revision relates to that portion of the recommendation which had proposed a uniform statewide cover sheet. In view of comments from the bench and bar and the fact that a limited number of counties require a cover sheet, the committee determined that it was not the appropriate time to impose such a requirement upon all counties and thus revised the prior recommendation as set forth above.

Recommendation 169: *In Forma Pauperis* Present Rule 240(d) provides that when a party is represented by an attorney, a *praecipe* to allow the party to proceed *in forma pauperis* must be accompanied by the affidavit showing the inability of the party to pay the costs of the action. Recommendation No. 169 proposes that subdivision (d) be amended by deleting the

requirement that the affidavit accompany the *praecipe*. This proposed amendment would bring the rule into conformity with Rule 551(d) of the Pennsylvania Rules of Appellate Procedure and Rule 206 E. (iii) of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before District Justices, neither of which contain the requirement of the affidavit in this circumstance.

Recommendation No. 170: Deficiency Judgments The proposed amendments to Rules 3276 *et seq.*, governing deficiency judgments were prompted by the passage of Act No. 144 of 1998, which amended provisions of the Judicial Code relating to the Statute of Limitations, 42 Pa.C.S. § 5122(b)(2), and the Deficiency Judgment Act, 42 Pa.C.S. § 8103. These amendments affected three aspects of the rules.

First, the act added new subsection (g) providing definitions. With respect to the definition of the term “judgment,” the act, in essence, adopted the definition set forth in Rule 3277. In view of the new statutory definitions, several of the definitions in the rule became duplicative and unnecessary and are, therefore, to be rescinded.

Second, Act No. 144 revised the language in Section 5122(b)(2) of the Judicial Code specifying the date from which is calculated the six-month period for filing a petition for the establishment of a deficiency judgment. Rule 3282(a)(5), which requires the petition to contain information relating to the date of the sale and delivery of the sheriff’s deed, is to be revised in light of the revision to Section 5122(b)(2) of the Code.

Finally, the Act added new subsection (f) to Section 5122, providing for “certain special allocations.” The new subsection applies only to a nonconsumer judgment creditor and to two particular types of obligations: a partial recourse obligation and an obligation of which only a portion is guaranteed. In light of this provision, the recommendation contains several revisions to

Rule 3282(a), providing for the contents of the petition to establish a deficiency judgment.

Recommendation No. 171: Form of Briefs, Preference on Trial List Provides for the rescission of Rule 210, governing the form of briefs. The rule, dating from 1938, requires that briefs be typewritten. This is a requirement which has become unnecessary in an era of computers and word processing. The recommendation proposes that the rule be rescinded as obsolete.

The recommendation also proposes revisions of Rules 214 and 215 governing preferences on the trial list. Both rules were promulgated in 1938 as well. Rule 214 sets forth categories of cases formerly given preferences by statutes that have been repealed. Rule 215 prescribes a procedure for assigning preferences, which is obsolete. If the recommendation is adopted, Rule 214 would remain as a general provision providing for a trial preference to be granted in a case upon cause shown, and Rule 215 would be rescinded.

Previously Published Recommendations

The following recommendations published to the bench and bar for comment during 1998 and 1999 remain pending before the committee:

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, which was published for comment in late 1998, 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. 160: Appeals from District Justice Courts Addresses the interface between the two sets of procedural rules governing civil procedure in the district justice courts and the Courts of Common Pleas. Unlike the Courts of Common Pleas, practice in the district justice courts does not generally require an attorney or formalized pleading. Consequently, a party who appeals, or who defends an appeal of, the decision of a district justice court to the Court of Common Pleas may be faced with substantial expense as the result of hiring an attorney to represent the party on appeal and to prepare the formalized pleadings.

Recommendation No. 160 proposes that in certain instances the pleadings in the district justice court might constitute the pleadings on appeal in the Court of Common Pleas. The committee is continuing to review the comments elicited by the publication of the recommendation to the bench and bar.

Continuing Responsibilities

The committee 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 chair and counsel answered countless inquiries regarding the Rules of Civil Procedure from local courts and attorneys and from courts and attorneys in sister states.

Contact Person

Anyone wishing to learn more about the Civil Procedural Rules Committee or having questions regarding civil rules may contact Counsel 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
142	Amendment of Rule 400 <i>et seq.</i> governing service of original process	Promulgated 6-14-99, effective 9-1-99; effective date suspended 8-29-99 until further order
148	Amendment of Rules 234.1 and 4007.1(d) governing issuance of a subpoena <i>duces tecum</i> for medical records and charts. Committee decided to discontinue the recommendation except for the addition of a note to Rule 4001(d)	Promulgated 12-1-99, effective 1-1-00
149	Amendment of Rules 423 and 424 governing service of original process upon associations	Committee decided to discontinue recommendation
150	Amendment of Rules 2126, 2151 and 2176 defining partnerships, unincorporated associations, and corporations and similar entities ; promulgated with Recommendation 156	Promulgated 12-29-00, effective 7-1-00
151	Promulgation and amendment of rules governing lines upon real property and revival of judgments	Pending with committee
154	Amendment of Rule 223 and promulgation of new Rule 223.1 governing conduct of the jury trial	Promulgated 11-3-99, effective 1-1-00
155	Amendment of Rule 1012 governing entry of appearance and promulgation of new Rule 1012.1 governing civil cover sheet	Republished as Recommendation No. 168
156	Amendment of Rule 76 governing definitions to include municipal authority in the term political subdivision; promulgated with Recommendation 150	Promulgated 12-29-00, effective 7-1-00
157	New Rule 1036 governing affidavit of noninvolvement	Promulgated 12-11-00, effective 1-1-01
158	Amendment of Rule 227.1 governing post-trial practice with respect to conditional post-trial motions and inconsistent verdicts	Pending with committee
159	Amendment of Rule 236 governing notice of entry of orders and decrees by the prothonotary	Promulgated 11-28-00, effective 1-1-01

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
160	New Rule 1042.1 governing appeals from district justice courts	Pending with committee
161	Rescission of equity Rule 1503 governing venue and promulgation of new Rule 1503	Promulgated 1-19-01, effective 7-1-01
162	New Rule 207.1 governing motions to exclude expert testimony which relies upon novel scientific evidence	Promulgated 1-22-01, effective 7-1-01
163	Amendment of Rule 1019(i) governing pleading of agreements and writings	Promulgated 11-28-00, effective 1-1-01
164	Amendment of Rules 230.1 and 2231 governing compulsory nonsuit and joinder of parties	Pending with committee
165	Amendment of equity Rule 1508 governing pleading more than one cause of action and Rule 1510 governing counterclaims to provide for the joinder of causes of action at law	Pending with committee
166	Amendment of Rule 238 governing damages for delay	Pending with committee
167	Amendment of Rule 1035.3 governing summary judgment	Pending with committee
168	Amendment of Rules 205.1, 1012 and 1025 and new Rule 1012.1 governing the pleading stage of an action	Pending with committee
169	Amendment of Rule 240 governing proceedings <i>in forma pauperis</i>	Pending with committee
170	Amendment of Rules 3277, 3282, 3284 and 3285 and rescission of Rule 3286 governing deficiency judgments	Pending with committee
171	Amendment of Rule 214 and rescission of Rules 210 and 215 governing form of briefs and preference on the trial list	Pending with committee

Chart 3.3.1, cont'd.

2000 Membership:

Civil Instructions Committee

James E. Beasley, Esq., *Chair*
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, *Chair*
Honorable Robert E. Dauer, *Co-chair*
William H. Lamb, Esq., *Co-chair*
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.

Committee Activities

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 for the next edition or significant supplement is complete. The schedule is set to publish in 2001 with a companion CD-ROM. (See also Lee C. Swartz, "Development

and Use of Civil Jury Instructions in Pennsylvania," *PBA Quarterly*, April 2001, pages 51-54.)

The eighth supplement to the Criminal Jury Instructions was published in the fall of 2000, almost five years since the prior 1995 supplement. With it, the instructions also became available on CD-ROM.

Professor Arthur Murphy, who has served as reporter for the criminal instructions subcommittee for many years, has retired and will no longer be able to assume the reporter responsibilities. Although Professor Murphy has agreed to work on particular instructions, a new reporter or co-reporters are being recruited to work on the next edition.

The immediate goal is to publish new supplements or new editions of both the civil and criminal instructions every two years. The three- or four-year goal is to publish shorter, more frequent supplements or new editions on an annual basis.

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 Director. 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**

2000 Membership

Thomas C. Raup, Esq., *Chair*⁺
Charles B. Gibbons, Esq., *Chair*⁺⁺
Honorable Richard A. Lewis, *Vice Chair*[#]
David F. Binder, Esq.
Raymond J. Bradley, Esq.*
Alan Steven Gold, Esq.
Vincent J. Grogan, Esq.^{##}
Patrick J. O'Connor, Esq.
Bernard W. Smalley, Esq.
Lee C. Swartz, Esq.**
Ellen M. Viakley, Esq.
Leonard Packel, Esq., *Official Reporter*

Staff:

Richard L. Kearns, *Staff Counsel*
Suzanne Creavey, *Office Manager*

- * Died 5-00
- ** Appointed 5-25-00
- + Resigned 6-1-00
- ++ Appointed chair 6-1-00
- # Appointed vice chair 6-1-00
- ## Appointed 6-1-00

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 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 and which developed the Pennsylvania Rules of Evidence that were adopted in 1998.

In its advisory capacity, the committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. The committee monitors 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 committee continues to review and respond to the various questions that have been raised by judges, lawyers and court personnel.

Membership and Staff

The first members of the committee on Rules of Evidence were appointed by the Court for initial one-, two- and three-year terms, commencing October 1, 1998. Subsequent appointees have been appointed for three-year terms, with a two-term limit. The committee membership in 2000 consisted 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 geographical areas of Pennsylvania.

Committee staff consists of one part-time attorney and an office manager. The committee maintains its office in Mechanicsburg at the AOPC's central site.

Publication

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory "Report" describing the committee's proposal. This process 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 and also may be found at the Unified Judicial System's home page at www.courts.state.pa.us, under Supreme Court Committees. (Note: Some proposals are submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, because exigent circumstances exist that warrant prompt action, or because the proposed changes are technical or perfunctory in nature.)

The committee considers all publication comments and, when appropriate, will modify a proposal before a final recommendation is submitted to the Court.

When the court adopts a recommendation, the committee prepares a "Final Report" explaining the recommendation, including any post-publication modifications. These "Final Reports", which are published with the Court's orders, are useful sources of information about the rule changes and the committee's considerations in developing the proposal.

2000 Activities

The Committee on Rules of Evidence met three times in 2000, twice in Philadelphia and once in Hershey, with several subcommittee meetings and conference calls being held to address specific issues that came up between meetings.

The committee members continued in 2000 to participate in various programs and seminars about the rules. These sessions

provide the members with excellent opportunities to answer questions and gather input about the rules.

The committee also continued its work with members of the legislature concerning the interplay between the Rules of Evidence and existing evidentiary statutes.

2000 Committee Action

The committee submitted to the Supreme Court three recommendations for evidence rule changes in 2000. They are described below and are listed in the Status of Recommendations chart which follows this report.

Recommendation No. 1, Rules of Evidence 2000: Amendment to Rule 104 and revisions to the Comments to Rules 103 and 601 to conform the rules with the holding in *Commonwealth v. Washington*, 722 A2d, 643 (Pa. 1998) with regard to holding **hearings on competency** outside the hearing of the jury. Remanded to the committee on February 7, 2001.

Recommendation No. 2, Rules of Evidence 2000: Amendments to Rule 405 to conform the rule to the holding in *Commonwealth v. Morgan*, 739 A2d, 1033 (Pa. 1999) with regard to **cross-examination of reputation witnesses** in criminal cases. Adopted July 20, 2000, effective October 1, 2000. (See “Final Report” at 30 *Pa.B.* 3920 (August 5, 2000) and 754-756 A.2d Advanced Sheets (*Pennsylvania Reporter Series*).)

Recommendation No. 3, Rules of Evidence 2000: Amendments to Rule 410 and revisions of the Comments to Rules 104, 408, 604, 609 and 1003 to conform the cross-references to the Rules of Criminal Procedure with the **renumbering of the Rules of Criminal Procedure** and the revision of the Comment to Rule 802 to update the **reference to 42 Pa.C.S. § 5985.1** to conform to the October 18, 2000, amendments to the statute. Adopted March 29, 2001, effective April 1, 2001. (See “Final Report” at 31 *Pa.B.* 1995 (April 14, 2001), and 746 A.2d No.4, 747 A.2d No.1 (April 14, 2000) Advanced Sheets (*Pennsylvania Reporter Series*).)

Looking Ahead to 2001

The committee plans to continue to monitor the Rules of Evidence and the case law interpreting the rules and evidence law as members of the bench and bar become more familiar with using the rules. It will also continue to work with members of the legislature on the statutory/rule project begun in 1998.

Contact Person

Anyone wanting additional information about the Committee on Rules of Evidence or who have questions about the rules themselves may contact the committee through its Staff Counsel, Richard L. Kearns, Esq., at (717) 795-2119, or by writing to him at 5035 Ritter Road, Suite 800; Mechanicsburg, PA 17055. 

Status of Recommendations		
Recommendation	Subject	Status
1, 2000	Amendment to Rule 104, revisions to Comments to Rules 103, 601	Remanded to committee 2-7-01
2, 2000	Amendments to Rule 405	Adopted 7-20-00, effective 10-1-00
3, 2000	Amendments to Rule 410, revisions to Comments to Rules 104, 408, 604, 609 and 1003	Adopted 3-29-01, effective 4-14-01

Table 3.5.1

Pennsylvania

Continuing

Legal

Education

Board

2000 Membership

Alan C. Kessler, Esq., *Chairman*
Ruth E. Ganister, Esq., *Vice Chairwoman*
Carmen P. Belefonte, Esq.
Robert S. Grigsby, Esq.
Rosa Copeland Miller, Esq.
John F. Mizner, Esq.
Arthur L. Piccone, Esq.
Paul Michael Pohl, Esq.
Richard A. Sprague, Esq.
Sandor Yelen, Esq.

Staff:

Daniel Levering, *Administrator*

Legal Authorization:

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

5035 Ritter Road
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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.

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 one of three annual compliance periods to which lawyers have been assigned by random selection of lawyer identification numbers. The annual deadline dates are April 30, August 31 or December 31.

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.

Accreditation Committee

The Accreditation Committee has four members: Carmen P. Belefonte, Esq., chair; Arthur L. Piccone, Esq.; Ruth E. Ganister, Esq.; and Sandor Yelen, 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 Alan C. Kesler, Esq., chair; Ruth E. Ganister, Esq.; and Paul Michael Pohl, 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: Paul Michael Pohl, Esq., chair; Alan C. Kessler, Esq.; and Ruth E. Ganister, 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, Boyer & Ritter.

Compliance Committee

John F. Mizner, Esq., chair; Rosa Copeland Miller, Esq.; and Robert S. Grigsby, 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.

2000 Board Actions and Operations Highlights

The board held four meetings and the annual conference for CLE providers in 2000. The provider conference focused on technology and its best future use for CLE in Pennsylvania. PACLE presented the newly developed ASAPNEXUS Web site to those in attendance.

Utilizing Internet technology, the ASAPNEXUS site was designed to provide streamlined administrative functions for accredited providers and the PACLE office. The site performs many administrative functions for the providers, including the creation of registration lists, certificates of attendance and course evaluation forms. Providers can create and send upcoming course information and attendance rosters to PACLE via the Internet. Information submitted by the providers is immediately available to PACLE to update lawyer records and the informational Web site used by lawyers.

Over 75,000 inquires are received on the popular www.pacle.org Web site each month. Lawyers can find upcoming courses and check on the most recent courses added to the CLE records. By using ASAPNEXUS, providers help achieve the board's goal of the use of automation to provide high levels of service to lawyers.

Conference attendees and PACLE staff were also given the opportunity to meet several experts in the field of distance learning. The group was invited to explore the various technologies available to provide CLE via the Internet.

Other accomplishments of the CLE Board in 2000 include the successful implementation of all Y2K system enhancements and changes, the rule change which abolished geographic restriction on courses accredited by for-profit organizations, distribution of course evaluation summary reports to over 190 accredited providers, and publication of the annual CLE newsletter to providers. A new service was introduced which provides customized compliance information to help law firms manage scheduling of CLE activities within the firm.

Attorney Compliance

Lawyer compliance with requirements of Pennsylvania CLE Rules remains very high. Chart 3.6.1 on page 58 displays the compliance rate and number of lawyers in each group whose names were submitted to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

Looking Ahead to 2001

The board plans to recommend to the Supreme Court a distance learning pilot project and to continue to enhance the utilization of technology to provide the highest quality of service to the legal community.

Contact Person

Questions about CLE or the Pennsylvania Continuing Legal Education Board may be directed to Daniel Levering, 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%
98-99 - April 99	17,864	17,751	113	99.4%
99-00 - April 00	18,132	18,018	114	99.4%
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%
98-99 - August 99	17,756	17,666	90	99.5%
99-00 - August 00	18,087	17,974	113	99.4%
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	17,647	134	99.2%
98-99 - December 99	17,968	17,865	103	99.4%
99-00 - December 00	18,220	*	*	*
*Information for this compliance period will be available after August 20, 2001.				

Table 3.6.1

Criminal

Procedural

Rules

Committee

2000 Membership

Honorable J. Michael Eakin, *Chair*

Joseph P. Conti, Esq., *Vice Chair*

John P. Delaney, Jr., Esq.

John L. Doherty, Esq.

Honorable John J. Driscoll

Honorable Scott A. Evans

Honorable Thomas King Kistler

Paul S. Kuntz, Esq., *ex officio*

Honorable Donna Jo McDaniel

Patrick L. Meehan, Esq.

John P. Moses, Esq.

John W. Packel, Esq.

Mary Benefield Seiverling, Esq.

Claude A. Lord Shields, Esq.

Michael W. Streily, Esq.

Stuart Brian Suss, Esq.

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*

Jennifer A. H. Degenfelder, Esq., *Staff Counsel*

Suzanne M. Creavey, *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 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's work includes:

- monitoring recent developments in criminal procedure in Pennsylvania and in other jurisdictions to identify areas in which the criminal rules need to be amended, revised, clarified, streamlined or simplified
- reviewing and responding to the numerous questions raised by judges, lawyers, and court personnel; the public; and agencies within the criminal justice system
- reviewing 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
- monitoring all local criminal rules as required by 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. In some cases the committee also distributes the report directly to organizations within the criminal justice system upon which the proposal may impact.

All comments are considered and, when appropriate, a proposal is modified before final submission to the Court. (Note: Some reports

are submitted to the Court without publication, pursuant to Pa.R.J.A. 103(a)(3), this in the interest of justice, because exigent circumstances existed that warranted prompt action, or because the proposed changes are technical or perfunctory in nature.)

If a recommendation is adopted, the committee prepares a final explanatory report for publication with the Court's order. Published in the *Pennsylvania Bulletin* and the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), 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 Unified Judicial System 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. In 2000 membership included a Superior Court judge, four Common Pleas Court judges, the chief disciplinary

counsel for the Disciplinary Board of the Supreme Court, six prosecutors, one assistant public defender, two attorneys in private practice and one district court administrator.

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.

2000 Activities

The committee held five two-day full-committee meetings and several subcommittee meetings in 2000. The meetings were held in Bethlehem, Hershey, Philadelphia and Wilkes-Barre.

A good deal of the committee's work in 2000 involved the development of procedures for the use of advanced communication technology in criminal cases, in particular for arrest and search warrants, preliminary arraignments and arraignments, and specific issues related to post-conviction collateral proceedings, including time limits on the disposition of cases and appointment of counsel in death penalty cases.

In addition, the committee continued with its ongoing review of the rules affecting both proceedings before the minor judiciary, in summary cases and in court cases, and local rules. It also responded to specific inquiries from the Supreme Court as well as issues that arose in case law. The committee addressed several other areas of criminal practice and procedure, including jurisdiction and venue, and trial and jury procedures.

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

The committee continued in 2000 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.

2000 Committee Action

The Supreme Court adopted nine committee recommendations for rule changes in 2000. 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 2000 can be found beginning on page 64.

Proposals Adopted by the Supreme Court

Recommendation No. 3, Criminal Rules 1998: New Rule 300; amendments to Rules 21 and 1100, and revision of the Comments to Rules 25 and 1100 (renumbered Rules 555, 130, 535, 134 and 600, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) to address *Commonwealth v. McPhail*, providing uniform procedures for the **transfer of cases** when multiple charges arise from a single criminal episode, and the charges are filed in different judicial or magisterial districts. Adopted April 20, 2000, effective July 1, 2000. (See Final Report at 30 *Pa.B.* 2219 (May 6, 2000) and 749 A.2d No. 3, May 26, 2000, Advance Sheets (*Pennsylvania Reporter Series*)).

Recommendation No. 8, Criminal Rules 1998: Amendments to Rules 53 and 86 (renumbered Rules 403 and 460, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) clarifying that a defendant may appeal for a trial *de novo* following a guilty plea in a **summary case**. Adopted March 3, 2000, effective July 1, 2000. (See Final Report at 30 *Pa.B.* 1956

(March 18, 2000) and 746 A.2d No. 4, 747 A.2d No. 1, April 14, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 1, Criminal Rules 1999: Amendment to Rule 1504 and correlative revisions of the Comments to Rules 1502, 1503 and 1506 (renumbered Rules 904, 902, 903 and 906, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) providing for the immediate appointment of counsel in **death penalty cases** following the conclusion of direct appeal. Adopted January 21, 2000, effective July 1, 2000. (See Final Report at 30 *Pa.B.* 624 (February 5, 2000) and 744 A.2d No. 2, March 3, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 4, Criminal Rules 1999: Amendment of Rule 303 (renumbered Rule 571 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) deleting the local option concerning permitting the defendant to waive his or her presence at the **arraignment** and making it the defendant's option. Adopted November 17, 2000, effective January 1, 2001. (See Final Report at 30 *Pa.B.* 6184 (December 2, 2000) and 761 A.2d No. 4, 762 A.2d No. 1, December 29, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 9, Criminal Rules 1999: Amendments to Rule 1117 (renumbered Rule 602 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) clarifying that the **defendant's absence** without cause does not preclude proceeding with the trial, including the imposition of sentence, and addressing in the Comment the requirements for the waiver of a defendant's presence at trial. Adopted December 8, 2000, effective January 1, 2001. (See Final Report at 30 *Pa.B.* 6546 (December 23, 2000) and 763 A.2d No. 3, 764 A.2d No. 1, February 2, 2001, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 11, Criminal Rules 1999: Reorganization and renumbering of the rules in a more logical 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 to the conclusion of a criminal proceeding. Adopted March 1, 2000, effective April 1, 2001. (See Final Report at 30 *Pa.B.* 1478 (March 18, 2000) and 746 A.2d No. 4, 747 A.2d No.1, April 14, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 15, Criminal Rules 1999: Amendment to Rule 1104 (renumbered Rule 630 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) clarifying the procedures concerning access to **juror qualification forms**. Adopted March 28, 2000, effective July 1, 2000. (See Final Report at 30 *Pa.B.* 1956 (April 15, 2000) and 749 A.2d No. 3, May 26, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 2, Criminal Rules 2000: Amendments to Rule 6 (renumbered Rule 105 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) (1) clarifying the definition of **local rules**, (2) emphasizing the procedures concerning the implementation of local rules, and (3) establishing procedures for the enforcement of local rules with a limitation on the sanctions for non-compliance. Adopted October 24, 2000, effective January 1, 2001. (See Final Report at 30 *Pa.B.* 5842 (November 11, 2000) and 760 A.2d No. 4, December 1, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Recommendation No. 3, Criminal Rules 2000: Amendment to Rule 21 (renumbered Rule 130 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001.) **clarifying that the rule applies to both summary and court cases**, including those summary cases in which multiple offenses are part of a single criminal episode occurring in

more than one judicial district. Adopted September 19, 2000, effective January 1, 2001. (See Final Report at 30 *Pa.B.* 5135 (October 7, 2000) and 759 A.2d No. 2, October 27, 2000, Advance Sheets (*Pennsylvania Reporter Series*.)

Proposals Pending with the Supreme Court

A number of committee recommendations for criminal rule changes remained pending with the Supreme Court at the close of 2000. These are described below and are also summarized in the Status of Recommendations chart following this report.

Recommendation No. 14, Criminal Rules 1999: Proposed amendments to Rule 1500 (renumbered Rule 900 as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) providing in **capital cases** for notice of the information concerning the PCRA and the procedures under Chapter 1500 of the rules.

Recommendation No. 1 Criminal Rules 2000: Proposed amendments to Rules 1502 and 1504 and correlative revision of the Comment to Rule 302 (renumbered Rules 902, 904 and 120, respectively, as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) concerning verification of counsel and entry of appearance in **PCRA cases**.

Recommendation No. 4 Criminal Rules 2000: Proposed amendments to Rules 316 and 1504 (renumbered Rules 122 and 904, respectively,

as part of the renumbering and reorganization of the rules adopted March 1, 2000, effective April 1, 2001,) clarifying that **appointed counsel** remains in the case through all avenues of direct appeal, including the Supreme Court.

Looking Ahead to 2001

The committee plans to continue its study of the use of advanced communication technology in criminal proceedings. In addition, the committee is working with the Court's Common Pleas Court automation project, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts. The committee also plans to continue examining local rule procedures and working on the rules affecting the minor judiciary, as well as monitoring criminal practice and procedure and the criminal rules in general.

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. The committee may also be contacted at criminal.rules@supreme.court.state.pa.us. 

Status of Recommendations

Note: The number in parentheses indicates the new number assigned to the rule as part of the renumbering and reorganization of the criminal rules adopted by the Court on March 1, 2000, effective April 1, 2001.

Recommendation	Subject	Status
3, 1998	New Rule 300 (555), amendments to Rules 21 (130) and 4015 (535), revision of Comments to Rules 25 (134) and 1100 (600) regarding transfer of cases	Adopted 4-20-00, effective 7-1-00
8, 1998	Amendments to Rules 53 (403) and 86 (460) to clarify that a defendant may appeal for a trial <i>de novo</i> following a guilty plea in a summary case	Adopted 3-3-00, effective 7-1-00
1, 1999	Amendment to Rule 1504 (904) and correlative revisions to the Comments to Rules 1502 (902), 1503 (903) and 1506 (906) regarding appointment of counsel in death penalty cases	Adopted 1-21-00, effective 7-1-00
4, 1999	Amendment to Rule 303 (571) regarding a defendant's presence at arraignment	Adopted 11-17-00, effective 1-1-01
9, 1999	Revision to Rule 1117 (602) regarding a defendant's presence at trial	Adopted 12-8-00, effective 1-1-01
11, 1999	Reorganization and renumbering of criminal rules	Adopted 3-1-00, effective 4-1-01
14, 1999	Amendments to Rule 1500 (900) providing in capital cases for notice of the information concerning the PCRA and procedures under Chapter 1500 of the rules	Submitted 10-13-99, remanded 10-24-00; to be resubmitted early 2001
15, 1999	Amendment to Rule 1104 (630) concerning access to juror qualification forms	Adopted 3-28-00, effective 7-1-00
1, 2000	Amendments to Rules 1502 (902) and 1504 (904), revision of Comment to Rule 302 (120) concerning verification of counsel and entry of appearance in PCRA cases	Submitted 7-17-00; pending before Court

continued...

Table 3.7.1

Status of Recommendations, continued		
Recommendation	Subject	Status
2, 2000	Amendments to Rule 6 (Rule 105) concerning local rules	Adopted 10-24-00, effective 1-1-01
3, 2000	Amendment to Rule 21 (Rule 130), clarifying that the rule applies to both summary and court cases	Adopted 9-19-00, effective 1-1-01
4, 2000	Amendments to Rules 316 (122) and 1504 (904), clarifying that appointed counsel remains in the case through all avenues of direct appeal, including the Supreme Court	Submitted 12-28-00; pending before Court

Table 3.7.1, cont'd.

**Disciplinary
Board
of the
Supreme
Court**

2000 Membership:

M. David Halpern, Esq., *Chair*
Angelo L. Scaricamazza, Jr., Esq., *Vice Chair*
William R. Caroselli, Esq.
Charles J. Cunningham, III, Esq.
Christine L. Donohue, Esq.
Thomas J. Elliott, Esq.
Duke George, Jr., Esq.
John E. Iole, Esq.
C. Eugene McLaughlin
John W. Morris, Esq.
J. Michele Peck
Marvin J. Rudnitsky
Mark C. Schultz, Esq.
Martin W. Sheerer, Esq.
Richard W. Stewart, Esq.

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

Legal Authorization:

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

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

History/Background

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

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

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

Through December 2000, 53,816 active attorneys were registered in Pennsylvania, an increase of 2.05% over 1999.

During 2000, 4,562 complaints were filed with the Disciplinary Board, an average of 380 per month and a decrease of 0.07% from last year. This marks the third year in a row complaints have decreased.

Of the 4,562 new complaints received plus 883 complaints active at the start of the year, 4,644, or 85.29%, were disposed of, including 3,219 dismissed as "frivolous." At the start of 2000, 801 active complaints remained.

2000 Activities

The board met six times in 2000. 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 2000 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.), Pa.R.D.E., and Disciplinary Board Rules and Procedures (D.B.R.P.). Several proposed amendments were published for comment as follows:

D.B.R.P. 85.13: Would require that pleadings and other **documents filed** in a disciplinary proceeding be verified by the respondent-attorney

Pa.R.D.E. 218(f)(2): Would provide that an attorney suspended for a term not exceeding one year will be required to file a **petition for reinstatement** if the formerly admitted attorney has been on inactive status for more than three years or if the order of suspension has been in effect for more than three years

Pa.R.D.E. 321-329: Amendments to reflect the board's experience with **conservatorships** over the past several years. As a result of the expenses the board has incurred in a number of conservatorships in the last several years, the amendments also address the issue of compensation and expenses of conservators, including provisions for payment of the compensation at reasonable intervals and at the same hourly rate as court-appointed counsel in the judicial district where the conservator was appointed.

Sale of a Law Practice Committee

In August 2000 an ad hoc committee on the issue of sale of a law practice was established to again review the proposed new Rule 1.17 submitted by the Pennsylvania Bar Association and to rewrite those portions of the rule which were not acceptable to the board. The redraft was circulated to the members of the committee in October 2000 and final changes were made at the November 2000 board meeting. The final version was voted on by mail ballot and forwarded to the Supreme Court on March 7, 2001. At the November 2000 board meeting, a motion was unanimously passed to applaud the efforts of board member John E. Iole in the successful passage of new Rule 1.17.

Finance & Pension Committee

In February 2000 the Finance & Pension Committee amended the budget for fiscal year 1999-2000 to reflect a 32% increase in medical insurance premiums as a result of three employees who faced catastrophic illnesses in the plan year ending December 31, 1999. The committee determined to review the current medical benefits package for employees with a view of making changes to offset these increasing costs.

Also in 2000 the committee conferred with two outside consultants concerning the board's investment portfolio. Currently, the board's funds are maintained by one firm, PNC, which holds moneys almost exclusively in

2000 Executive Session Results	
Action	Total
Adjudications involving formal charges	45
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.]	34
Respondents appearing before board to receive private reprimands	22
Oral arguments before three-member panels of board members	4
Violation of probation hearing (before one board member)	1
Board referrals to Supreme Court, including report and recommendation for public discipline	31
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	17
Supreme Court orders reinstating previously disbarred or suspended attorneys*	3*
Supreme Court denials for reinstatement	2+
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	32
*Action taken following hearing on petition for reinstatement.	
+One after having been suspended and one after having been disbarred	

Table 3.8.1

Black Rock funds. The board felt that to ensure maximum return, the funds should be handled by more than one financial consultant. As a result of this review, the board will obtain proposals from other investment firms with the goal of using three different firms for the board's investments.

Finally, the committee approved the budget for fiscal year 2000-01, monitored the monthly financial reports prepared by the office of the secretary and made recommendations to the board concerning ways to limit spending and avoid unnecessary expenses.

Ad Hoc Policy Review Committee

At the November 1999 board meeting, an ad hoc committee was established to review the current personnel policies of the Disciplinary Board to ensure that they are compliant with state and federal law. In August 2000 the committee recommended changes to the following policies:

- a minor change concerning medical care packages for retirees
- amendment of the military leave policy to reflect changes in federal law
- amendments to the hiring procedure of the Office of Disciplinary Counsel
- amendment to the sexual harassment policy to include all types of harassment
- adoption of a new policy for personal computers and Internet access.

Education Committee

The Education Committee developed a program for Hearing Committee members, which was held on August 3, 2000. The program included a mock hearing involving allegations of misconduct by an alcohol-impaired attorney. Dr. Richard Limoges served as guest speaker and played the role of the respondent-attorney's treating psychiatrist. One hundred thirty-three members attended.

The committee also designed the program for the board's retreat meeting in the fall of 2000. The topic was "Practice of Law in the 21st Century - What Implications Do We Anticipate for Pennsylvania's System of Attorney Discipline?" Issues discussed during the retreat included how to regulate the sale of a Pennsylvania legal practice, the Internet, increased attorney movement between firms, discipline for private conduct and Rule 208(f) suspensions.

Bridge-the-Gap Committee

The concept of a Bridge-the-Gap

program originated from a Disciplinary Board retreat meeting held in October 1994, where one of the topics for discussion was "Preceptorship-Mentoring Program vs. Practical Business Course." Following a lengthy debate, the board concluded that a practical business course for newly admitted attorneys in their first year of practice would be beneficial and referred the issue to the Education Committee to draft a proposal to the Supreme Court. The Court, upon learning of the idea, responded enthusiastically.

Over the next several years, the Education Committee researched the concept of a bridge-the-gap course thoroughly, obtaining information from other states concerning their mandatory courses, meeting with representatives of the Continuing Legal Education Board and the Board of Law Examiners, and writing to accredited continuing legal education providers to give them an opportunity to submit proposals for offering the course.

In January 1999 a Bridge-the-Gap Committee was established and in the spring of 2001, the program will be offered for the first time at Temple Law School, Dickinson Law School, the University of Pittsburgh Law School and Widener Law School in Harrisburg.

Hearing Committees

As of December 31, 1999, 177 regular hearing committee members and 24 alternate members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

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: 1993-2000

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	Total
Informal Admonition	85	75	74	70	106	88	48	45	2,665
Private Reprimand	30	41	48	31	46	43	26	29	612
Probation	5	5	7	3	8	5	7	3	55
Public Censure	0	1	6	3	3	7	4	0	89
Suspension	12	23	26	37	33	24	23	30*	447
Disbarment	20	32	35	41	40	33	29	32+	631
TOTAL	152	177	196	185	236	200	137	139	4,499
Reinstatement Cases									
Petitions Granted	29	24	44	31	35	33	45	35#	628
Petitions Denied	1	0	1	0	2	1	4	2▲	37
TOTAL	30	24	45	31	37	34	49	37	665

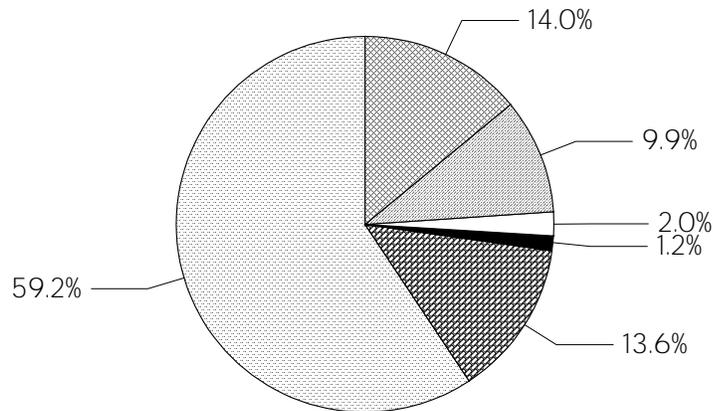
* This figure does not include 13 temporary suspensions (Rule 214 Pa.R.D.E.) and five emergency temporary suspensions (Rule 208(f) Pa.R.D.E.).

+ This figure includes 17 disbarments on consent (Rule 215 Pa.R.D.E.).

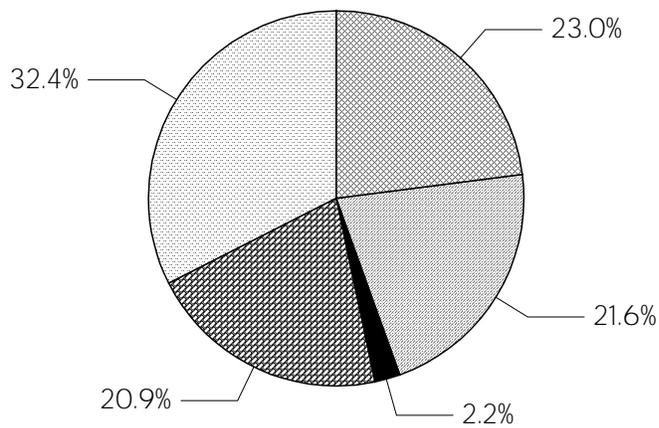
This figure includes reinstatement to active status of 32 attorneys who had been inactive three or more years and who had never been suspended or disbarred and three reinstatements after having been suspended.

▲ This figure includes one reinstatement denied after having been suspended and one reinstatement denied after having been disbarred.

Disciplinary Board Actions Comparison 1973-2000



2000



Informal Admonition	Private Reprimand	Probation
Public Censure	Suspension	Disbarment

Table 3.8.3

Domestic

Relations

Procedural

Rules

Committee

2000 Membership:

David S. Rasner, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Robert C. Capristo, Esq.
Mark M. Dalton
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Kathleen R. Mulligan
Honorable Paul P. Panepinto
Leslee Silverman Tabas, Esq.
Joanne Ross Wilder, Esq.

Staff:

Patricia A. Miles, Esq., *Counsel*
Sharon L. Ciminera, *Secretary*

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

Began as a seven-member section of the Civil Procedural Rules Committee in 1984 and established as its own committee by order of the Supreme Court on June 30, 1987, the Domestic Relations Procedural Rules Committee strives to simplify family law practice. This it does by recommending new rules or amendments to the existing procedural rules relating to paternity, 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, and each member may serve two consecutive terms.

2000 Activities

The committee met four times in 2000 as follows:

January	Philadelphia
March	Harrisburg
June	Erie
October	Farmington

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

During the past year, the committee recommended to the Pennsylvania Supreme Court numerous amendments to the support guidelines. Pursuant to federal law, all states are required to have uniform statewide guidelines

for child support. Although a complete revision and reorganization of the guidelines went into effect in 1999, the Domestic Relations Procedural Rules Committee has continued to review and refine the new guidelines. Suggestions for amendments were submitted to the committee by the courts, practitioners, domestic relations personnel and the public.

The committee also continued its work in the area of support enforcement. On December 16, 1997, Governor Ridge signed into law Act 1997-58. That statute provided the authority for expedited enforcement of child support orders and new procedures relating to the establishment of paternity. On May 31, 2000, the Supreme Court promulgated procedural rules recommended by the committee to facilitate implementation of the numerous statutory mechanisms now available to enforce support obligations and collect arrearages. These amended rules became effective on July 1, 2000.

Another focus of the committee in 2000 was in the area of child custody. A special committee of the Pennsylvania Superior Court requested that the committee consider recommending to the Supreme Court that the custody rules be amended to assure that cases involving children would be resolved expeditiously. The committee's subsequent recommendation included provisions requiring prompt contact with the court after a custody action is initiated, consecutive or closely scheduled trial days and deadlines for deciding custody matters after trial. The new and amended custody rules were promulgated by the court in November 2000, effective March 1, 2001.

The committee continued its efforts to promote family court reform. Proposed new family court rules were published for comment, with the comment period ending December 1, 2000. The goals of family court reform include eliminating fragmentation in the system and making family courts more accessible and user-friendly.

Throughout the year, committee members and 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 spoke at meetings of the Pennsylvania Bar Association Family Law Section, the Domestic Relations Directors' Conference 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.

2000 Recommendations

The following recommendations were promulgated, published for comment or submitted to the Supreme Court in the past year. In general, 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 Table 3.9.1 on page 78.

Recommendation 49: Omnibus technical amendments to the support guidelines. Promulgated March 2, 2000, effective immediately.

Recommendation 50: Rules implementing Act 1997-58 relating to paternity and enforcement of support orders. Promulgated May 31, 2000, effective July 1, 2000.

Recommendation 51: Amendments to the support guidelines, form orders in protection from abuse matters and voluntary custody mediation rules. Promulgated October 27, 2000, effective immediately.

Recommendation 52: Protection from abuse form orders amendments. Promulgated June 2, 2000, effective immediately.

Recommendation 53: Amendments and new rules designed to facilitate **prompt disposition of child custody cases**. Promulgated November 30, 2000, effective March 1, 2001.

Recommendation 54: Amendments to the **support guidelines** and **discovery rules**. Also included were **new rules for initiating a civil paternity action** outside the context of a support or custody case. Published for comment.

Recommendation 55: Proposed new **family court rules** to establish and streamline family court practice. Published for comment.

Plans for 2001

The committee will continue to strive to improve the rules governing divorce, custody, support, paternity and protection from abuse actions. Efforts to effectuate family court reform will be ongoing. In addition, the committee will begin to plan for the four-year review of the support guidelines as required by 23 Pa. C.S. §4322.

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		
Recommendation	Subject	Status
49	Omnibus technical amendments to support guidelines	Promulgated 3-2-00, effective immediately
50	Rules implementing Act 1997-58 relating to paternity and enforcement of support orders	Promulgated 5-31-00, effective 7-1-00
51	Amendments to the support guidelines, form orders in protection from abuse matters and voluntary custody mediation rules	Promulgated 10-27-00, effective immediately
52	Protection from abuse form orders amendments	Promulgated 6-2-00, effective immediately
53	Amendments and new rules designed to facilitate prompt disposition of child custody cases	Promulgated 11-30-00, effective 3-1-01
54	Amendments to the support guidelines and discovery rules. Also included were new rules for initiating a civil paternity action outside the context of a support or custody case	Published for comment
55	Proposed new Family Court Rules to establish and streamline family court practice	Published for comment

Chart 3.9.1

**Interest
on
Lawyers
Trust
Account
Board**

2000 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.
Richard I. Thomas, 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.

The IOLTA Board

The IOLTA Board is comprised of nine members 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.

The Supreme Court did not, however, 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.

On January 28, 2000, the United States District Court for the Western District of Texas, decided that the Texas IOLTA program does not take private property in violation of the Fifth Amendment of the U.S. Constitution, nor does it violate a client's free speech rights guaranteed by the First Amendment to the Constitution. Several challenges, however, are ongoing, including those of a similar case in Washington state, and it will be some time before the constitutionality issues of IOLTA are resolved.

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

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 2000 were:

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

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

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 externship 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 at the board's discretion and upon approval by the Supreme Court.

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 March. 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.

2000 Activities

The IOLTA Board initiated a project in 2000 to seek higher interest rates and lower service charges from banks for IOLTA accounts. Of the 115 banks contacted, 51 responded favorably. As a result, grants for the cycle beginning July 1, 2001, will increase from \$6.3 million to \$8.3 million.

Contact Person

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

**Minor
Court
Rules
Committee**

2000 Membership:

Honorable Fred A. Pierantoni, III, *Chairman*
Honorable Linda Baumunk
Honorable Kenneth E. Deatelhauser
Honorable Dennis R. Joyce*
Michael F. Krimmel, Esq., *ex officio***
Honorable Thomas E. Martin, Jr.+
Honorable Timothy Patrick O'Reilly++
Honorable Christine Sereni-Massinger
Honorable Peter P. Simoni*
Honorable Alberta Thompson

* Term expired 7-6-00

** Served as *ex officio* until appointed counsel 10-16-00

+ Effective 8-9-00

++ Effective 9-6-00

Staff:

Michael F. Krimmel, Esq., *Counsel**

* Appointed counsel effective 10-16-00

Legal Authorization:

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

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2116

History/Background

The Minor Court Rules Committee is an advisory body of the Supreme Court of Pennsylvania, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing practice and procedure in Pennsylvania's district justice courts.

The committee reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect district justice procedure and necessitate amendments to the rules or other action by the Court. The committee also reviews and responds to inquiries and suggestions raised by district justices; lawyers; court personnel; the public; and other court-related committees, boards and agencies. These inquiries and suggestions often become the basis for proposals developed by the committee.

Prior to completing a rule proposal for submission as a recommendation to the Supreme Court, the committee publishes the proposal and an explanatory "Report" that describes the proposal and gives members of the bench, bar and public an opportunity to comment on it. The proposals and reports are published in the *Pennsylvania Bulletin* and West's Atlantic Reporter advance sheets. Comments are also solicited directly from various associations and court-related agencies, including the Special Court Judges Association of Pennsylvania, the Minor Judiciary Education Board and the Administrative Office of Pennsylvania Courts (AOPC).

All comments are considered and, when appropriate, proposals are modified before final submission to the Court. When the committee makes significant modifications to the initial draft of a proposal, the proposal may be republished for additional comments.

On occasion, proposals and reports may be submitted to the Court without publication, pursuant to Pennsylvania Rule of Judicial Administration No. 103(a)(3). This would occur

in the interest of justice, when exigent circumstances warrant prompt action or because the proposed changes are technical or perfunctory in nature.

If a recommendation is adopted by the Supreme Court, the committee prepares a final explanatory report for publication with the Court's order. While the Court does not adopt the contents of the report, the report is a useful source of information about the rule changes and the committee's considerations in developing the recommendation.

Web Site

The Minor Court Rules Committee publishes its rule proposals and explanatory reports, as well as the Supreme Court's orders promulgating minor court rule changes, the text of the rule changes, and the committee's "Final Reports" explaining the rule changes on the Unified Judicial System Web site. These publications may be found on the Supreme Court Committees page at www.courts.state.pa.us.

Membership and Staff

Minor Court Rules Committee members are appointed by the Supreme Court to three-year terms and each may serve a maximum of two full terms. The Court also designates one member as chair. In 2000 the committee had eight members, including both attorney and non-attorney district justices, a Common Pleas Court judge, an attorney in private practice and an *ex officio* county special courts administrator, all from different geographical areas of the state.

A list of current committee members is maintained on the Supreme Court Committees page of the Unified Judicial System Web site.

In 2000 a staff attorney was appointed for the first time as full-time counsel to the committee.

The committee maintains its office at the AOPC facility in Mechanicsburg.

2000 Activities

The committee held four meetings in 2000 at the AOPC Mechanicsburg site. At each meeting the committee conferred with AOPC Statewide Automation staff on issues relating to the District Justice Automated System, the statewide computer system that links all of Pennsylvania's district justice courts.

The committee reviewed and considered a number of new issues in 2000 including the following:

- The committee considered a proposal to clarify in the rules that default judgments are prohibited in actions for the recovery of possession of real property (landlord/tenant actions). The committee published a proposal and report concerning this issue in December 2000.
- The committee began work on a proposal to provide for a procedural mechanism in the rules for the entry of satisfaction of money judgments rendered by district justices.
- The committee began work on a proposal to clarify the rules concerning the issuance and reissuance of orders of execution and orders for possession, specifically after a *superseedeas* has been terminated or a stay has been lifted.
- The committee considered a number of issues related to the procedures for appeal from judgments rendered by district justices. Specifically, the committee began work on a proposal to clarify the procedures on appeal in cases involving cross complaints. Also, the committee interacted with the Civil Procedural Rules Committee regarding that committee's Recommendation No. 160, relating to pleadings in appeals from district justice courts.

- The committee considered and commented on issues relating to the termination of inactive cases in district justice courts vis-à-vis Pennsylvania Rule of Judicial Administration No. 1901.
- The committee began consideration of a proposal to make uniform rules regarding the transfer of cases to and from other Pennsylvania courts, including the Philadelphia Municipal Court, when venue is found to be improper in the originating court.
- The committee responded to an inquiry about and considered a proposal to clarify the rules concerning the appropriate use of dismissals as a disposition in civil and landlord/tenant cases.
- The committee began a comprehensive effort to address gender neutrality in the wording of all rules.
- The committee monitored pending legislation in the General Assembly, including a bill that would have provided for district justice jurisdiction in actions in replevin.

The committee communicated regularly with the Administrative Office of Pennsylvania Courts and with the Supreme Court's other committees concerning various procedural matters in an ongoing effort to achieve uniformity and consistency among interrelated procedural and administrative matters. When appropriate, the committee formally commented on proposals put forth by other Supreme Court rules committees. The committee also maintained an ongoing dialogue with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

2000 Committee Action

The Supreme Court adopted one committee recommendation in 2000. A number of other recommendations remained pending with

the Court. A chart indicating the status of the recommendations pending in 2000 follows this report.

Recommendation Adopted by the Supreme Court

Recommendation No. 3, Minor Court Rules 2000: Miscellaneous **clarifying amendments** to Rules 315, 402, 510, 1002 and 1004. Adopted 12-15-2000, effective 1-1-2001. (See order and “Final Report” at 30 *Pa.B.* 6882 (12-30-2000).)

Recommendations Pending with the Supreme Court

Recommendation No. 1, Minor Court Rules 2000: Proposed amendments to Rules 1201-1211 relating to emergency relief under the **Protection From Abuse Act**. These amendments would make comprehensive changes to the emergency PFA rules to bring the rules into conformity with the Protection From Abuse Act and the Rules of Civil Procedure. (See “Report” at 29 *Pa.B.* 6331 (12-18-1999).)

Recommendation No. 2, Minor Court Rules 2000: Proposed amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified **constables** or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is situated in cases where the district justice has no certified constables in the county. (See “Report” at 29 *Pa.B.* 6331 (12-18-1999).)

Recommendation No. 4, Minor Court Rules 2000: Proposed amendment to Rule 113 to further provide for the use of a **facsimile**

signature on certain documents. Specifically, this amendment would remove from the rule the list of documents that are required to have an original signature on them. (See “Report” at 30 *Pa.B.* 3265 (7-1-2000).)

Proposed Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2: This proposed amendatory order would **correct a typographical error** in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000). Submitted to Court without publication pursuant to Pa.R.J.A. No. 103(a)(3).

Looking Ahead to 2001

The committee plans to continue considering proposals relating to default judgments in landlord/tenant proceedings, entry of satisfaction of money judgments, orders of execution and orders for possession, appellate procedure, and transfer of cases for improper venue. The committee also plans a comprehensive review of the 200 Series rules to consider possible amendments to consolidate certain rules that pertain to both civil actions and landlord/tenant actions.

Contact Person

Anyone wanting additional information about the Minor Court Rules Committee or having questions about the Rules of Conduct, Office Standards and Civil Procedure for District Justices may contact the committee through its staff counsel, Michael F. Krimmel, Esq., by calling (717) 795-2018; writing to the committee at 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055; or e-mailing to minorcourt.rules@supreme.court.state.pa.us. 

Status of Recommendations		
Recommendation	Subject	Status
1, 2000	Proposed amendments to Rules 1201-1211 relating to emergency relief under the Protection From Abuse Act	Submitted 6-22-00; pending before Court
2, 000	Proposed amendments to Rules 202, 307, 403, 404, 405, 506, 508, 516 and 811 to provide for service of process by certified constables or certified deputy constables and further provide for the use of constables from outside the county in which the issuing magisterial district is situated in cases where the district justice has no certified constables in the county	Submitted 6-22-00; pending before Court
3, 2000	Miscellaneous clarifying amendments to Rules 315, 402, 510, 1002, and 1004	Adopted 12-15-2000, effective 1-1-2001.
4, 2000	Proposed amendment to Rule 113 to further provide for the use of a facsimile signature on certain documents	Submitted 11-8-00; pending before Court
Proposed Amendatory Order to correct Order No. 121, Magisterial Docket No. 1, Book No. 2	Corrects a typographical error in Rule 313 as amended by Order No. 121, Magisterial Docket No. 1, Book No. 2 (adopted December 6, 1999, effective July 1, 2000)	Submitted 11-8-00; pending before Court

Table 3.11.1

Minor

Judiciary

Education

Board

2000 Membership:

Terry R. Marolt, *Chairman*
Honorable James J. Dwyer, III, *Vice Chairman*
Honorable Daniel B. Garber, *Secretary*
Honorable Catherine M. Hummel, *Treasurer*
Gregory E. Dunlap, Esq.
Jerry J. Russo, Esq.
Honorable Robert E. Simpson

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

3301 Black Gap Road,
Suite 108
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.

2000 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
- protection from abuse
- environmental law
- computer crimes

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

- criminal law review
- arrest/search and seizure
- National Alliance for the Mentally Ill
- ethics

The orientation course for new district justices included:

- district justice administration applications
- district justice practice
- Pennsylvania Coalition against Domestic Violence
- Alliance for the Mentally Ill
- human behavior (two days)

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

- National Alliance for the Mentally Ill
- ethics
- criminal rules and procedures review
- Pennsylvania Motor Vehicle Code review

The Minor Judiciary Education Board provided continuing education to 649 district justices and senior district justices, continuing legal education credits to 111 attorney district justices; and certification classes to 60 prospective district justices, 49 of whom passed.

The board also certified one prospective Philadelphia Bail Commissioner.

the board, the minor courts system and the board's courses of instruction.

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

Contact Person

Robert E. Hessler serves as Executive Director of the MJEB and may be contacted at (717) 263-0691 or by writing to 3301 Black Gap Road, Suite 108; Chambersburg, PA 17201. 

Orphans'

Court

Procedural

Rules

Committee

2000 Membership:

Honorable Jane Cutler Greenspan, *Chair**
Honorable John M. Cascio, *Chair***
Mark S. Blaskey, Esq.
Lawrence Barth, Esq.
Kenneth E. Lewis, Esq.
Edward S. McKenna, Esq.
Honorable Joseph D. O'Keefe+
Honorable Eunice L. Ross
Carolyn Crandall Thompson, Esq., *ex officio*

Staff:

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

* Resigned 12-00

** Appointed chair 1-9-01

+ Appointed 1-9-01

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 Procedural 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.

2000 Activities

The committee met once in 2000.

The committee finalized 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**), which the Supreme Court adopted on December 20, 2000, effective January 1, 2001.

2001 Plans

The committee plans to undertake a review of the deposit of estate funds vis-à-vis IOLTA requirements. It is currently investigating avenues to disseminate to the bar the results of its review.

During its comprehensive review of the existing rules and statutes governing adoption, guardianship, standby guardianship and termination of parental rights, several of its subcommittee members met with various bar association officials. During this process, the committee became apprised of newly introduced legislation regarding proposed revisions to the Adoption Code (see Senate Bill 859) and will be studying this bill.

The committee is also undertaking a review of each county's estate forms to determine which forms could possibly be the substance of statewide forms.

Contact Persons

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

Honorable John M. Cascio, Chair
Court of Common Pleas of Somerset County
Somerset County Courthouse
111 East Union Street
Somerset, PA 15501
Telephone: (814) 445-1486

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



Pennsylvania

Lawyers

Fund

for

Client

Security

2000 Membership:

Carl E. Esser, Esq., *Chairman***
Robert L. Capoferri, *Chairman***
William V. Lamb, Esq., *Chairman*++
Paul S. Diamond, Esq., *Vice Chairman*#
Carl D. Buchholz, III
Stuart D. Fiel, Esq.+
Derek C. Hathaway
Joseph H. Jacovini, Esq.
Beth Lang
Barry M. Simpson, Esq.

Staff:

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

- * Term expired 4-1-00
- ** Appointed chairman 4-1-00; term expired 4-1-01
- + Died 7-00
- ++ Appointed chairman 4-1-01
- # Appointed vice chairman 4-1-01

Legal Authorization:

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

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Suite 101
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.

2000 Claims Statistics

Statistics for the 2000-01 fiscal year can be found in Table 3.14.1.

The fund received 143 claims alleging a loss of \$9,524,417 during FY 2000-01. Chart 3.14.2 on page 100 is a breakdown of amounts claimed by category. Chart 3.14.3 on page 101 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.14.4 on page 102 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2000-01.

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 2000-01 cost the fund \$1,477,122, or 69.87%, of its total award dollars, settling 41 claims.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
2000-01		
Awarded	95	\$2,114,156
Rejected	53	3,953,732
Discontinued	17	269,600
Total	165	\$6,337,488
Pending	69	\$7,211,779

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 \$372,695 to 12 claimants fitting this category were made in 2000-01, 17.63% of the total dollars awarded.

Non-performance - The acceptance of unearned fees or retainers represented the third highest payment category in 2000-01 with awards to 33 claimants totaling \$190,121, or 8.99% of the total dollars awarded.

Since the fund does not arbitrate fee disputes, for an award to be considered when the attorney performed any services of value, the claimant typically must first file a complaint with the local bar association's fee dispute committee. If the committee determines that all or a portion of the fees or retainer paid were not earned, and the attorney does not return the fee, the board will consider this type of claim and categorize the award as non-performance by the attorney.

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

2000 Activities

The board met in Lancaster, Pittsburgh and Philadelphia in FY 2000-01. It continued to make educating the legal community about the fund a high priority. This included hosting dinners on the eves 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 \$45,140 in subrogation and restitution payments during FY 2000-01.

In FY 1998-99, the fund received \$600,000 in settlement of the fund's claim against a constructive trust pursuant to an orphans' court decision. This amount represented 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 appealed the decision of the Superior Court to the Supreme Court of Pennsylvania. This appeal was unsuccessful, which resulted in a settlement agreement among all claimants to the constructive trust. Under the terms of the settlement, the fund was required to disgorge \$132,500 of the \$600,000. It did this in October 2000.

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 2000-01 the fund received 259 overdraft notices, 241 of which were reviewed

and dismissed and 28 of which were referred to the Office of Disciplinary Counsel (ODC). No notices remained pending at the end of the fiscal year.

County Bench, Bar Meetings

The board has been holding meetings and dinners 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, 2000)
Cambria County (1998)
Centre County (1995)
Chester County (1990, 1998)
Cumberland County (1998)
Dauphin County (1984, 1985, 1989, 1991, 1993, 1996, 1997, 1999)
Delaware County (1994, 1997)
Erie County (1989, 1992, 1994, 2000)
Fayette County (1992)
Lackawanna County (1990, 1999)
Lancaster County (1990, 2000)
Lehigh County (1989)
Luzerne County (1996)
Monroe County (1992)
Montgomery County (1999)
Northampton County (1994)
Philadelphia County (1982-88, 1990-93, 1995, 1996, 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 2000-01 \$150,000 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 4909 Louise Drive, Suite 101; Mechanicsburg, PA 17055; (800) 962-4618 or (717) 691-7503. 

Categories of Claims

Amounts Awarded - 2000-01

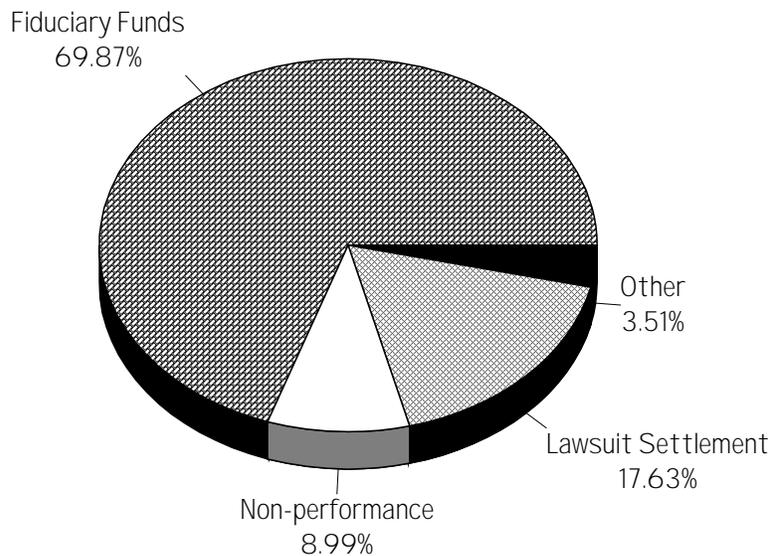


Table 3.14.2

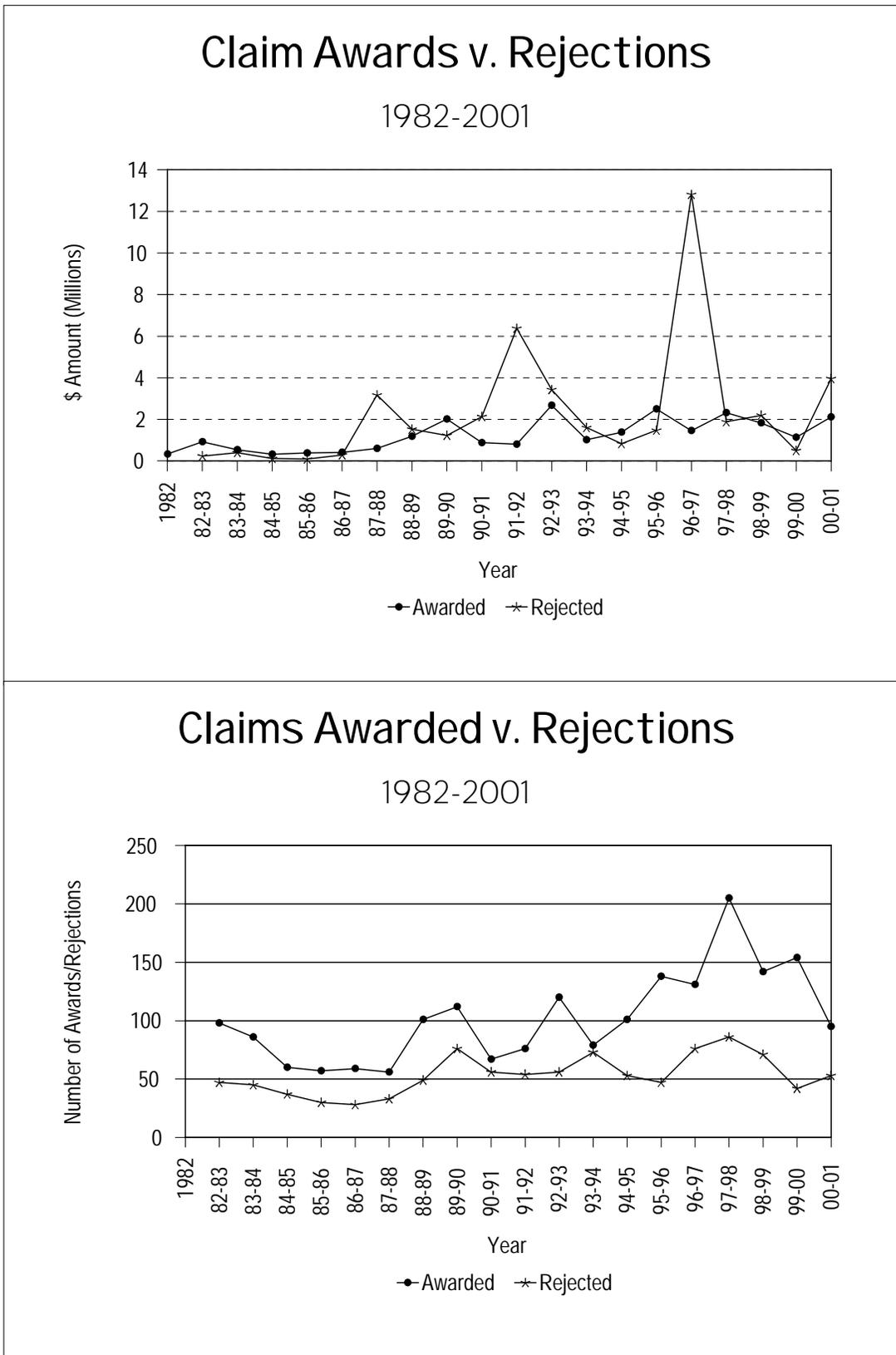
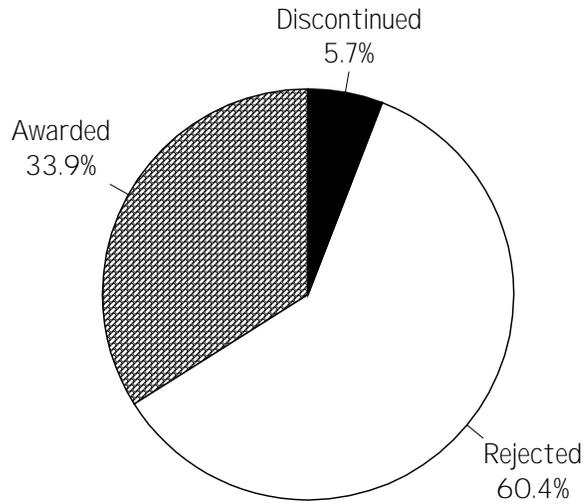


Table 3.14.3

Comparison of Claim Dispositions

Cumulative



2000-01

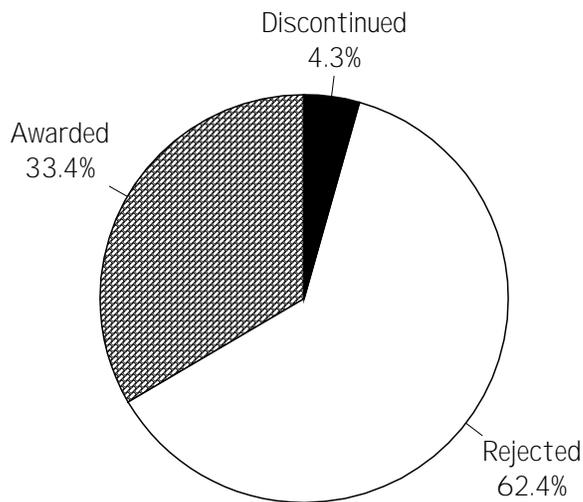


Table 3.14.4

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. Beginning January 1, 2000, in accordance with Act 12 of 1999, the Commonwealth also funds the salaries and benefits for district court administrators transferred to state service effective that date. Table 4.1 on page 105 provides a break-down of these state-funded expenditures for fiscal year 2000-01.

Of the total state government expenditures for fiscal year 2000-01, *administrative costs for the judiciary accounted for slightly less than one-half of one percent.* Table 4.2 on page 107 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 the Courts of Common Pleas. Reimbursement is based on a flat rate established by the General Assembly for each authorized 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 2000-01.

Court
Finances -
Fiscal
Year
2000-2001

Table 4.3 on page 108 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2000-01.

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. Grant money was provided to Pittsburgh for this purpose each year until FY 2000-01, when the grant was not funded.

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 110, 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. 

APPROPRIATIONS	
APPROPRIATION	2000-01 (thousands)
Supreme Court*	\$11,414
Justice Expenses*	180
Civil Procedural Rules Committee*	386
Criminal Procedural Rules Committee*	384
Domestic Relations Procedural Rules Committee*	155
Judicial Council*	183
Juvenile Court Procedural Rules Committee	149
Appellate Court/Orphans' Court Procedural Rules Committees*	154
Committee on Rules of Evidence*	175
Equity Commission**	0
Minor Court Rules Committee*	190
Superior Court	22,041
Judges' Expenses	237
Commonwealth Court	13,160
Judges' Expenses	143
Court Security+	150
Court Administrator	6,773
District Court Administrators+	12,979
Court Management Education	150
Statewide Judicial Computer System++	14,254
Integrated Criminal Justice System+	3,492
Courts of Common Pleas+	57,698
Common Pleas Senior Judges	3,668
Common Pleas Judicial Education	727
Ethics Committee of the Pennsylvania Conference of State Trial Judges	54
District Justices*	47,326
District Justice Education	546
Philadelphia Traffic Court*	691
Philadelphia Municipal Court*	4,458
Philadelphia Law Clerks	39
Domestic Violence	204
Juror Cost Reimbursement*	1,469
County Court Reimbursement	30,401

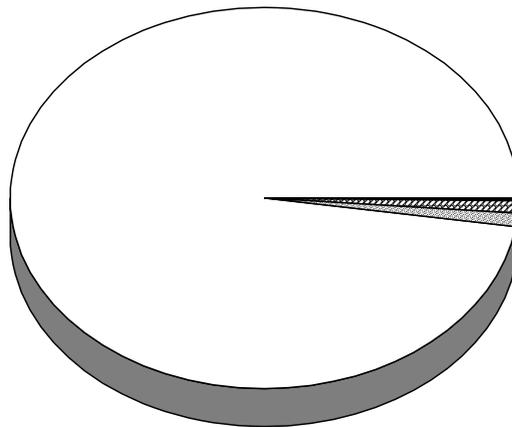
Table 4.1

APPROPRIATIONS, continued

APPROPRIATION	2000-01 (thousands)
Judicial Conduct Board	959
Court of Judicial Discipline	407
TOTAL	\$235,396
<p>* As authorized by Act 21-A of 2000, funds were transferred from other judiciary appropriations and deposited into the Judicial Computer System restricted receipt account in the following amounts: Supreme Court - \$100,000; Supreme Court Justice Expenses - \$58,000; Civil Procedural Rules - \$70,000; Criminal Procedural Rules - \$35,000; Domestic Relations Procedural Rules - \$30,000; Judicial Council - \$82,000; Appellate Court/Orphans' Court Procedural Rules - \$8,000; Evidence - \$96,000; Minor Court Rules - \$106,000; District Justices - \$3,229,000; Philadelphia Traffic Court - \$79,000; Philadelphia Municipal Court - \$515,000; and Juror Cost - \$210,000, for a total of \$4,618,000. These transfers reduced the funds available to the respective appropriations, but did not reduce the various appropriated amounts.</p>	
<p>** The Equity Commission (Committee on Racial and Gender Bias) was appropriated \$400,000 in FY 1999-2000 by Act 1-A of 1999. The balance of funds remaining in the appropriation in June 2000 (\$383,249) was made into a continuing appropriation through June 30, 2001, by Act 21-A of 2000 and available for use during FY 2000-01.</p>	
<p>+ Funds were lapsed during the fiscal year for the following appropriations: Commonwealth Court Security - \$90,000; Integrated Criminal Justice System - \$500,000; District Court Administrators - \$1,450,000; Court of Common Pleas - \$4,000,000. The lapses reduced the funds available to the respective appropriations, but did not reduce the various appropriated amounts.</p>	
<p>++ 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 \$4,415,000 in augmentations which represented funds transferred from various FY 1999-2000 judiciary appropriations; \$19,248 derived from fees charged to users for information generated by the District Justice System; and \$79,500 derived from augmentations as mandated by Act 119 of 1996 (Jen and Dave's Law). The total amount available to the Judicial Computer System in FY 2000-01 was \$18,767,748.</p>	

Table 4.1, cont'd.

Pennsylvania Government FY 2000-01 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.85%
- ▨ Legislative Branch - .58%
- ▩ Judicial Branch - .49%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The Governor's budget showed FY 2000-01 funds available to the judiciary as \$240,659. Actual total available funds, net of \$6,040 lapsed during June 2001, were \$234,701. The state total operating expenditures shown here were adjusted downward to reflect this difference.

Source: FY 2001-02 Governor's Recommended Budget

Table 4.2

COUNTY REIMBURSEMENTS FOR COURTS FY 2000-01			
COUNTY	JUROR COST	COUNTY COURT	TOTAL
Adams*	\$0.00	\$210,000.00	\$210,000.00
Allegheny	99,135.96	2,870,000.00	2,969,135.96
Armstrong	607.73	140,000.00	140,607.73
Beaver *	6,484.78	420,000.00	426,484.78
Bedford	0.00	70,000.00	70,000.00
Berks	11,769.62	700,000.00	711,769.62
Blair	7,960.50	280,000.00	287,960.50
Bradford	378.06	140,000.00	140,378.06
Bucks	26,775.06	770,000.00	796,775.06
Butler	11,828.65	280,000.00	291,828.65
Cambria	0.00	350,000.00	350,000.00
Cameron	0.00	9,800.00	9,800.00
Carbon	1,623.34	140,000.00	141,623.34
Centre	4,232.59	210,000.00	214,232.59
Chester	15,548.66	700,000.00	715,548.66
Clarion	1,958.09	70,000.00	71,958.09
Clearfield	1,475.03	140,000.00	141,475.03
Clinton	459.02	140,000.00	140,459.02
Columbia	1,920.07	109,200.00	111,120.07
Crawford	3,001.87	140,000.00	143,001.87
Cumberland	2,406.67	350,000.00	352,406.67
Dauphin	47,755.07	490,000.00	537,755.07
Delaware	24,379.36	1,260,000.00	1,284,379.36
Elk	5,903.88	60,200.00	66,103.88
Erie	8,776.55	560,000.00	568,776.55
Fayette	6,600.08	350,000.00	356,600.08
Forest	0.00	7,000.00	7,000.00
Franklin	3,047.33	252,000.00	255,047.33
Fulton	326.94	28,000.00	28,326.94
Greene	9,430.95	140,000.00	149,430.95
Huntingdon	0.00	70,000.00	70,000.00
Indiana	1,499.65	140,000.00	141,499.65
Jefferson	0.00	70,000.00	70,000.00
Juniata	0.00	46,200.00	46,200.00
Lackawanna	49,830.93	420,000.00	469,830.93
Lancaster	31,809.37	700,000.00	731,809.37
Lawrence	12,801.21	210,000.00	222,801.21
Lebanon	1,374.48	210,000.00	211,374.48
Lehigh	28,125.63	630,000.00	658,125.63

Table 4.3

**COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 2000-01**

COUNTY	JUROR COST	COUNTY COURT	TOTAL
Luzerne	25,655.50	560,000.00	585,655.50
Lycoming	6,725.15	350,000.00	356,725.15
McKean	0.00	70,000.00	70,000.00
Mercer	420.93	210,000.00	210,420.93
Mifflin	297.82	70,000.00	70,297.82
Monroe	7,385.16	280,000.00	287,385.16
Montgomery	40,577.82	1,260,000.00	1,300,577.82
Montour	111.04	30,800.00	30,911.04
Northampton	32,310.52	490,000.00	522,310.52
Northumberland	691.51	140,000.00	140,691.51
Perry	160.94	93,800.00	93,960.94
Philadelphia	547,020.00	9,750,316.00	10,297,336.00
Pike	314.40	70,000.00	70,314.40
Potter	298.73	70,000.00	70,298.73
Schuylkill	8,315.04	350,000.00	358,315.04
Snyder	3,872.46	70,000.00	73,872.46
Somerset	3,271.49	210,000.00	213,271.49
Sullivan	0.00	12,600.00	12,600.00
Susquehanna	0.00	70,000.00	70,000.00
Tioga	0.00	70,000.00	70,000.00
Union	1,176.28	70,000.00	71,176.28
Venango	5,019.74	140,000.00	145,019.74
Warren	176.86	63,000.00	63,176.86
Washington	19,486.72	350,000.00	369,486.72
Wayne	1,155.57	70,000.00	71,155.57
Westmoreland	18,552.53	770,000.00	788,522.53
Wyoming	1,784.92	57,400.00	59,184.92
York	36,386.40	770,000.00	806,386.40
Transfer to JCS	210,000.00	0.00	210,000.00
TOTAL	\$1,400,364.66	\$30,400,316.00	\$31,800,680.66

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 2000-01, 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 provide a level of support equal to the reimbursement rate per authorized position. 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	2000-01 (thousands)
Supreme Court	\$346
PA Board of Law Examiners	1,322
Judicial Computer System*	99
Superior Court	250
Commonwealth Court	204
District Justice Education	28
Court Administrator	4
TOTAL	\$2,253
<p>*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$73,099 to support the "Jen/Dave" functions during FY 2000-01.</p>	

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

Vacancy 2

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

Del Sole, Joseph A.+
President Judge

Cavanaugh, James 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 Orie
Lally-Green, Maureen
Todd, Debra B.

* Retired 12-27-00

** President judge term expired
1-8-01

+ Elected president judge effective
1-9-01

++ Retired 2-2-01

Commonwealth Court Judges

Complement 9

Vacancy 1

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

* Retired 12-21-00

Appellate

Court

Judges

(As of 6-30-01)

**Appellate
Court
Senior
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.
Brosky, John G.
Cercone, William F.
Cirillo, Vincent A.*
Hester, John P.
Kelly, John T.J.**
Montemuro, Frank J., Jr.
Olszewski, Peter Paul
Popovich, Zoran+
Tamilia, Patrick R.

* Died 11-28-00
** Effective 12-29-00
+ Effective 2-5-01

**Commonwealth
Court Senior
Judges**

Flaherty, James J.*
Jiuliante, Jessamine S.++
Lederer, William J.#
McCloskey, Joseph F.##
Mirarchi, Charles P., Jr.+
Morgan, Warren G.+
Narick, Emil E.**
Rodgers, Samuel L.▲
Ross, Eunice L.**

* Effective 12-23-00
** Allegheny 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

ADAMS COUNTY (51)

Complement 3

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

ALLEGHENY COUNTY (05)

Complement 41

Kelly, Robert A.+

Administrative Judges

Bigley, Gerard M.
McLean, James H.
Mulligan, Kathleen R.
Zavarella, Paul R.**

Baer, Max
Baldwin, Cynthia A.
Cashman, David R.
Cercone, David S.
Clark, Kim Berkeley

Colville, Robert E.
Colville, Robert J.
Craig, Cheryl Allen
Durkin, Kathleen A.
Eaton, Kim D.

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

Jaffe, Joseph A.
James, Joseph M.
Little, Walter R.
Lucchino, Frank J.
Lutty, Paul F., Jr.

Machen, Donald E.
Manning, Jeffrey A.
Mazur, Lee J.
McDaniel, Donna Jo
McFalls, Patrick

Nauhaus, Lester G.
Novak, Raymond A.
O'Brien, W. Terrence
O'Reilly, Timothy P.
O'Toole, Lawrence J.

Penkower, Alan S.
Sasinowski, Kevin G.
Scanlon, Eugene F., Jr.
Strassburger, Eugene B., III
Todd, Randal B.++

Wettick, R. Stanton, Jr.
Zottola, John A.

- * Retired 6-2-00
- ** Administrative judge term expired 3-29-01
- + Appointed Acting Administrative Judge - Orphans' Court Division 3-29-01
- ++ Confirmed 6-12-01

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.
Kwidis, C. Gus**
McBride, John D.

Steege, Peter O.
Walko, Joseph S.*

- * Retired 10-8-00
- ** Confirmed 5-22-01

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

Common

Pleas

Judges

(As of 6-30-01)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BERKS COUNTY (23)

Complement 11

*Keller, Scott D.***
Stallone, Albert A.+
Campbell, Mary Ann++
Ehrlich, Elizabeth G.*
Eshelman, Thomas J.

Grim, Arthur E.
Lash, Scott E.
Lieberman, Stephen B.
Ludgate, Linda K.M.
Schmehl, Jeffrey L.

Schmehl, Peter W.
Sprecher, Jeffrey K.

- * Retired 5-25-00
- ** President judge term expired 9-11-00
- + Elected president judge effective 9-11-00
- ++ Confirmed 5-22-01

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 1

McAndrews, R. Barry
Biehn, Kenneth G.
Biester, Edward G., Jr.*
Heckler, David W.
Kane, Michael J.

Lawler, Daniel J.
Rubenstein, Alan M.
Rufe, Cynthia M.
Rufe, John J.
Scott, Susan Devlin
Thomas, Rea, Boylan

- * Retired 1-3-01

BUTLER COUNTY (50)

Complement 5

*O'Brien, Martin J.**
*Doerr, Thomas J.***
Hancher, George H.
Horan, Marilyn J.
Shaffer, William R.

Yeager, S. Michael+

- * Retired 7-31-00
- ** Appointed president judge effective 8-1-00
- + Confirmed 6-12-01

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.***
Nanovic, Roger N.+

- * Retired 2-16-01
- ** Appointed president judge effective 2-17-01
- + Confirmed 6-12-01

CENTRE COUNTY (49)

Complement 3

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

CHESTER COUNTY (15)

Complement 11

*Gavin, Thomas G.**
*Riley, Howard F., Jr.***
Cody, Jacqueline C.
MacElree, James P., II
Mahon, William P.

Melody, M. Joseph, Jr.
Ott, Paula Francisco
Platt, Katherine B.L.
Sanchez, Juan R.
Shenkin, Robert J.

Wood, Lawrence E.

- * President judge term expired 1-12-00
- ** Elected president judge effective 1-12-00

CLARION COUNTY (18)

Complement 1

Arner, James G.

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

Naus, Scott W.
James, Thomas A., Jr.

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 8
Vacancy 1

*Morrison, Clarence C.**
*Kleinfelter, Joseph H.***
Cherry, John F.
Clark, Lawrence F., Jr.
Evans, Scott A.

Hoover, Todd A.
Lewis, Richard A.
Turgeon, Jeannine

* Retired 2-15-00
** Elected president judge effective 2-16-00

DELAWARE COUNTY (32)

Complement 18
Vacancy 1

Battle, Joseph F.++
Clouse, Kenneth A.#
Bradley, Harry J.
Burr, Charles B., II

Cronin, Joseph P., Jr.
Durham, Kathrynann W.##
Fitzpatrick, Maureen F.
Hazel, Frank T.
Jenkins, Patricia H.
Keeler, Charles C.

Kelly, Kevin F.**
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.

* Resigned 3-3-00
** Confirmed 6-14-00
+ Appointed to federal bench; resigned 7-13-00
++ Died 3-10-01
Elected acting president judge 3-22-01
Confirmed 6-5-01

ELK-CAMERON COUNTIES (59)

Complement 1

Roof, Vernon D.

ERIE COUNTY (06)

Complement 8

Cunningham, William R.
Anthony, Fred P.
Bozza, John A.
Connelly, Shad F.
DiSantis, Ernest J., Jr.

Domitrovich, Stephanie A.
Dunlavey, Michael E.
Kelly, Elizabeth K.

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.
Van Horne, Carol L.
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

Martin, William J.
Olson, Gregory A.

JEFFERSON COUNTY (54)

Complement 1

Henry, William L.

**LACKAWANNA
COUNTY (45)**

Complement 6

*Walsh, James J.**
*Harhut, Chester T.***
Barasse, Michael J.
Corbett, Patricia
Mazzoni, Robert A.+

Minora, Carmen D.
Nealon, Terrence R.

* Retired 10-10-00
** Appointed president judge
effective 10-11-00
+ Confirmed 5-22-01

LANCASTER COUNTY (02)

Complement 11

Georgelis, Michael A.
Allison, Paul K.
Ashworth, David L.
Cullen, James P.
Farina, Louis J.

Gorbey, Leslie
Hummer, Wayne G., Jr.
Kenderdine, Henry S., Jr.
Madenspacher, Joseph C.
Perezous, Michael J.

Stengel, Lawrence F.

LAWRENCE COUNTY (53)

Complement 3

Pratt, Ralph D.
Cox, J. Craig
Motto, Dominick

LEBANON COUNTY (52)

Complement 4

Eby, Robert J.
Charles, Bradford H.
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 9

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

Mundy, Hugh F.
Muroski, Chester B.
Olszewski, Peter Paul, Jr.
Toole, Patrick J., Jr.

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 5

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

**MONTGOMERY
COUNTY (38)**

Complement 18

Smyth, Joseph A., Jr.
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.
Carpenter, William R.

Corso, S. Gerald
Daniele, Rhonda Lee
DelRicci, Thomas M.
Drayer, Calvin S., Jr.
Furber, William J., Jr.

MONTGOMERY COUNTY,
continued

Hodgson, Richard J.
Moore, Bernard A.
Nicholas, William T.
Ott, Stanley R.
Rossanese, Maurino J., Jr.

Salus, Samuel W., II
Tilson, Arthur R.*
Tressler, Paul W.

* Confirmed 5-22-01

NORTHAMPTON
COUNTY (03)

Complement 7
Vacancy 1

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

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

* Resigned 1-4-01

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♦♦
Massiah-Jackson,
Frederica A.▼

Administrative Judges

Herron, John W.
O'Keefe, Joseph D.♦
Panepinto, Paul P.▲▲
Sylvester, Esther R.♦
Tucker, Petrese B.+

Abramson, Howland W.
Ackerman, Norman
Allen, Jacqueline F.
Bernstein, Mark I.
Berry, Willis W., Jr.

Bright, Gwendolyn N.
Brinkley, Genece E.
Brown, Joan A.
Byrd, Sandy L.V.
Carrafiello, Matthew D.

Chen, Ida K.
Clark, Tama Myers
Cohen, Denis P.▲
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 C.
Geroff, Steven R.
Glazer, Gary S.
Goldman, Murray C.++
Goodheart, Bernard J.##

Gordon, Richard J.
Greenspan, Jane C.
Hamlin, Lynn B.
Hill, Glynnis D.
Hughes, Renee Cardwell

Jackson, Elizabeth■
Jackson, Ricardo C.**
Jelin, Sheldon C.
Jones, C. Darnell, II
Joseph, Barbara A.

Kafrissen, Arthur S.
Kane, Harold M.■
Kean, Joyce S.
Keogh, D. Webster
Klein, Richard B.

Lachman, Marlene
Lazarus, Anne E.
Lerner, Benjamin
Levin, Stephen E.▼▼
Lewis, Kathryn Streeter

Lineberger, James A.*
Lynn, James Murray
Maier, Eugene Edward J.
Manfredi, William J.
Matthews, Robert J.

Mazzola, William J.
McInerney, Patricia A.
McKeown,

Margaret T. Murphy▲
Means, Rayford A.
Moss, Sandra Mazur

New, Arnold L.
O'Grady, John J., Jr.
Papalini, Joseph I.
Pawelec, Edmund S.#
Poserina, John J., Jr.

Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris
Rau, Lisa M.■
Reynolds, Abram Frank
Rizzo, Annette M.

PHILADELPHIA COUNTY,
continued

Robins New, Shelley
Robinson, Roslyn K.
Rogers, Peter F.
Russell, Edward E.
Sarmina, M. Teresa

Sheppard, Albert W., Jr.
Shreeves-Johns, Karen
Smith, Gregory E.
Snite, Albert John, Jr.
Summers, Edward R.

Temin, Carolyn Engel
Tereshko, Allan L.
Watkins, Thomas D.
Wolf, Flora Barth
Woods-Skipper, Sheila A.

Younge, John M.
Zaleski, Jerome A.

- * Retired 4-6-00
- ** Resigned 6-29-00
- + Appointed to federal bench;
resigned 7-13-00
- ++ Retired 7-22-00
- # Retired 10-21-00
- ## Retired 12-23-00
- ▲ Confirmed 11-21-00
- ▲▲ Administrative judge term
expired 12-22-00
- ◆ Appointed administrative judge
effective 12-22-00
- ◆◆ President judge term expired
1-10-01
- ▼ Elected president judge effective
1-10-01
- ▼▼ Resigned 2-5-01
- Confirmed 6-21-01

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.

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, H. William, 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

Loughran, Charles H.
Ackerman, Daniel J.
Bell, Alfred B.
Blahovec, John E.
Caruso, Gary P.

Driscoll, John J.
Hathaway, Rita Donovan
Marsili, Anthony G.
McCormick, Richard E., Jr.
Ober, William J.

Pezze, Debra A.

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

Vanston, Brendan J.

YORK COUNTY (19)

Complement 11

*Uhler, John C.**

*Chronister, John H.***

Blackwell, Penny L.

Brillhart, Michael J.

Dorney, Sheryl Ann

Horn, Richard H.

Kennedy, John S.

Linebaugh, Stephen P.

Renn, Richard K.

Snyder, Gregory M.

Thompson, John W., Jr.

* President judge term expired
1-6-01

** Elected president judge
effective 1-6-01

**Common
Pleas
Court
Senior
Judges**

ALLEGHENY COUNTY

Dauer, Robert E.
Farino, S. Louis*
Johnson, Livingstone M.
Kaplan, Lawrence W.
McGowan, Bernard J.

McGregor, James R.
McLean, James H.+
O'Malley, Michael J.
Ridge, Joseph H.
Ross, George H.

Watson, J. Warren
Wekselman, I. Martin**
Zeleznik, Richard G.

* Effective 6-5-00
** Removed from list 8-00
+ Effective 11-10-00

ARMSTRONG COUNTY

House, Roy A., Jr.

BEAVER COUNTY

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

* Effective 10-9-00; died
11-21-00

BEDFORD COUNTY

Van Horn, Ellis W., Jr.

BERKS COUNTY

Edenharter, Frederick**
Ehrlich, Elizabeth G.*
Schaeffer, Forrest G., Jr.
Smith, Calvin E.

* Effective 5-28-00
** Effective 10-1-00

BUCKS COUNTY

Biester, Edward G., Jr.+
Bortner, Oscar S.
Clark, Ward F.
Garb, Isaac S.
Kelton, George T.*

Rufe, William Hart, III**

* Effective 5-11-00; removed
from list 8-00

** Removed from list 8-00

+ Effective 1-5-01

BUTLER COUNTY

Brydon, John H.
Kiestler, George P.
O'Brien, Martin J.*

* Effective 8-18-00

CAMBRIA COUNTY

Creany, Eugene A.

CARBON COUNTY

Lavelle, John P.*

* Effective 2-20-01

CHESTER COUNTY

Endy, Alexander

CLARION COUNTY

Alexander, Charles R.

CLINTON COUNTY

Brown, Carson V.

(As of 6-30-01)

**COLUMBIA-MONTOUR
COUNTIES**

Keller, Gailey C.
Myers, Jay W.

CRAWFORD COUNTY

Thomas, P. Richard*

* Removed from list 8-00

DAUPHIN COUNTY

Lipsitt, William W.
Morgan, Warren G.*
Morrison, Clarence C.**

* Sits on occasion in
Commonwealth Court

** Effective 2-18-00

DELAWARE COUNTY

Wright, Robert A.

ERIE COUNTY

Fischer, Roger M.
Levin, George E.*

* Resigned 12-31-00

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker

JEFFERSON COUNTY

Snyder, Edwin L.

LACKAWANNA COUNTY

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

* Effective 10-11-00

LANCASTER COUNTY

Bucher, Wilson*
Eckman, D. Richard

* Removed from list 3-3-00;
re-added 3-1-01

LAWRENCE COUNTY

McCracken, Glenn, Jr.*

* Removed from list 8-00

LEBANON COUNTY

Gates, G. Thomas

LEHIGH COUNTY

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

* Removed from list 8-00

LUZERNE COUNTY

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

* Died 1-26-00

LYCOMING COUNTY

Greevy, Charles F.

MERCER COUNTY

Stranahan, John Q.*

* Removed from list 8-00

MONROE COUNTY

Marsh, James R.

MONTGOMERY COUNTY

Brown, Lawrence A.
Davenport, Horace A.
Lowe, Richard S.
Subers, Albert R.
Vogel, William W.

NORTHAMPTON COUNTY

Franciosa, Michael V.
Grifo, Richard D.
Hogan, James C.*
Williams, Alfred T., Jr.

* Effective 1-5-01

NORTHUMBERLAND COUNTY

Feudale, Barry F.
Ranck, Samuel C.

PHILADELPHIA COUNTY

Bradley, Edward J.**
Bruno, Joseph C.
Chiovero, John J.
Cipriani, Nicholas A.
DeFino, Anthony J.

Goldman, Murray++
Goodheart, Bernard J.##
Halbert, Marvin R.▲▲
Ivanoski, Leonard A.
Kozay, Nicholas, Jr.**

Lederer, William J.+
Levin, Stephen E.▲
Lineberger, James A.*
O'Brien, Frank X.
Pawelec, Edmund S.#

Richette, Lisa A.
Rosenberg, Edward B.
Sabo, Albert F.**
Savitt, David N.

- * Effective 4-9-00
- ** Removed from list 5-11-00
- + Appointed to Commonwealth Court effective 5-11-00
- ++ Effective 8-18-00
- # Effective 10-23-00
- ## Effective 12-25-00
- ▲ Effective 2-6-01
- ▲▲ Resigned 3-1-01

SCHUYLKILL COUNTY

Dolbin, Donald D.*
Rubright, Wilbur H.

* Died 1-12-00

SOMERSET COUNTY

Shaulis, Norman A.

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

Marker, Charles E.
Mihalich, Gilfert M.

YORK COUNTY

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

**Philadelphia
Municipal Court
Judges**

Complement 25
Vacancy 1

Presenza, 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.
Merriweather, Ronald B.
Moore, Jimmie

Neifield, Marsha H.
Palumbo, Frank
Pew, Wendy**
Retacco, Louis F.
Robbins, Harvey W.

Silberstein, Alan K.
Stack, Felice Rowley
Washington, Craig M.

* Retired 6-18-00

** Confirmed 11-21-00

**Philadelphia
Traffic Court
Judges**

Complement 7

Little, Francis J.

Administrative Judge

DeAngelis, Bernice A.*
Perri, Fortunato N., Sr.**

Adams, Willie J.
Howlett, Joseph A.
Kelly, Francis E.
Tynes, Thomasine

* Administrative judge term
expired 12-22-00

** Appointed administrative judge
effective 12-22-00

**Pittsburgh
Magistrates Court**

Complement 6

Simmons, William T.
Chief Magistrate

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

Watson, Wrenna**

* Resigned 2001

** Appointed 3-01

**Philadelphia
and
Pittsburgh
Special
Courts
Judges**

(As of 6-30-01)

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.
Lilian, Eric T.+
Mekel, Edward G.

* Removed from list 2-20-00

** Died 6-21-00

+ Effective 6-21-00

**Traffic Court
Senior Judges**

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

(As of 6-30-01)

ADAMS COUNTY (51)

Complement 4

Beauchat, Mark D.
Bowman, Daniel S.
Carr, Thomas R.
Zepp, John C., III

ALLEGHENY COUNTY (05)

Complement 55

Barner, Robert J.
Barton, David J.
Bender, John T.
Bengel, Carolyn S.
Blaschak, Suzanne R.

Bova, John N.
Boyle, Mary Grace
Brletic, Thomas S.
Bubash, Cathleen Cawood
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
Firestone, Nathan N.
Hanley, James J., Jr.
Hromyak, Leonard J.
Ivill, William J.

Joyce, Dennis R.
King, Richard G.
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.

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

Russo, James E.
Scharding, Anna Marie
Sosovicka, David J.
Swearingen, Carla M.
Thompson, Alberta V.

Tibbs, Edward A.
Torkowsky, Thomas R.
Trkula, Shirley R.
Wagner, William K.
Welsh, Regis C., Jr.

Wyda, Robert C.
Zielmanski, Eugene L.
Zoller, Richard H.
Zucco, Linda I.
Zyra, Gary M.

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.

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

District

Justices

(As of 6-30-01)

(Judicial Districts in parentheses)

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, Timothy
Gauby, Thomas M., Sr.
Greth, Gail M.

Hall, William N., Jr.
Hartman, Michael G.
Horning, Anthony F.*
Kowalski, Phyllis J.
Lachina, Deborah P.

Leonardziak, Michael J.
Mest, Ronald C.
Patton, Dean R.**
Scott, Wallace S.
Stacherski, Felix V.

Stitzel, Gloria W.
Stoudt, Carol A.
Walley, Susanne R.
Xavios, Thomas H.

* Retired 3-5-00

** Confirmed 9-27-00

BLAIR COUNTY (24)

Complement 7

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

Moran, Joseph L.
Ormsby, Craig E.

BRADFORD COUNTY (42)

Complement 4

Clark, Timothy M.
Shaw, Michael G.
Wheaton, Fred M.
Wilcox, Jonathan M.

BUCKS COUNTY (07)

Complement 18

Adamchak, Joanne M.
Brown, Leonard J.
Cappuccio, Charles A.
Clark, Francis E.
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.
McEwen, Susan E.
Nasshorn, Donald
Roth, C. Robert

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

BUTLER COUNTY (50)

Complement 5

Haggerty, Sue E.
O'Donnell, Joseph D., Jr.
O'Donnell, Kevin P.
Streib, Kelly T.D.
Woessner, Clifford J.

CAMBRIA COUNTY (47)

Complement 10

Vacancy 1

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

* Retired 3-2-01

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Hadzick, Paul J.
Kosciolek, Casimir T.
Lewis, Edward M.

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

Vacancy 1

Anthony, John F.
Arnold, Rita A.
Blackburn, Jeremy
Brown, Arthur
Bruno, Mark A.

Cabry, Michael J., III
Darlington, Chester F.
DeAngelo, James V.
Farmer, Harry W., Jr.
Gill, Robert E.

CHESTER COUNTY,
continued

Maisano, Daniel J.
Martin, Thomas E., Jr.
Michaels, Theodore P.
Scott, Stanley
Smith, Larry E.
Winther, J. Peter

CLARION COUNTY (18)
Complement 4
Vacancy 1

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

* Died 2-11-01

CLEARFIELD COUNTY (46)
Complement 4

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

CLINTON COUNTY (25)
Complement 3

Dwyer, Kevin R.
Maggs, John W.
Sanders, Joseph L., III

**COLUMBIA-MONTOUR
COUNTIES (26)**
Complement 5

Cashman, Richard P.
Coombe, Donna J.
Long, Craig W.
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

Bender, Harold E.
Clement, Charles A., Jr.
Correal, Paula P.
Day, Susan K.
Elder, Gayle A.
Manlove, Robert V.
Placey, Thomas A.
Shulenberger, Helen B.

DAUPHIN COUNTY (12)
Complement 14

Bridges, Roy C.
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Magaro, Samuel J.
Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, James
Semic, Steven M.
Shugars, Ray F.
Solomon, Joseph S.
Stewart, Marsha C.
Yanich, Bernard B.
Zozos, George A.

**DELAWARE
COUNTY (32)**
Complement 33
Vacancy 1

Berardocco, Ann
Brennan, Mary Alice
Burke, Robert R.
Cappelli, Richard M.
Cullen, Michael G.
Davis, Horace Z.
Day, William L., Jr.
Foster, Beverly H.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.
Gaspari, Rocco
Klein, Stephanie H.
Lacey, Thomas J.
Lang, David Hamilton
Liberace, Gerald C.
Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.
McCray, C. Walter, III
McDevitt, Leonard M.**
McKeon, Laurence J.
Micozzie, Kelly A.*
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.
Tolliver, Elkin A.
Tozer, Peter P.
Truscello-McHugh,
Deborah M.
Videon, David T.

* Confirmed 10-4-00

** Resigned 5-31-01

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15

Abate, Frank, Jr.
DiPaolo, Dominick D.
Dwyer, James J., III
Krahe, Mark R.
Lefaiver, Joseph R.

Mack, Suzanne C.*
Manzi, Paul
Nichols, Patsy A.
Saxton, Robert C., Jr.
Southwick, Carol L.

Strohmeyer, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul
Vendetti, John A.
Weindorf, Arthur J.

*Confirmed 6-21-01

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.

GREENE COUNTY (13)

Complement 3

Canan, Neil M.
Dayich, Louis M.
Watson, Leroy W.

**HUNTINGDON
COUNTY (20)**

Complement 4

Colyer, Michael M.
Davis, Daniel S.
Jamison, Mary G.
Wilt, Richard S.

INDIANA COUNTY (40)

Complement 4

Vacancy 2

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

* Retired 8-28-00

** Resigned 5-31-01

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Hetrick, Bernard E.

**LACKAWANNA
COUNTY (45)**

Complement 11

Clark, George E., Jr.
Farrell, Alyce M.
Gallagher, Terrance V.
Giglio, Theodore J.
Golden, Thomas J.

Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.
Russell, Robert G.

Toczydlowski, Joseph S., Jr.

LANCASTER COUNTY (02)

Complement 20

Brian, David E.
Duncan, Jayne F.
Eckert, Leo H., Jr.
Garrett, Daniel B.
Hamill, Nancy G.

Hamilton, Maynard A., Jr.
Hartman, Cheryl N.
Hartman, Rodney H.
Herman, Robert A., Jr.
Miller, David P.

Musser, Richard W.
Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.
Savage, Ronald W.

LANCASTER COUNTY,
continued

Simms, Richard H.
Sponaugle, Mary Mongiovi
Stoltzfus, Isaac H.
Willwerth, Jene A.
Winters, John C.

LAWRENCE COUNTY (53)

Complement 5

Amodie, Melissa A.
Battaglia, Samuel A.
Lamb, J. V.
Reed, James A.
Rishel, David B.

LEBANON COUNTY (52)

Complement 7

Arnold, John F.
Capello, Thomas M.
Foundling, Nigel K.
Heck, Christine R.
Lehman, Lee R.

Smith, Michael D.
Swisher, Hazel V.

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.
Jepsen, Diane R.
Leh, David G.
Murphy, Thomas P.

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

LUZERNE COUNTY (11)

Complement 18

Barilla, Andrew, Jr.
Collins, Michael J.*
Dotzel, Michael G.++
Feissner, Gerald L.
Halesey, Joseph A.

Hasay, John E.
Hendrzak, Bernard J.+
Hopkins, John J.
Kane, Martin R.
Maffei, Carmen John

Malast, Diana
O'Donnell, Catherine R.**
O'Donnell, Daniel
Pierantoni, Fred A., III
Roberts, Paul J.

Sharkey, Thomas J.
Swank, Ronald W.
Tupper, James E.
Whittaker, Donald L.
Zola, Joseph D.

* Died 5-27-00

** Confirmed 10-10-00

+ Retired 10-26-00

++ Confirmed 2-7-01

LYCOMING COUNTY (29)

Complement 6

Carn, James G.
Lepley, Jerry C.
McRae, C. Roger
Page, Allen P., III
Schriner, Kenneth T., Jr.
Sortman, James H.

MCKEAN COUNTY (48)

Complement 4

Boser, Barbara L.
Hauser, Christopher G.
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 J.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

MONTGOMERY COUNTY (38)

Complement 30
Vacancy 1

Augustine, Albert J.
Berkoff, F. Elaine
Borek, Harold D.
Casillo, Ester J.
Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Gadzicki, Walter F., Jr.
Householder,
William R., Jr.

Hummel, Catherine M.
Keightly, David A.
Kowal, John L.
Lawrence, Francis J., Jr.
Leader, Loretta A.

Leo, Paul N.
Liberti, Caroline Culley
Lukens, Deborah A.
Maruszczak, William I.
Murray, John S., III

Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.
Richman, Michael C.
Sachaczewski, John T.*

Saraceni, Robert A.
Schireson, Henry J.
Silverman, Stephen H.
Skerchock, Dorothy
Zaffarano, Patricia A.

* Resigned 5-31-01

NORTHAMPTON COUNTY (03)

Complement 15
Vacancy 1

Barner, Joseph K.
Elwell, Gay L.
Frey, Elmo L., Jr.

Koury, Michael J., Jr.
Litzenberger, Ralph W.

Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Repyneck, Diane S.
Romig, Elizabeth A.

Schlegel, Barbara A.
Stocklas, James F.
Strohe, Todd M.
Weaver, Harold R., Jr.*
Zemgulis, Sandra J.

* Resigned 6-30-01

NORTHUMBERLAND COUNTY (08)

Complement 5

Bolton, Robert J.
Brown, Wade J.
Gembic, John
Kear, William F.
Mychak, Michael F.

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.
Lieberman, Charles F.
McBride, Stephen A.
Sanquilly, William N.

POTTER COUNTY (55)

Complement 4

Bristol, Delores G.
Burton, Lisa M.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)

Complement 8

Ferrier, James R.
Matz, Earl H., Jr.*
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.**

Plachko, David A.
Reiley, James K.
Slezosky, William A.
Zelonis, Andrew B.

* Resigned 3-5-00

** Confirmed 5-10-00

SNYDER-UNION COUNTIES (17)

Complement 4

Armbruster, Leo S.
Mensch, Jeffrey L.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)

Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.
Roush, William H.
Stevanus, Sandra L.

**SUSQUEHANNA
COUNTY (34)**

Complement 3

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

TIOGA COUNTY (04)

Complement 3

Carlson, James E.**
Edgcomb, Brian W.
Signor, Daniel P.*
Sweet, Phillip L.

* Died 1-22-00

** Confirmed 3-7-00

VENANGO COUNTY (28)

Complement 4

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

**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.

* Relieved of duties by Supreme
Court effective 4-23-99

WAYNE COUNTY (22)

Complement 4

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

**WESTMORELAND
COUNTY (10)**

Complement 19

Albert, James E.
Bilik, Mark J.
Christner, Charles M., Jr.
Conway, Charles R.
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

Pallone, Frank J., Jr.
Peck-Yokopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

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

YORK COUNTY (19)

Complement 18

Dubs, Mervin L.
Edie, Nancy L.
Farrell, William J., III
Garber, Daniel B.
Gross, Scott J.

Haskell, Ronald J., Jr.
Heilman, Vera J.
Hodge, James D.
Kessler, Harold D.
Leppo, Kim S.

Martin, Richard E., II
Meisenhelter, Douglas F.
Miner, James S.
Naylor, Alan G.
Nixon, Barbara H.

Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.

**Senior
District
Justices**

ADAMS COUNTY

Deardorff, Harold R.*

* Effective 2-23-00

ALLEGHENY COUNTY

Boehm, Leonard W.

Casper, Raymond L.

Diulus, Nicholas A.

Fiore, Sarge

Franci, Georgina G.

Komaromy, Paul, Jr.

Lindberg, Howard D.

Morrissey, Charles M.

Nairn, Regis C.

Raible, Eugene L.*

Secola, Rinaldo J.

Stocker, Olive S.*

Swearingen, John E.

Terrick, Richard J.

Thomas, Raymond C.**

Tucker, Robert E.

* Removed from list 9-18-00

** Removed from list 6-26-01

ARMSTRONG COUNTY

Shaeffer, Eugene W.*

* Removed from list 9-18-00

BEAVER COUNTY

Keefer, Ross M., Jr.

Kirchner, Lewis E.

Loschiavo, Peter J.*

Mihalic, Stephen D.

* Removed from list 9-18-00

BERKS COUNTY

Dougherty, John F.

Horning, Anthony T.**

Schock, Roland H.*

Wenger, George L.

* Effective 1-3-00; removed
from list 3-31-01

** Effective 2-18-00

BRADFORD COUNTY

Ayres, Lynn E.*

Wood, Fordham F., Jr.

* Removed from list 6-20-01

BUCKS COUNTY

Kelly, James M.*

Marks, Catherine

Spadaccino, Dominick C.**

* Removed from list 9-18-00

** Removed from list 11-2-00

BUTLER COUNTY

Wise, Frank C.

CAMBRIA COUNTY

Coleman, Alfred B.*

Rozum, Julia Ann

* Effective 3-5-01

CENTRE COUNTY

Shoff, Robert A.

(As of 6-30-01)

CHESTER COUNTY

Martini, Harry R.
Mull, Robert G.
Welsh, Susann E.

**COLUMBIA/MONTOUR
COUNTIES**

Breech, William L.

CUMBERLAND COUNTY

Farner, Glenn R.

DAUPHIN COUNTY

Cross-Shaffner, Mary E.
Rathfon, William P.
Williams, Edward R.

DELAWARE COUNTY

Boyden, Kenneth J.D.
Dittert, William J., Jr.
Harkin, Edward C.*
LaRosa, Barbara
McDevitt, Leonard M.+

Sellers, Nicholas**
Shaffer, Robert M.
Truscello, Anthony M.

* Effective 1-21-00

** Effective 10-4-00

+ Effective 6-1-01

ERIE COUNTY

Smith, Charles F.
Stuck, Ronald E.

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Bertugli, Emil
Watson, John C.

HUNTINGDON COUNTY

Kyper, James H.

INDIANA COUNTY

Cravotta, Angelo C.
DeGrutolla, Delores*
Steffee, Michael K.**

* Effective 8-29-00

** Effective 6-1-01

JEFFERSON COUNTY

Lester, Guy M.

LACKAWANNA COUNTY

Cadden, Eugene T.*
Grunik, Ferdinand A.
Pieski, John E.
Polizzi, Michael S.

* Removed from list 9-18-00

LANCASTER COUNTY

Garrett, James L.
Horton, Murray R.

James, Doris R.
Miller, John W.
Reeser, Richard L.

LEBANON COUNTY

Shultz, Jo Ann
Smith, Betty Ann*
Spannuth, Mary M.

* Effective 3-8-01

LEHIGH COUNTY

Hausman, Joan K.*
Maura, Joseph J.

* Effective 4-20-00

LUZERNE COUNTY

Harvey, Leonard D.
Hendrzak, Bernard*

* Effective 10-30-00

LYCOMING COUNTY

McDermott, John M.
McGee, Gerald A.*
Stack, Robert W.

* Effective 2-2-00

MCKEAN COUNTY

Ackerman, Thomas E.

MONROE COUNTY

McCool, Henry*

* Effective 2-1-00

MONTGOMERY COUNTY

Dasch, Charles A.
Hunter, James B.
Inlander, Gloria M.
Liss, Henry M.*
Price, Richard M.

Riehl, Donald O.

* Effective 8-18-00

NORTHAMPTON COUNTY

Auch, Walter F., Jr.
Grigg, Sherwood R.
Leo, Joseph N.

PIKE COUNTY

Purdue, Carolyn H.
Quinn, Gudrun K.

SCHUYLKILL COUNTY

Matz, Earl H.*

* Effective 2-28-00; removed
from list 3-28-01

WASHINGTON COUNTY

Lilley, June B.
Mark, Walter A.

WESTMORELAND COUNTY

Caruso, Angelo
Giannini, Michael P.
Scott, Robert E.

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dixon, Harold C.
Estep, Roger A.
Lafean, John W.

Stambaugh, Quentin R.

District Court Administrators

Administrator

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

Dale G. Derr
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 Meholick
Miles D. Kessinger, III
Joseph A. Blass
John L. Shuttleworth
Taryn N. Dixon

Carolyn Crandall Thompson
Gerald C. Montella, Esq.
Martha Keller Masson
Thomas C. Aaron
Karen M. Kuhn

William A. Sheaffer
Audrey Szoyka
Carole D. Lang
Michael J. Kuhar
Norma R. Brown

William J. Murray
Mark M. Dalton
Philip Boudewyns
David P. Wingert, Esq.
Susan T. Schellenberg

William T. Sharkey
Kevin H. Way, Esq.
Joanne L. Bly
Peter A. Morin
Helen L. Montgomery

Joyce L. Stoddard
Michael R. Kehs, Esq.
Judy I. Melito
James N. Onembo
Lawrence E. Diorio

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

District Justice Court Administrators

Administrator

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

Faith Phillips
Patricia M. Gildea
Mary Lou Vanderpool
Charles A. Carey, Jr.
Leslie A. Bridgeman

Donald J. Scotilla
Roberta L. Brewster
Barbara G. Gallo
Patricia L. Norwood-Foden
Tammy J. Slike

David Meholick
Miles D. Kessinger, III
Joseph A. Blass
John L. Shuttleworth
Ronald E. Johnson, Esq.

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

William A. Sheaffer
Audrey Szoyka
Carole D. Lang
Michael J. Kuhar
Norma R. Brown

James A. Doherty, Jr., Esq.
Thomas N. Weaver, Esq.
Philip Boudewyns
Edward J. Rutter
H. Gordon Roberts

Peter J. Adonizio
Kevin H. Way, Esq.
Joanne L. Bly
Peter A. Morin
Helen L. Montgomery

Lyn Bailey-Fenn
Doris Davis
Joseph A. Blass
Debra C. French
Lawrence E. Diorio

Court

Administrators

(As of 1-1-02)

**Court
Administrators,
continued**

**District Court
Administrators**

Administrator
Kaye V. Raffensperger
Joseph J. DiPrimio, Esq.
Colleen McCarthy
Patricia Ann Fluty
Lois A. Wallauer

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Carl L. Matteson
Carol E. Hutchison

Sherry R. Phillips
Christine L. Brady
Linus Myers
Paul S. Kuntz, Esq.
Alma F. Custer

J. Robert Chuk

District
Perry-Juniata
Philadelphia
Pike
Potter
Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**District Justice
Court
Administrators**

Administrator
Kaye V. Raffensperger

Colleen McCarthy
Patricia Ann Fluty
Bruce D. Heffner

Charlotte N. Kratzer
Kathleen A. Riley
Mary L. Foster
Carl L. Matteson
Carol E. Hutchison

Sherry R. Phillips
Christine L. Brady
Linus Myers
Lena M. Speicher
Alma F. Custer

Terry R. Baker

Court Administrator

Zygmunt A. Pines, Esq.
*Court Administrator of
Pennsylvania*

Andrea B. Tuominen, Esq.
Assistant Court Administrator

Dawn Brown
Administrative Assistant

Judicial Programs

Joseph J. Mittleman, Esq.
Director of Judicial Programs

Cherstin M. Hamel
*Assistant Director of
Judicial Programs*

Richard J. Price
*Judicial Programs
Administrator*

Amy Y. Kehner
*Judicial Programs
Administrator*

Diane Bowser
Controller

Judicial Services

Bunny Baum
Director of Judicial Services

Nicholene DiPasquale
Administrative Assistant

Policy Research & Statistics

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

Charlotte Kirschner
Statistical Analyst

Kim E. Nieves
Research Analyst

Chief Counsel

Howard M. Holmes, Esq.
Chief Legal Counsel

Maryellen Gallagher, Esq.
Assistant Chief Legal Counsel

Daryl Walker, Esq.
Staff Attorney

Darren M. Breslin, Esq.
Staff Attorney

David M. Donaldson, Esq.
Chief of Litigation

A. Taylor Williams, Esq.
Assistant Chief of Litigation

Mary Butler, Esq.
Staff Attorney

Timothy McVay, Esq.
Supervising Staff Attorney

David S. Price, Esq.
Staff Attorney

Tara A. Kollas
Staff Attorney

Administrative

Office

of

Pennsylvania

Courts

Philadelphia

1515 Market Street
Suite 1414
Philadelphia, PA 19102
215-560-6300

(As of 1-1-02)

Administrative

Office

of

Pennsylvania

Courts

Mechanicsburg

Deputy Court Administrator

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Arthur J. Heinz
*Communications/
Legislative Coordinator*

David Lane
*Assistant for
Intergovernmental Affairs*

Gina L. Earle
Communications Assistant

Steven F. Angle
Payroll Manager

William L. Hollenbach
*Manager of Administrative
Services*

Darryl Walker, Esq.
Staff Attorney

Financial Systems

Deborah B. McDivitt
Director of Financial Systems

Kenneth R. Crump
Budget Administrator

R. Dean Stitler
Accounting Administrator

Human Resources

David A. Frankforter
Director of Human Resources

David W. Kutz
*Assistant Director of Human
Resources*

Margaret A. Trotta
*Employment Services
Administrator*

Nancy L. Kranz, CEBS
Benefits Administrator

Judicial Automation

Amy J. Ceraso, Esq.
*Director of Judicial
Automation*

John H. Davenport
*Special Projects Technical
Advisor*

Ralph W. Hunsicker
Director of Special Projects

Nicholas Melnick, Jr.
DJS Project Manager

Judy K. Souleret
ASAP Project Manager

Barbara Holmes
*Common Pleas Software
Development Manager*

5035 Ritter Road
Suite 700
Harrisburg, PA 17055
717-795-2000

Alphabetical Order**District Order**

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

**Judicial
Districts**

**Judicial
Districts,
continued**

Alphabetical Order

District Order

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

Glossary

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

A

abatement of action A suit that has been quashed and ended.

abeyance Incomplete or undetermined state of affairs.

abscond To run away or hide from the jurisdiction of the court in order to avoid legal proceedings.

abstract of record Abbreviated, but complete history of a case as found in the record.

abstract of title Concise chronological history of all official records and recorded documents affecting title to a parcel of land.

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.

accessory Person who aids or contributes in commission of a crime, usually by convincing someone to commit a crime or by helping the suspect escape or hide evidence. Usually not present during the crime. Compare **accomplice**.

accomplice Person who knowingly and voluntarily participates with another in a criminal act through aiding, abetting, advising or encouraging offender. See **aid and abet**. Compare **accessory**.

accord and satisfaction Method of discharging a claim whereby parties agree to give and accept something in settlement of claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.

acknowledgment Short declaration at end of a legal paper showing paper was duly executed and acknowledged.

- acquittal** Verdict after a criminal trial that defendant is not guilty of charged crime. Compare **guilty**.
- action** A judicial proceeding. An action **in personam** is against a person. An action **in rem** is against a thing, usually where property is involved.
- actus reus** (ACK tus REE us) Proof that a criminal act has occurred. See **elements of a crime**.
- 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** One who administers estate of person who dies without a will. See **personal representative**. Compare **executor**.
- admissible evidence** Evidence which can be legally and properly introduced in a 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** Voluntary written statement of facts given 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.
- aggravated assault** See **assault**.
- 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**.
- aid and abet** To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.
- alibi** Proof offered by defendant that he/she was at some other place at time of crime and thus could not have committed 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 to **appeal**.
- alternative dispute resolution (ADR)** Settling a dispute without a 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, having a strong interest in the outcome, offers information on a point of law or some other aspect of the case.
- 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 to have a decision made by a lower court 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.
- appellate court** Court having jurisdiction to review decisions of lower courts or administrative agencies.

appellee Party against whom an appeal is taken. Also called a respondent.

arbitration Form of **alternative dispute resolution** in which parties bring dispute to a neutral third party and agree to abide by decision reached. Decisions usually cannot be appealed.

arraignment Proceeding in which an accused person appears before a judge to hear the criminal charges filed against him/her and to enter a plea of guilty or not guilty. Compare **preliminary hearing** and **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 must include another act which is also criminal, e.g., an attempt to cause serious bodily injury or commit another crime or use of a deadly weapon. Compare **battery**.

at issue Point in a lawsuit when complaining party has stated claim and other side has responded with a denial. Contested points are said to be “at issue.”

attachment Legal seizure and holding of person’s property pending outcome of lawsuit. Also, arrest of person guilty of **contempt of court**.

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 nature. 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 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.

battered child syndrome Medical and psychological condition of a child who has suffered continuing injuries not inflicted accidentally and thus are presumed to have been inflicted by someone close to the child.

battered woman syndrome Medical and psychological condition of a woman who has been physically, sexually and/or emotionally abused by a spouse or lover. Also called

battered wife syndrome or battered spouse syndrome.

battery Physical contact intended to harm someone. 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 with no jury, in which the judge decides the facts.

bench warrant Arrest warrant issued directly by a judge.

beneficiary Someone named to receive benefits from a legal device such as a will, trust or insurance policy.

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.

bifurcation Dividing the issues in a case so that one issue can be decided before the others. E.g., a divorce will often be granted before custody, support and marital property issues are resolved.

bill Formal written declaration, petition, complaint or statement. 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 evidence Transcript of testimony heard at trial.

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 the judicial official conducting the preliminary hearing finds **probable cause** to believe accused committed a crime, he/she will “bind over” accused, normally by setting bail for the 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 a legal document listing parties, court, case number and related information.

- caselaw** Collection of reported cases that form the body of law within a jurisdiction. Also known as jurisprudence.
- 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 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.
- certiorari** (SIR she oh RARE ee) Writ issued by appellate court directing lower court to deliver record of case for review. Often referred to as "granting cert."
- challenge** Objection, such as when attorney objects at **voir dire** hearing to seating of a particular individual 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. Also known as challenge to the poll. Compare **peremptory challenge**.
- 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 that person 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, judge's instruction to 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 which holds sessions in all of those areas. Pennsylvania's appellate courts are circuit courts, holding sessions in various locations throughout the Commonwealth.
- circumstantial evidence** Evidence which suggests something by implication, from which an inference can be drawn, e.g., physical evidence, such as fingerprints. Also called indirect evidence. Compare **direct evidence**.
- citation** Reference to source of legal authority. Also, writ issued by a court commanding a person to appear at a specified place and time and do something specified or to give just cause why he/she should not. Also, direction to appear in court, as when a driver receives a citation for a moving or parking violation.
- civil actions** Noncriminal cases in which one private party sues another for redress of private or civil rights.
- civil procedure** Entire process by which a civil case is tried.
- class action** Lawsuit brought by one or more persons on behalf of a larger group.
- clear and convincing evidence** Evidence indicating that which is to be proven is highly probable or reasonably certain. Greater than **preponderance of evidence**, which is generally the standard applied in civil trials, but less than the evidence **beyond a reasonable doubt** required in criminal trials.

- 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** In a trial, closing statements by counsel to the judge or jury after evidence has been presented.
- code** Complete, systematic collection of laws.
- codicil** (KOD I sill) Addition to a will.
- cognovit actionem** (KOG NO vit ACK she OH nem) "He has confessed the action." Written confession by defendant of plaintiff's claim. Usually upon condition. Authorizes plaintiff's attorney to sign judgment and issue execution.
- collateral** Property pledged as security for satisfaction of a debt. See **secured debt**.
- commit** To send a person to prison, asylum or reformatory pursuant to court order.
- 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. Compare **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** Form of **clemency** reducing one's sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which negligence of plaintiff determines amount plaintiff may recover from defendant. Compare **contributory negligence**.
- complainant** See **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 reach a solution. Nonbinding. Similar to **mediation**, but may be less formal.
- concur** To agree, act together or consent. Compare concurring opinion under **opinion**.
- concurrent sentence** Two or more sentences served at same time rather than one after another. Three five-year terms served concurrently add up to no more than five years in prison. See also **consecutive sentence**.
- condemnation** Legal process by which government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, act of judicially pronouncing someone guilty. Usually called **conviction**.
- confession of judgment** Act of a debtor in permitting judgment to be entered against him/her by a creditor. Also known as cognovit judgment.
- consecutive sentences** Successive sentences, one beginning at the expiration of another. Three five-year terms served consecutively impose a 15-year sentence. Also called cumulative sentence. See also **concurrent 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. Also, a court decree to which all parties agree.
- consent judgment** See **judgment**.
- conservatorship** See **guardianship**.
- consideration** Inducement for which a party enters into a contract.
- conspiracy** Two or more people joining together for the purpose of committing an unlawful act.
- contempt of court** Willful disobedience of judge's command or official court order.
- continuance** Postponement of a 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 Act of judicially declaring a criminal defendant guilty. Also called condemnation.

copyright Right to literary property, giving authors, composers and other creators sole control over how that property is used.

corpus delicti (COR pus di LICK ty) Material substance (body) upon which a crime has been committed, i.e., the physical evidence a crime has been committed, e.g., the body of a homicide victim or broken windows in a vandalized building.

corroborating evidence Supplementary evidence that strengthens or confirms initial evidence.

count Each offense listed in a **complaint, information** or **indictment**.

counterclaim Claim made by defendant against plaintiff in a civil lawsuit, especially in opposition to the plaintiff's claim.

court administrator Officer appointed or elected to oversee administrative, nonjudicial activities of the court.

court costs Fees and charges charged legally by the court for expenses of the litigation, e.g., filing fees, jury fees, reporter fees. Also, an amount of money that may be awarded to the successful party, recoverable from the losing party, as reimbursement for the cost of the litigation.

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 or county courts.

court of record Courts whose proceedings are permanently recorded and which have power to fine or imprison for contempt.

court reporter Person who records and transcribes verbatim reports of all proceedings in court. Also called a stenographer.

crime Type of behavior defined by law as deserving punishment, including imprisonment or fine or both, upon conviction. Crimes are classified as either **misdemeanors** or **felonies**.

Crimes Code Short title for Title 18 of *Purdon's Pennsylvania Statutes*, "Crimes and Offenses."

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 renders a person unable to determine right from wrong. Defendants criminally insane cannot be convicted as criminal conduct involves conscious intent to do wrong.

criminal summons Order commanding 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.

cross-examination Questioning of witness by opponent in a trial.

cumulative sentence See **consecutive sentence**.

D

damages Money awarded by court to a person for injury or loss suffered by the unlawful act or negligence of another.

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** Person who has died.
- decision** Judgment reached or given by a court.
- declaratory judgment** Judgment in a civil case that declares rights and responsibilities of the parties or interpretation of the law without awarding damages or requiring action. E.g., a court may be asked to issue a declaratory judgment on constitutionality of a statute or whether an insurance policy covers a given activity. Usually requested by plaintiffs in order to avoid future legal difficulties.
- decree** Order of the court. A final decree fully and finally disposes of litigation. An interlocutory decree settles preliminary or subordinate points or pleas, but not entire case.
- defamation** Harming the reputation of another by making false statements to a third party, thus exposing the individual to ridicule, hatred, contempt or condemnation. May be criminal or civil. Includes **libel** and **slander**.
- default** Failure to fulfill a legal or contractual obligation.
- default judgment** Judgment entered against a defendant who does not respond to a claim or does not appear at trial.
- defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.
- demurrer** (dih MUR rer) Motion still used in Pennsylvania to dismiss a civil case because the complaint is legally insufficient. In most states this is now called a **motion to dismiss**.
- deponent** One whose deposition is being taken.
- depose** To testify, bear witness. Also, to examine a witness via **deposition**.
- deposition** Sworn testimony of a witness taken under oath outside of court. Also, the session at which such testimony is recorded.
- 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 a witness by the party who called him/her.
- directed verdict** Instruction by judge to jury to return a specific verdict, usually because one of the parties failed to prove its case. Compare **binding instruction**.
- disbarment** Form of disciplining a lawyer whereby he/she loses, permanently or temporarily, the right to practice law.
- disclaim** To renounce one's legal rights or claims.
- discovery** Pretrial process by which one party reveals, at other party's request, relevant information about the litigation.
- dismissal** Termination of a 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 refiled later.
- dissent** Disagreement by one or more appellate court judges with the decision the majority.
- diversion** Process of removing certain minor criminal, traffic or juvenile cases from full judicial process on condition that accused undergo some sort of rehabilitation or training, e.g., job training. If defendant completes probation successfully, the charges may be dropped.
- 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 the 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 rights 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 an individual 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, 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 (**actus reus**), (2) that the accused intended the crime to happen (**mens rea**), (3) a timely relationship between the first two factors.
- embezzlement** Fraudulently taking property or money entrusted to one individual by another.
- eminent domain** Power of the government to take private property for public use, after paying the owner reasonable compensation. See **condemnation**.
- en banc** All judges of a court sitting together. Appellate courts often hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.
- encumbrance** A claim against property.
- enjoin** To require a person, via an **injunction**, to perform or to abstain from performing 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 the Fourteenth Amendment to the U.S. Constitution that all persons or classes of persons be treated equally by the law.
- equitable action** Action which seeks just, fair, nonmonetary remedy, e.g., an **injunction**.
- equity** Generally, justice or fairness; body of principles that determine what is just or fair. Historically, refers to a system of law developed in England in reaction to the legal inability of common law courts 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.
- escheat** (iss SHEET) Process by which the property of one who has died goes to the state if no heir can be found.
- escrow** Money or documents, (e.g., a deed), which are held ("in escrow") by a neutral third party until all conditions of an agreement are met.
- estate** All properties owned by an individual when he/she dies.
- estate tax** Tax paid on an estate as it passes to the heirs.
- estoppel** Principle that prevents someone from claiming or denying something in court that contradicts what has already been established as fact.
- et al.** And others.
- evidence** Information presented in court to prove or disprove alleged facts. See also specific types, including **admissible, best, character, circumstantial, clear and convincing, corroborating, direct, hearsay** and **expert evidence**.
- ex delicto** (ex dee LICK toh) Arising from a tort; breach of duty.
- 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.
- 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 permit conviction and punishment for a lawful act performed before law was changed and act was made illegal. The U.S. Constitution prohibits these.
- exception** Formal objection to a court's ruling by either side in a civil or criminal case in order to reserve right to appeal judge's ruling upon a motion. Also, in regulatory cases, objections by one side to points made by the other side or to rulings by an agency or one of its hearing officers.

exclusionary rule Rule preventing illegally obtained evidence from being used in any trial. See **suppress**.

exculpate To free from blame or accusation, particularly in matters of small importance. Compare **exonerate**.

execute (a judgment or decree) To put final judgment of court into effect.

executor Personal representative, named in a will, who administers an estate. Compare **administrator**.

exempt property Certain property protected by law from creditors.

exhibit Document or other article introduced as evidence in court.

exonerate Removal of a charge, duty or responsibility. Also, to clear completely from accusation or blame and any attendant suspicion of guilt. Compare **exculpate**.

expert evidence Testimony relating to scientific, technical or professional matters given by persons particularly qualified by reason of special training, skill or familiarity with the subject.

expungement Official and formal removal of conviction from a criminal record.

extenuating circumstances See **mitigating circumstances**.

extortion Illegally obtaining money or property by force, threat, intimidation, or undue or illegal power.

extradition Process by which one state or nation surrenders to another state or nation a person accused or convicted of a crime in the requesting state/nation.

F

fair comment Term used in **libel** law applying to statements relating to matters of public concern made by a writer in honest belief that they are true, even though they are not.

false arrest Arresting an individual without proper legal authority.

false pretenses Purposely misrepresenting a fact or condition in order to obtain another's money or goods.

family allowance Money set aside from the estate of a deceased to provide for surviving family members during administration of the estate.

family court Court having jurisdiction over family matters such as child abuse and neglect, support, paternity and custody.

felony Serious crime punishable by imprisonment for more than a year or death and/or substantial fines. Compare **misdemeanor**.

fiduciary (fih **DOO** she AIR ee) Person having a legal relationship of trust and confidence with another and a duty to act primarily for other's benefit, e.g., **guardian**, **trustee** or **executor**.

file To place a paper in custody of the clerk of court/court administrator to enter into the official files or records of a case.

finding Formal conclusion by judge, jury or regulatory agency on issues of fact.

fine Money penalty imposed in criminal or civil actions.

first appearance See **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 is applied to the debts of the debtor, such as when one's wages are garnished.

general jurisdiction Jurisdiction which covers a wide range of controversies brought before a court. Compare **limited jurisdiction**.

good faith Honest belief; absence of **malice** and intent to defraud.

good time Reduction in time served in prison as reward for good behavior.

grand jury Group of citizens, usually numbering 23, assembled to determine whether

enough evidence exists to charge an individual with a felony. May issue **indictment**, charging the suspect, or may have power to issue **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

grantor Person who sets up a trust. Also called settlor.

gravamen (gruh VAY men) The significant point 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 involved in legal proceedings.

guardianship Legal right given to a person to care for an individual or his/her property when that individual is deemed incapable of doing so for him/herself. Also called conservatorship.

guilty Plea made by accused in confessing crime with which charged. Also, verdict reached when jury convicts defendant of crime with which charged. Compare **acquittal**.

H

habeas corpus (HAY be us KOR pus) Writ that orders a person to be brought before a judge, usually to determine whether that individual is being legally detained or imprisoned.

harmless error Error committed during trial which was not serious enough to affect outcome of trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to witness by a third party, i.e., secondhand information. Generally inadmissible in court, although exceptions exist under which it can be admitted.

holographic will Will written entirely by testator in his/her own handwriting, usually unwitnessed.

homicide Killing of one human being by another.

hostile witness Witness biased against the examining party or who does not want to

testify. May be asked **leading questions**.

house arrest Sentence or type of arrest whereby an individual is confined to his/her residence except for preapproved trips, such as medical appointments, work, community service obligations, etc. Often used in connection with **electronic monitoring**.

hung jury Jury unable to reach a verdict.

hypothetical question Imaginary situation, incorporating facts previously established, upon which an expert witness is permitted to give an opinion. Most often asked of medical experts in personal injury suits.

I

immediate cause Last event in a series of events which causes another 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.

immunity Agreement by court not to prosecute an individual in exchange for that individual providing criminal evidence.

impeach To attack credibility of a witness. Also, to charge with a crime or misconduct, in particular, to charge a public official with a violation of the public trust. Also, to challenge the authenticity or accuracy of a document.

in camera In the judge's private chambers, or in private. A hearing in camera takes place in the judge's office, outside of the presence of jury and public.

in forma pauperis (in FORM uh PAH per us) In the manner of a pauper. Permission given to an indigent or poverty-stricken individual to sue without payment of court fees.

in limine (LIM ih nee) Motion requesting that court exclude certain evidence that might prejudice jury.

in personam (in per SO nam) Procedural term used to designate proceedings or actions involving the personal rights and interests of the parties. Compare **in rem**.

- in propria persona** (in PRO pree uh per SO nuh) See **pro se**.
- in rem** Procedural term used to designate proceedings or actions in determining the status of a thing or the rights of persons with respect to that thing. Compare **in personam**.
- inadmissible** That which under rules of evidence cannot be admitted as evidence.
- incarcerate** To confine in jail.
- incompetent** Person lacking the capacity, legal qualification or fitness to manage personal affairs or to discharge a required duty.
- indemnity** Liability or loss shifted from one person held legally responsible to another.
- independent executor** Executor who administers an estate with little intervention by court. Only a few states allow this.
- indeterminate sentence** Sentence with specified minimum and maximum length, e.g., one to five years in prison. Also, a maximum sentence which may be reduced by a parole board, via statutory authorization, after minimum term has been served.
- indictment** Formal written accusation by a grand jury charging a person with a crime. Compare **charge**, **information**, **presentment**.
- indigent** Poor person. An individual who can demonstrate his/her indigence to the court may be assigned a court-appointed attorney or may not have to pay filing fees and court costs.
- indirect evidence** See **circumstantial evidence**.
- inferior court** 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 without a grand jury indictment. Compare **charge** and **indictment**.
- infraction** Violation of law usually not punishable by imprisonment, e.g., minor traffic offenses.
- inheritance tax** State tax on property an heir or beneficiary receives from a deceased person's estate.
- initial appearance** First appearance in court of a person who has been arrested, to hear charges read, be advised of rights and have bail determined. Person generally comes before judge within hours of arrest. Also called first appearance. Compare **arraignment** and **preliminary hearing**.
- injunction** Court order preventing or requiring a specific action. See **preliminary injunction** and **permanent injunction**.
- instructions** Judge's directions/guidelines to jury regarding law which applies to the facts of a case. Also called **charge**. Compare **binding instruction** and **directed verdict**.
- intake** Court process whereby a decision is made on how to proceed in a juvenile case.
- intangible assets** Nonphysical items such as patents, trademarks, copyrights and good will.
- integrated bar** State bar association to which a lawyer must belong in order to practice in that state.
- inter alia** (IN ter AY lee uh or AH lee uh) Among other things.
- inter vivos gift** (IN ter VEE VOHS) Gift made during giver's life.
- inter vivos trust** See **living trust**.
- interlocutory appeal** Appeal made before the trial court's final ruling on the entire case.
- interlocutory order** Any order given before the final order is issued. Usually cannot be appealed until case is fully resolved.
- 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** Suit filed by a party holding property who does not know to whom the property should go, to determine who should receive the property.
- interrogatories** Written questions submitted to another party in a lawsuit for which written answers must be provided. Party of **discovery** process.
- intervention** Action by which a third party who may be affected by a lawsuit is permitted to become a party to the suit. Compare **third party claim**.
- intestacy laws** (in TES ta see) See **descent and distribution statutes**.

intestate One who dies without leaving a will.

intestate succession Process by which property of person who has died without a will or whose will has been revoked is distributed to others. Compare **descent and distribution statutes**.

irrelevant Evidence not related or applicable to an issue in a trial and thus not admissible.

irrevocable trust (ear REV o kuh b'l) Trust that, once set up, grantor may not revoke.

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a suit.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at adversary's discretion.

joint tenancy Form of legal co-ownership of property which gives the survivors, when one of the owners dies, the rights to the decedent's shares of the property. Tenancy by the entirety is a special form of joint tenancy between husband and wife. Compare **tenancy in common**.

judge Elected or appointed public official with authority to hear and decide cases in a court of law. A judge pro tem is a temporary or visiting judge.

judgment Final disposition of a lawsuit. **Default judgment** is judgment entered because defendant fails to answer or appear. **Summary judgment** is judgment entered 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 a judge sanctions an agreement reached between parties. See also **declaratory judgment** and **non obstante veredicto**.

judicial officer An officer of a court; someone charged with upholding the law, administering the judicial system.

judicial review Authority of court to review and declare unconstitutional actions of other branches of government.

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 law, judicial proceedings and administration of justice.

judicial day Day on which a court is in session.

Juris Doctor Doctor of Law. Law degree bestowed on those who have successfully graduated from law school.

jurisdiction Court's authority to hear and/or decide a case. Also, territory for which a court is authorized to hear cases.

jurisprudence Study of law and legal system. See also **caselaw**.

jurist One skilled or versed in the law.

jury Group of people selected according to law and sworn to decide questions of fact and render a decision about these matters. See **grand jury** and **petit jury**.

jury commissioner Court officer responsible for choosing the panel of potential jurors for a particular court term.

justiciable (jus TISH ee uh b'l) Of issues and claims which may be properly examined in court.

juvenile Person who has not yet reached age (usually 18) at which he/she can be treated as adult for purposes of criminal law.

juvenile court Court having jurisdiction over cases involving children under a specific age, usually 18.

K

kidnapping Unlawfully taking and carrying away a person 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/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

knowingly Willfully or intentionally with respect to a material element of an offense.

L

lack of jurisdiction Court's lack of power 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. Also called theft. Differs from **robbery**.

law Rules established by governing authorities to maintain order in a society.

law clerks Law students who assist judges and attorneys with legal research, writing, etc.

leading question Question which suggests the 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 a nonroutine action.

legal aid Professional legal services available for free or for reduced cost to those unable to afford them.

leniency Recommendation by prosecutor to judge for a sentence less than maximum allowed.

letters of administration Legal document appointing the administrator of an estate.

letters testamentary Legal document authorizing executor to settle estate.

levy Seizing property of a debtor for satisfaction of a judgment against him/her. Also, imposition of fine or tax.

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, lasting until the debt has been paid.

limited action Civil action in which recovery of less than a certain amount as specified by statute is sought.

limited jurisdiction Courts limited in types of cases they may hear. 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. Also, legal notice that a dispute exists which may affect title to a certain piece of land.

litigant Party to a lawsuit.

litigation Lawsuit or process of carrying through a lawsuit.

living trust Trust set up and in effect during lifetime of grantor. Also called inter vivos trust. Compare **testamentary trust**.

locus delicti (LOW cuss deh LICK ty) Place where offense was committed.

M

magistrate Local judicial 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. Also called *malum in se*. Compare **mala prohibita**.

mala prohibita (MAL uh PRO HIB ih duh) Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance Committing an unlawful act. Often used to describe misconduct by public officials. Compare **misfeasance** and **nonfeasance**.

malice Intent to commit a wrongful act without just cause or excuse.

malice aforethought Mental state required to prove murder.

malicious prosecution Action instituted with intention of injuring defendant and without probable cause.

mandamus (man DAY mus) Writ issued by a court ordering a public official, another court, a corporation, public body or individual to perform an act.

mandate Judicial command or order directing an officer of the court 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 Official appointed by a court to assist with its proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present written report to 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. Nonbinding. Similar to **conciliation**.

memorial Abstract of a legal record. Also, written statement of facts presented to legislature or executive as a petition.

mens rea (menz REE uh) The state of mind of the defendant that the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.

Miranda rule Requirement that police advise a suspect in custody of constitutional rights before questioning him/her. Named after U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966) establishing such requirements.

misdemeanor Criminal offenses generally punishable by fine or limited local jail term, but not by imprisonment in penitentiary. Compare **felony**.

misfeasance Lawful act performed in wrongful manner. Compare **malfeasance** and **nonfeasance**.

mistrial Trial terminated before verdict is reached, either because of some procedural error, serious misconduct during proceedings, or because of **hung jury**.

mitigating circumstances Circumstances which do not constitute justification for committing an offense, but which may reduce degree of blame and help reduce sentence of individual convicted. Also known as extenuating circumstances. Compare **aggravating circumstances**.

mittimus (MIT ih mus) Written court order directing a jailer to receive and safely keep a person until ordered otherwise.

moot Having no practical significance. Usually refers to court's refusal to consider a case because issue involved no longer exists.

moral turpitude Immorality, depravity; conduct so wicked as to be shocking to the community's moral sense.

motion Application to a court or judge for a ruling or order.

motion to dismiss Request to dismiss a civil case because of settlement, withdrawal or a procedural defect. Compare **demurrer**.

multiplicity of actions Two or more separate litigations of the same issue against the same defendant.

municipal court Court whose jurisdiction is confined to the city or community in which it is erected. Usually has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally also possesses limited civil jurisdiction. Pennsylvania has one municipal court, Philadelphia Municipal Court.

murder Unlawful killing of a human being with **malice aforethought**. First degree murder is premeditated, i.e., planned. Second degree murder is sudden, 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 use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

next friend One acting without formal appointment as guardian, for benefit of minor or incompetent plaintiff and who is not party to the lawsuit.

no bill Grand jury's notation on written indictment indicating insufficient evidence was found to indict. Compare **true bill**.

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 claim is adjudicated without finding of error or fault.

nol pros Abbreviation of **nolle prosequi**.

nolle prosequi (NAHL ee **PROS** eh KWEE) "I do not choose to prosecute." Decision by prosecutor or plaintiff not to go forward with an action. Called "nol pros" for short.

nolo contendere (NO LO con TEN deh ree) Criminal defendant's plea, whereby he/she accepts punishment without admission of guilt. Also called no contest.

nominal party One joined as a party or defendant in a lawsuit 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.

non prosequitur (non preh SEK wit tur) Judgment entered when plaintiff, at any stage of proceedings, fails to prosecute his/her action. Called "non pros" for short.

non pros Abbreviation of **non prosequitur**.

nonfeasance Failure to act when duty required. Compare **malfeasance** and **misfeasance**.

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 that interferes with use or enjoyment of a property.

nunc pro tunc "Now for then." Action applied to acts which should have been completed at an earlier date than actually were, with the earlier date listed as the completion date.

nuncupative will (nun KYOO puh tive) An oral will.

O

oath Solemn pledge to keep a promise or speak the truth.

objection Process during a court proceeding whereby one party takes exception to something that has occurred or will occur and requesting immediate ruling by judge.

"on his own recognizance" See **personal recognizance**.

one-day, one-trial jury service Method of jury selection in many jurisdictions which requires prospective jurors to serve for only one day if they are not chosen for a jury or for only the length of a trial if chosen.

opening statement Statements made at the start of a trial by attorneys for each side, outlining each's legal position and the facts each intends to establish during the trial.

opinion Court's written decision of a case. A majority or plurality opinion expresses court's decision. A concurring opinion generally agrees with majority, but usually states different or additional reasons for reaching same conclusion. Dissenting opinion states opinion of judges who disagree with majority. *Per curiam* opinion is an unsigned opinion of an appellate court.

opinion evidence What a witness thinks, believes or infers regarding disputed facts. Generally admissible only when given by an

expert witness unless opinion is based on matters common to lay persons.

oral argument Summary by attorneys before court (particularly appellate court) of positions regarding legal issue being litigated.

order Command, written or oral, from a court.

ordinance Law enacted by a municipality such as a county or city council.

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 done to carry out or in furtherance of intention to commit a crime. Compare **actus reus**.

P

pain and suffering Physical and/or emotional distress compensable as an element of damage in **torts**.

pardon Form of **clemency** releasing one from the penalties of a criminal conviction.

parens patriae (PAH renz PATE ree eye) Doctrine under which the government protects the interests of a minor or incapacitated person.

parole Supervised, conditional release of a prisoner before expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

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 or penalties.

penal code Code of laws concerning crimes and offenses and their punishment.

pendente lite (pen DEN tee LYE tee) During the progress of a lawsuit; contingent on the outcome of the suit.

per curiam (per KYUR ee uhm) See **opinion**.

peremptory challenge (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving a reason. Compare **challenge for cause**.

perjury Deliberately making a false or misleading statement under oath.

permanent injunction Court order requiring or forbidding action, granted after final hearing has been held on its merits. (Does not necessarily last forever.) Compare **preliminary injunction**.

personal jurisdiction Adjudicative power of a court over an individual.

personal property Any movable physical property or intangible property which may be owned. Does not include real property such as land or rights in land.

personal recognizance Release of a defendant without bail upon promise to return to court as required. Also known as releasing one "on his own recognizance."

personal representative Person who administers legal affairs of another because of incapacity or death.

petit jury (PEH tee) Jury composed of six to twelve persons who hear evidence presented at a trial and determine the facts in dispute. Compare **grand jury**.

petition Written request to a court asking for a particular action to be taken.

petitioner See **plaintiff**.

plaintiff Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.

plea Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).

plea bargaining Mutually satisfactory disposition of a case negotiated between accused and prosecutor. Usually defendant pleads guilty to lesser charge/s in exchange for reduced sentence or dismissal of other charges.

pleadings Written statements by parties to a lawsuit, setting forth or responding to allegations, claims, denials or defenses.

plenary action (PLEH nuh ry) Complete, formal hearing or trial on merits.

polling the jury 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 existing trust.

- power of attorney** Legal authorization for one person to act on behalf of another individual. See **attorney-in-fact**.
- praecipe** (PRESS ih pee) Writ commanding a person to do something or to show cause why he/she should not.
- precedent** Previously decided case which guides decisions of future cases. Compare **stare decisis**.
- precept** Writ issued by person of authority commanding a subordinate official to perform an act.
- prejudicial error** See **reversible error**.
- preliminary hearing** Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Compare **arraignment** and **initial appearance**.
- preliminary injunction** Court order requiring or forbidding an action until a decision can be made whether to issue a **permanent injunction**. Issued only after both parties have had opportunity to be heard. Compare **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. Jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing 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 on its own initiative, making accusation. Compare **indictment**.
- presumption of innocence** Fundamental principle of American justice system that every individual is innocent of a crime until proven guilty in a court of law.
- presumption of law** Rule of law that courts and judges must 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 the estate to go to such children.
- pre-trial conference** Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has minimum amount of evidence necessary to allow it to continue in the judicial process.
- prima facie evidence** Evidence sufficient to establish a fact or sustain a finding in favor of the side it supports unless rebutted.
- prior restraint** Restraint on speech or publication before it is spoken or published. Prohibited by constitution unless defamatory or obscene or creates a clear and present danger.
- pro bono publico** "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."
- pro se** (pro see) An individual who represents himself/herself in court. Also called "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 person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for invasion of rights. Compare **substantive law**.
- proceeding** A legal action. Conducting judicial business before a court or judicial officer.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary Chief clerk of any of various courts in some states, including those of Pennsylvania.

proximate cause Act legally sufficient to result in liability. Act without which an action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish the defendant and thus deter future behavior of like nature.

purge To **exonerate** or cleanse from guilt.

Q

quash To vacate, void, nullify.

quid pro quo “Something for something.” Fair return consideration; i.e., giving something of value in return for getting something of similar value.

quo warranto (quo wah RANT oh) Writ used to discover by what authority an individual holds or claims a public office, franchise or liberty.

R

rap sheet See **criminal history record information**.

ratio decidendi (RAY she oh DES ih DEN dye) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to

the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an individual is guilty of crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment. Used as legal standard to determine negligence.

rebuttal Evidence which disproves evidence introduced by the opposing party.

recidivism (reh SID ih vizm) Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

recognizance See **personal recognizance**.

record Official documents, evidence, transcripts, etc., of proceedings in a case.

recusal Process by which a judge excuses him/herself from hearing a case.

recusation Plea by which defendant requests that judge hearing his/her trial excuse him/herself from case.

re-direct examination Opportunity to question witness after cross-examination regarding issues brought up during the cross-examination. Compare **rehabilitation**.

redress To set right; to remedy; to compensate.

referral Process by which a juvenile case is introduced to court, agency or program where needed services can be obtained.

referee Person appointed by a court to assist with certain proceedings, such as taking testimony.

rehabilitation Reexamining a witness whose credibility has suffered during cross-examination to restore that witness’s credibility. Compare **re-direct examination**.

rehearing Another hearing of case by same court in which suit was originally heard.

rejoinder Defendant’s answer to the plaintiff’s **reply**.

relevant evidence Evidence that tends to prove or disprove a matter at issue.

relief See **remedy**.

remand To send a case back to court where originally heard for further action. Also, to

send an individual back into custody after a preliminary examination.

remedy Means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated. Also called relief.

remittitur (reh MID ih dur) Judge's reduction of damages awarded by jury.

removal Transfer of state case to federal court for trial.

replication Plaintiff's reply to defendant's **plea, answer** or **counterclaim**.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to defendant's argument, **counterclaim** or **answer**. Plaintiff's second **pleading**.

respondent See **appellee**.

rest When one side finishes presenting evidence in a trial.

restitution Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.

restraining order Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.

retainer Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.

return Report to judge of action taken in executing writ issued by judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside lower court's decision.

reversible error Error sufficiently harmful to justify reversing judgment of lower court. Also called prejudicial error. Compare **harmless 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 in that person's presence by force or fear. Differs from **larceny**.

rule of court Rules governing how a given court operates.

rules of evidence Standards governing whether evidence is admissible.

S

sanction Penalty for failure to comply with rule, order or law.

satisfaction See **accord and satisfaction**.

search warrant Written order issued by a judge that permits a law enforcement officer to search a specific area for specific items.

secondary evidence See **best evidence**.

secured debt Debt in which debtor gives creditor a right to repossess property or goods (called **collateral**) if debtor defaults on the loan.

self-defense Use of force to protect one's self, family or property from harm or threatened harm by another.

self-incrimination, privilege against Right of people to refuse to give testimony against themselves. Guaranteed by 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 Punishment inflicted on a person convicted of crime.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. Federal government and several other states also use.

sentencing report See **pre-sentencing** 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.

sequestration of witnesses Keeping all witnesses (except plaintiff and defendant) out of courtroom except for their time on the stand to prevent them from hearing testimony of other witnesses. Also called separation of witnesses.

service Delivery of legal document, such as **complaint, summons** or **subpoena**.

settlor See **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 person who has breached a contract to fulfill his/her part of the contract, as opposed to simply paying damages. Ordered when paying damages would be inadequate or inappropriate.

spendthrift trust Trust set up for benefit of someone whom **grantor** believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

standard of proof See **burden of proof**.

standing Legal right to bring a lawsuit.

stare decisis (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Compare **precedent**.

state's evidence Testimony given by accomplice or participant in a crime, given under promise of immunity or reduced sentence, to convict others.

status offenders Youths who habitually engage in conduct not considered criminal if committed by an adult, but which cause charges to be brought in juvenile court and show minor is beyond parental control, e.g., being truant from school.

status offense Act declared to be an offense when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.

statute Law enacted by legislative branch of government. Also called statutory law. Compare **common law**.

statute of limitations Timeframe within which a lawsuit must be brought or an individual charged with a crime. Differs for different types of cases/crimes or in different states.

statutory construction Process by which a court seeks to interpret 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.

sua sponte (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.

sub judge (sub JOO dih SEE) 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.

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 Substituting one person in place of another 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 Judgment made when there are no disputes of the facts of a case and one party is entitled to prevail as matter of law.

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. Also, notice requiring person receiving it to report for jury duty or as witness in a

trial. As relates to potential jurors, also called **venire**.

sunshine laws Laws forbidding or restricting closed meetings of government bodies and providing 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 as is needed for beneficiary's support.

suppress To forbid use of evidence at trial because it is improper or was improperly obtained. See **exclusionary rule**.

survivorship Another name for **joint tenancy**.

sustain Court order allowing an objection or motion to prevail.

suspended sentence Sentence 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

temporary restraining order Judge's order forbidding certain actions until a full hearing can be held to determine whether injunction should be issued. Often referred to as TRO. Compare **preliminary injunction**.

tenancy by the entirety See **joint tenancy**.

tenancy in common Form of legal co-ownership of property in which survivors, when one of the owners dies, do not have rights to decedent's shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a will.

testamentary trust Trust set up by a will. Compare **living trust**.

testator Person who makes a will.

testimony Evidence given by witness under oath at trial or via affidavit or deposition.

theft See **larceny**.

third party Person, business or government agency, etc., not actively involved in a legal proceeding, agreement or transaction, but who is somehow involved.

third-party claim Action by a defendant that brings a third party into a lawsuit. Compare **intervention**.

title Legal ownership of property.

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.

tortfeasor One who commits a **tort**; a wrongdoer.

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.

TRO **Temporary restraining order**.

true bill **Indictment** by grand jury. Notation on indictment that charge should go to court. Compare **no bill**.

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 trust.

trustee Person or institution that manages a trust.

turncoat witness Witness whose testimony was expected to be favorable, but who later becomes a hostile witness.

U

undue More than necessary; excessive.

unlawful detainer Detention of real property without consent of owner or other person entitled to its possession.

usury (YOO seh ree) Charging higher interest rate than law allows.

V

vacate To nullify, render void.

venire (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court to act as jurors. Also, a group of people summoned for jury duty.

venue (VEN YOO) Geographical area from which a jury is drawn, where a criminal trial is held and where an **action** is brought. Also, the geographical location in which the alleged actions that gave rise to the legal action occurred.

verdict Decision reached by a jury or judge on the facts presented at a trial.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which witness relinquishes the right against self-incrimination, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

warrant Writ directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search.

weight of evidence Persuasiveness of some evidence as compared to other.

will Legal document that sets forth how an individual wants his/her property disposed of when he/she dies.

willfully Intentionally, as distinguished from accidentally, carelessly or inadvertently, but not necessarily maliciously.

with prejudice Judge's decision in a case whereby any future action on the claim is barred in any court.

without prejudice Without loss of rights.

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 day to work at a job approved by Department of Corrections or the court.

writ Judicial order directing a person to do something.

writ of certiorari See **certiorari**.

writ of execution Writ directing sheriff or other officer of the court to enforce a judgment or decree of a court.