

**Report of the
Administrative Office of
Pennsylvania Courts
2006**

Supreme Court of Pennsylvania

*Chief Justice Ralph J. Cappy
Justice Ronald D. Castille
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice Max Baer
Justice Cynthia A. Baldwin
Justice James J. Fitzgerald III*

*'06 in Brief
(listed chronologically)*

Chief Justice of Pennsylvania Ralph J. Cappy releases Looking to the Future: The State of the Commonwealth's Courts, the first "state of the judiciary" report released in more than 20 years.

Supreme Court issues new rules to guide implementation of the new Protection from Abuse Act.

Pennsylvania Continuing Legal Education (CLE) Board announces regulation change to assist lawyers returning from military service in complying with CLE requirements.

Supreme Court Justice Sandra Schultz Newman announces all magisterial district courts, central booking and night court facilities have been equipped with electronic security measures, including shatterproof safety glass, better restraints for in-custody defendants, digital cameras and duress alarms.

Supreme Court approves pilot continuing legal education project to explore accreditation of teleconferences as additional form of distance learning for attorneys.

Supreme Court adopts new statewide rules for juvenile dependency cases.

Supreme Court issues new rules to assist parents who adopt children from foreign nations by standardizing procedures to complete the adoption registration process.

Supreme Court adopts new rules for standardized forms for use in estate, trust and guardianship matters.

Superior Court establishes appellate mediation program to provide litigants with prompt, effective, less expensive alternative to resolving disputes.

Supreme Court announces creation of Office of Children and Families in the Courts to minimize the length of time dependent children must spend in foster care or other temporary living situations.

Supreme Court announces new public access policy governing electronic case records. The policy standardizes the availability of computer-generated case information while safeguarding the safety and privacy of citizens.

Title:
ACFIC_black.EPS)
Creator:
Adobe Illustrator(TM) 5.0
Printer:

Zygmunt A. Pines, Esq.
Court Administrator of Pennsylvania

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Philadelphia Office

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

Harrisburg Office

5001 Louise Drive
Mechanicsburg, PA 17055
(717) 795-2000

On the Web: www.courts.state.pa.us

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 (AOPC) for 2006. As a “historical record,” the report attempts each year to outline many of the actions, programs and services that have helped to define the Commonwealth’s court system. The report does not contain information about cases considered or decisions rendered by courts, nor does it contain statistical information. The former information is found through traditional legal research and the latter is published separately, also by the AOPC. Law libraries contained in each county and in Pennsylvania’s many law schools can be of assistance for case-related information while statistical information can be found at www.courts.state.pa.us, the judiciary’s Web site.

Initiatives concerning children and families, accessibility in several ways to our courts, enhanced court safety and the release of solid data regarding decreased medical malpractice filings were among the highlights of 2006. But perhaps the most symbolically and substantively significant effort this year was publication by Chief Justice of Pennsylvania Ralph J. Cappy of the first “state of the judiciary” report to Pennsylvanians.

“Looking to the Future: The State of the Commonwealth’s Courts” was issued by Chief Justice Cappy on behalf of his colleagues on the Supreme Court in recognition of jurists, staff and citizen-volunteers throughout Pennsylvania’s UJS on May 1, 2006. The twelve-page booklet defined many of the challenges facing the judiciary, but also outlined solutions being pursued to meet those challenges. Several of the judiciary’s notable successes were highlighted, all of which can be summarized as efforts to enhance judicial administration through automation, innovation, education and intergovernmental collaboration.

“Looking to the Future” set a tone for Pennsylvania’s judiciary by highlighting not just current efforts, but also aspirations for the future that Pennsylvania’s courts continually strive to meet citizens’ expectations for a just society and a judicial system that is administratively responsive and effective. Some of those aspirations began to be fulfilled in 2006.

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Office of Children and Families in the Courts Created...

For example, Pennsylvania’s Supreme Court decided in 2006 that issues involving children and families required particular emphasis, noting that the state of the judiciary’s title, “Looking to the Future,” aptly described the importance of ensuring that our children are given effective care and protection within the structure of safe and stable families.

To begin this focus, the Court created a new Office of Children and Families in the Courts (OCFC), which works with county family courts and child welfare officials to speed the placement into permanent homes of thousands of abused and neglected children. Justice Max Baer, designated by the Supreme Court to lead this important initiative, has begun promoting coordinated improvements for abused and neglected children statewide. More than 20,000 such children throughout the state now live in foster care and other temporary residential settings.

The OCFC, part of the AOPC, aims to minimize the length of time that dependent children—who have been removed from their parents under court order because of abuse or neglect—must spend in foster care or in other temporary living situations. They are called “dependent” children because they literally are dependent on the courts and the child welfare system for their protection. An additional goal will be to establish a structure for family courts in all counties to share information with each other on “best practices” in the handling of dependency cases.

...and Adoptive Parents Are Assisted...

Another focus on families was reflected in new rules adopted by the Supreme Court in 2006 to assist parents who adopt a child from a foreign nation. The rules standardized procedures to complete the adoption registration process in the Commonwealth’s 67 counties. The changes were prompted by legislation approved by the General Assembly and signed into law by Gov. Rendell as Act 96 of 2006. The law was designed to make foreign adoption procedures less burdensome and more uniform.

The Court’s rule changes eliminated the need for most adopting parents to attend a hearing or obtain legal counsel so long as they provide an authenticated copy of a foreign adoption decree, the child’s visa and some form of birth identification or an affidavit if no birth certificate is obtainable.

...While New Protection from Abuse Act Provisions Are Implemented

In May 2006 the Supreme Court issued rules to guide implementation of the Commonwealth's new Protection from Abuse (PFA) Act. The rules changes were necessitated by the act's provisions authorizing county judges to order defendants with PFA orders against them to surrender all firearms and other weapons within 24 hours—when the court determines such action is necessary to protect a victim. Defendants who do not surrender a firearm when ordered face a misdemeanor charge. The act also provides for alternative methods of relinquishment, such as transferring firearms to a licensed dealer, and allows a Common Pleas Court president judge to appoint a part-time or full-time master for emergency relief who may hear PFA petitions when a judge is not available.

Accessibility and Fairness to Courts Enhanced Through Open Records...

The development and adoption of a significant new public records access policy governing electronic case records of the Unified Judicial System was noteworthy as one of several efforts in 2006 to improve accessibility to our courts. All electronic case record information maintained in the Pennsylvania Appellate Court Management System, Common Pleas Criminal Court Case Management System or Magisterial District Judge System is covered by the policy.

What prompted the development of the new policy was the burgeoning amount of information available from the Pennsylvania judiciary's extensive efforts to automate court processes statewide, including the recently completed Common Pleas Criminal Court Case Management System. The task in crafting such a policy was to maximize availability of information while simultaneously shielding statutorily-protected data and certain personal identifiers. The new policy was adopted by the Supreme Court in November 2006 to become effective January 1, 2007.

The policy was the culmination of significant study by and public comment to the AOPC. Businesses, public-interest groups, the media and government officials are among those who responded to multiple requests for input since a draft policy first was published for comment in September 2005.

Because the policy deals only with electronic case records, its adoption did not alter the long-standing practice of making case records open for public inspection and photocopying at court offices—unless otherwise sealed by a court or restricted pursuant to law. The new policy covers what and how electronic case records are available

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to the public and how requests for access to those records are to be handled. It defines information, (e.g., certain personal and victim identifiers), that is not available; sets time frames within which request responses are required and sets reasonable fees for producing requested information.

Through automated case records made possible by the judiciary's continued efforts to computerize state court processes and these clearly defined information access policies, Pennsylvania's court records are probably more available to the public, and the court system's long-standing policy of "openness" is again reaffirmed.

... As Well As Through Qualifying Interpreters and Expanding Jury Pools

The AOPC's Judicial Programs Department and legislative staff worked during 2006 together with members of the General Assembly, other agencies and individual judges to implement practical programs to improve jury diversification and the availability of qualified interpreters statewide. Those efforts ultimately led to the passage of laws supporting jury diversification and qualified interpreters programs that were already underway within the AOPC's Judicial Programs Department.

Simultaneously, the Supreme Court's Interbranch Commission for Gender, Racial and Ethnic Fairness presented its first annual report to the public. The advisory group, charged with promoting fairness in the justice system, focused on domestic violence prevention, court workforce and jury diversification, and limited English-speaking interpreter services.

Medical Malpractice Case Data Shows Results from Supreme Court Actions

A front-burner issue in Pennsylvania for some years has been the cost of medical malpractice insurance for doctors and the resulting perceived effects on the health care across the state. During 2006 the Supreme Court released court system data on medical malpractice case filings and verdicts for the previous year (2005) that showed a sustained decline in the number of med mal lawsuits filed statewide.

The AOPC began the systematic collection of data from each of Pennsylvania's 67 counties in 2003 as part of the Supreme Court's commitment to intergovernmental collaboration in addressing medical malpractice litigation issues. At that time, counties also began to create a means of methodically tracking medical malpractice case information

to enhance the focus and accuracy of future annual data collections. Statewide rules of civil procedure were promulgated—Pa.R.C.P. 1018 and 1042.16—to help identify med mal cases. Also adopted was new Pennsylvania Rule of Judicial Administration 1904 to codify the reporting requirements.

The statistical compilation was key in showing the impact of procedural rules changes implemented by the Supreme Court: that is, the number of medical malpractice lawsuits filed in Pennsylvania dropped by more than one-third. The changes curbed the practice of “venue shopping,” in which lawyers sometimes filed cases in counties where they believed juries would be most sympathetic to their clients. The rules also now require lawyers who file medical malpractice lawsuits also to file a “certificate of merit” signed by licensed medical professionals to support their claims. The certificate of merit must assert a “reasonable probability” that the medical treatment under dispute failed to meet “acceptable professional standards” of care. The Court also promoted mediation in medical malpractice disputes as an alternative to going to trial.

Making Courts, Litigants, Jurists and Staff Safe Was a Priority...

Efforts to enhance courtroom safety continued in 2006. Magisterial district judge courts, central booking and night court facilities in Pennsylvania were equipped with electronic security measures in a major step toward better securing those courts. The project, which included the installation of shatterproof safety glass and better restraints for in-custody defendants, was completed for less than its original \$4.4 million price tag.

The security measures—including 750 digital cameras and 1,400 duress alarms—were a direct result of collaboration by all three branches of state government and with both county commissioners and judges. Enhancements significantly have focused on low-cost, practical approaches to improved security—including better planning, greater awareness and increased education as to risks.

...As Were New Means of Providing CLE Tried

The Supreme Court during 2006 approved a pilot project of its Continuing Legal Education (CLE) Board to explore the accreditation of teleconferences as an additional form of distance learning. The project was seen as a natural follow up to a previously successful initiative conducted in 2003-2005 that evaluated computer based/Internet CLE programs. Since the original distance-learning pilot project, the board reviewed programs delivered over the telephone to individual learners.

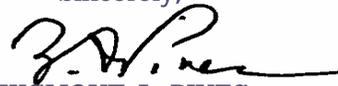
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The pilot project expanded the distance-learning options to include pre-approved telephone seminars. CLE also announced a new regulation change in 2006 to assist lawyers returning from military service. Persons licensed to practice law in Pennsylvania who were called to active duty in the armed forces had found it difficult or impossible to comply with CLE requirements prior to the change.

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Only highlights of 2006 could be offered in this brief introductory letter, but much more is found in individual sections within this overall report. Each accomplishment noted in these pages reflects the determined work of jurists, staff and many volunteer citizens appointed to serve on numerous Supreme Court boards and committees. These citizen volunteers particularly deserve mention, for without their *pro bono* expert counsel and effort, either far less would be accomplished within the Unified Judicial System or much greater cost would be incurred.

Sincerely,

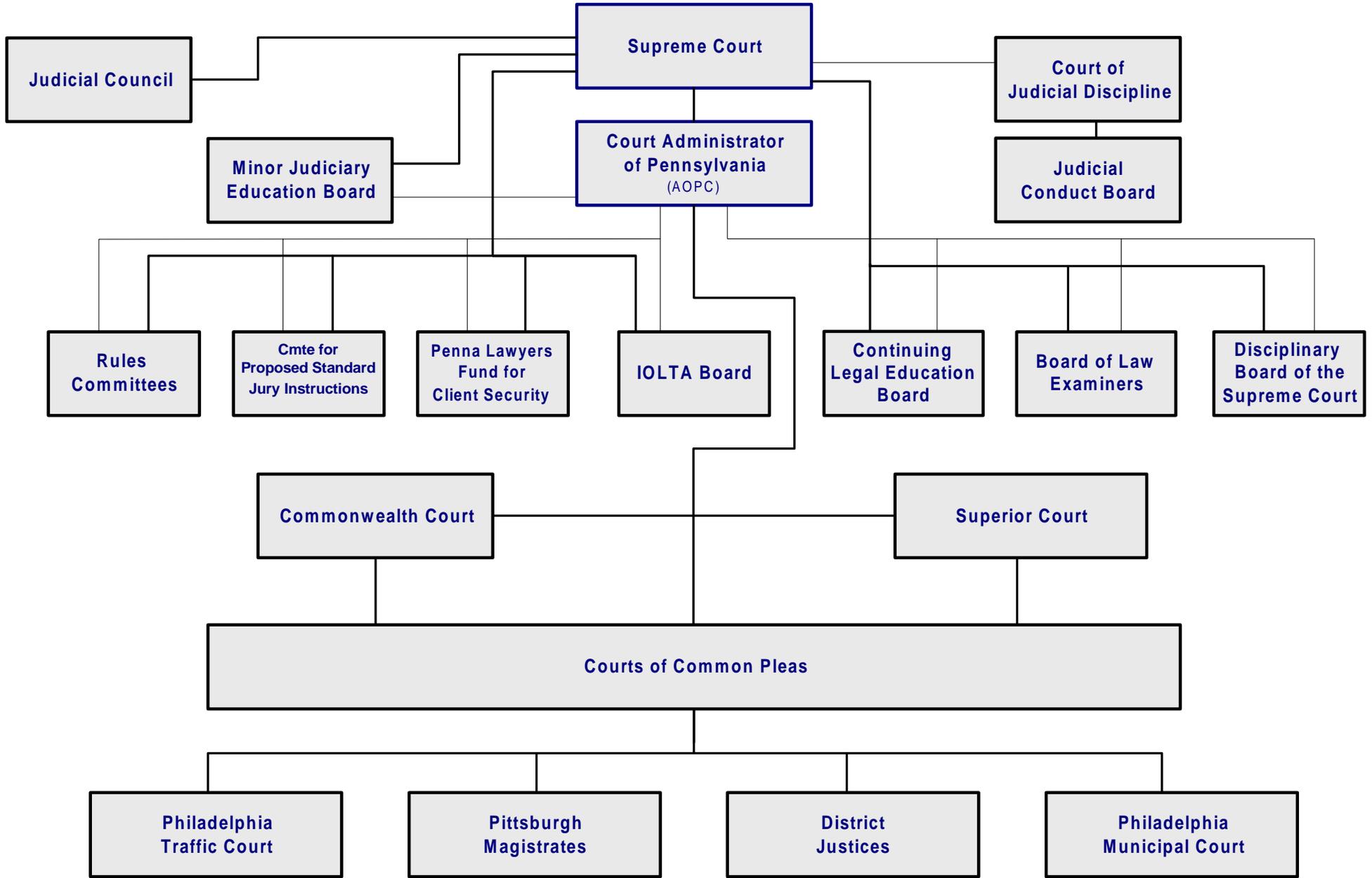


ZYGMONT A. PINES

Court Administrator of Pennsylvania

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Pennsylvania's Unified Judicial System



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

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

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

The court system in Pennsylvania did not change again until the Pennsylvania Constitution of 1776. By establishing the Courts of Sessions, Courts of Common Pleas and Orphans' Courts in each county, the constitution allowed Pennsylvania to see the beginning of a state-wide 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

A Brief

History

of the

Courts of

Pennsylvania

Evolution of Pennsylvania's Judicial System

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

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

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

Constitutional amendment makes the entire judiciary elective

Superior Court is created to ease burdens of the Supreme Court

Judicial Computer Project (JCP) 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

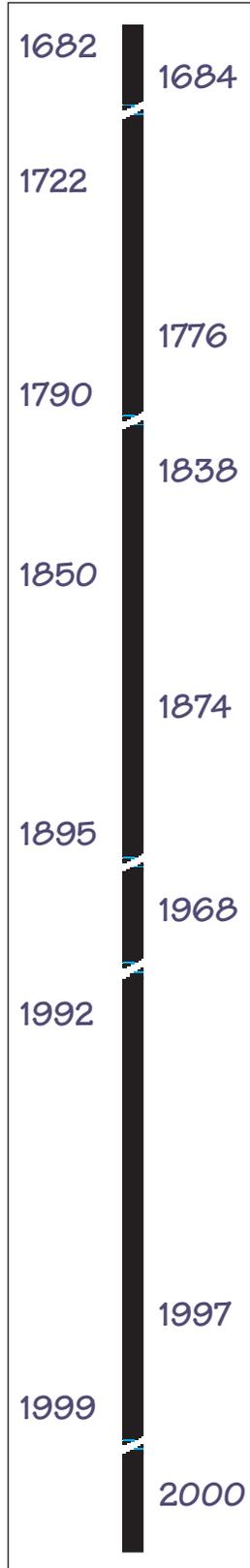


Chart 2.1.1

jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895 the General Assembly created the Superior Court to further ease the workload 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.

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**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:

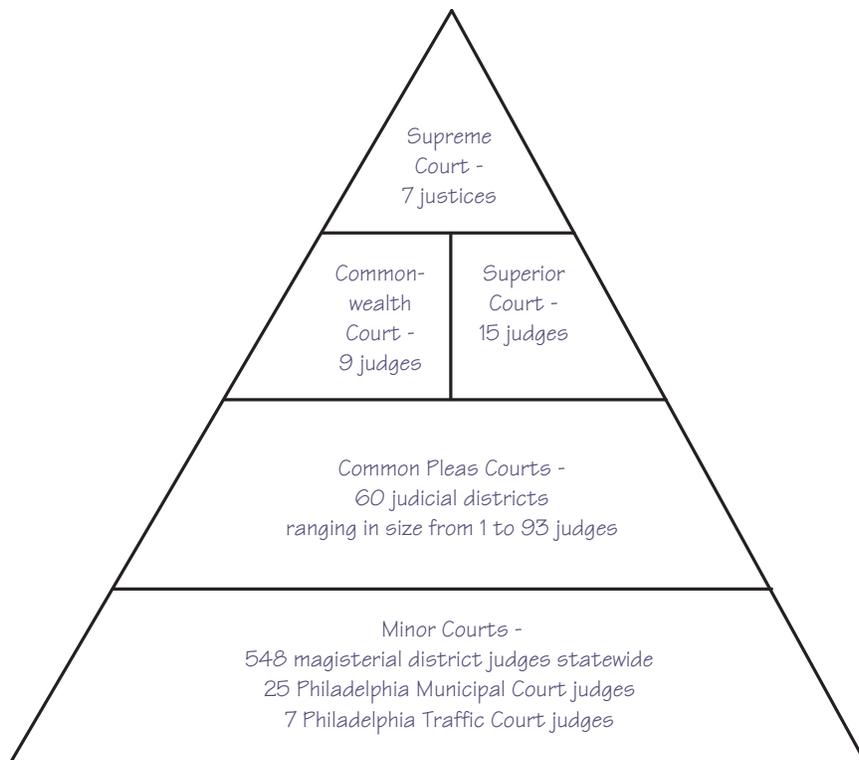


Figure 2.2.1

Minor 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.

Minor Courts

Minor courts, also called special 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 the magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court.

Magisterial District Judge Courts

Magisterial district judges preside over magisterial district judge 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, excluding interests and costs, in the following classes of actions:
 - landlord-tenant actions
 - *assumpsit* actions (contracts) unless they involve a contract where the title to 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
- 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

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

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

Philadelphia Municipal Court

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

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 and may be reelected after a minimum one-term interlude.

Philadelphia Traffic Court

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

As with magisterial district judges, 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 appellate, Common Pleas and Philadelphia Municipal Courts, the president judge of Traffic Court is appointed by the governor.

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 minor 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 93 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 Control Board and the Department of Transportation

- most local government matters other than contract issues, including actions for damages
- eminent domain proceedings
- matters involving the internal affairs of nonprofit 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
- matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is in question
- supersession of a district attorney by the attorney general or by a court
- 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 commonly 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 2006, beginning on page 103. **AOPC**

Before justices and judges can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but magisterial district judges 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 from office, suspended or otherwise disciplined for misconduct in office. These 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 jurists; the “Rules of Conduct, Office Standards and Civil Procedures for Magisterial District Judges”; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. Common Pleas Court judges and appellate jurists are elected to ten-year terms. Magisterial district judges and judges of Philadelphia’s Municipal and Traffic Courts are elected to terms of six years. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Justices and judges may serve an unlimited number of terms and are retained or reelected at the pleasure of the electorate. The “merit retention” provision of Pennsylvania’s constitution allows all but magisterial district 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. Magisterial district judges run in normal elections.

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 December 31 of the year in which they reach the age of 75. Effective January 6, 2003, any senior jurist who began serving prior to January 1, 1999, must retire on December 31 of the year in which he/she turns 80.

AOPC

**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 state 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. In addition to the court administrator's office, the departments in Philadelphia include Policy and Research, Legal, and Judicial Services. The deputy court administrator's office is located in Mechanicsburg, just south of Harrisburg, and includes Communications/Legislative Affairs, Administrative Services, Payroll and Judicial Security. Also found in Mechanicsburg are the Finance, Human Resources, Judicial Automation and Judicial Education Departments. The Judicial Programs Department has offices at both locations.

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
- overseeing the security of court facilities
- 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.

Policy and Research Department

The Administrative Office's Policy and Research 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 evaluations of the safety and security of court facilities.

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:

- statistical compilation of medical malpractice filings and jury verdicts across the state
- study of Pennsylvania child custody practices and procedures
- design of interactive caseload statistical reporting on the UJS Web site. Customized statistical reports are now available online
- a statewide assessment of court reporting and transcript operations in the Courts of Common Pleas
- revision of orphans' court data collection practices and publications
- a county-by-county inventory of asbestos litigation
- development of a juvenile delinquency caseload statistical report in coordination with the new Juvenile Court Judges Commission automated Case Management System (JCMS)
- support services and training to various committees and associations such as the

Pennsylvania Association of Court Management and the Mid-Atlantic Association of Court Management

- on-site support for local courts in compiling and analyzing caseload statistics
- selection of participating counties and jurors in regional and statewide investigating grand juries in keeping with Pennsylvania Rule of Criminal Procedure 241
- ongoing revision of caseload data collection methods, including a cover sheet that would accompany civil case filings to more precisely identify case types, and publications to keep Pennsylvania current with national trends and standards.

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 state court administrator and to the other units of the Unified Judicial System (UJS) while also assisting in various administrative areas.

Specifically, the chief counsel's staff represent UJS personnel 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 or negotiating leases and contracts for most of the state court system
- providing legal and administrative assistance and advice to the state court administrator
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Judicial Services Department

The Judicial Services Department provides logistical planning, coordination, administration and staffing for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.

In 2006 the department coordinated seven conferences:

- *New Judges School*
January 7-14, 2006
- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 23-26, 2006
- *Satellite Program: Computer Skills*
April 4, 11, 25, 2006
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 4-7, 2006
- *Satellite Program: Capital Cases*
May 22-24, Oct. 18-20, 2006
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 20-23, 2006

- *Media and the Courts*
Dec. 13-14, 2006

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; and handles the filing of financial disclosure statements.

Judicial Programs

The Judicial Programs Department mission is to assist court administrators, judges and staff throughout Pennsylvania's 60 judicial districts in ensuring the efficient operation of Pennsylvania's minor and trial courts and to promote the equitable administration of justice throughout the Commonwealth. Judicial Programs provides assistance to the local courts on diverse issues such as financial management, caseload management, personnel, technology and other aspects of managing a complex judicial system. The department will also work closely with the Supreme Court, the Court's rules committees and other departments within the AOPC to assist with implementation of policies, procedures, rule changes and reporting standards. This assistance includes:

- providing information about judicial program development and trends within Pennsylvania and nationally
- reviewing and assessing local court requests for complement level and/or organizational structure changes and other related human resources needs
- collecting, analyzing and disseminating data and information regarding court operations

- establishing standards and procedures for program performance, audits and evaluation
- devising, developing and conducting training and continuing education programs for local court staff
- analyzing the impact of legislation related to judicial operations and devising solutions for implementation of new statutes and statutory changes
- overseeing senior judicial assignments, requests for changes of venue/venire and AOPC communication with judicial districts concerning president judge elections
- developing training, testing and certification of court interpreters
- assisting judicial districts in planning, implementing and maintaining problem-solving courts.

Judicial Automation

The AOPC's Judicial Automation Department is responsible for developing and maintaining case management and other software applications for courts and administrative staff in the Unified Judicial System. This department also provides general technology support to the Supreme Court justices, their staffs and the administrative court staff in Pennsylvania.

The highlights of several important projects undertaken by this department are described below.

Pennsylvania Appellate Court Case Management System (PACMS)

The Pennsylvania Appellate Court Case Management System (PACMS) is an integrated case management system designed for Pennsylvania's appellate courts—Supreme, Superior and Commonwealth.

The main focus for the PACMS team has been to develop a rewrite plan of the system beginning in 2007, using technology that is compatible to other AOPC systems. This project is expected to take two years to complete.

Another PACMS ongoing project is sending capital case information electronically to the U. S. Third Circuit Court of Appeals.

Common Pleas Case Management System (CPCMS)

CPCMS is a statewide case management system for Pennsylvania's trial courts that includes docketing, accounting and other important case management functions. The first phase of development covers criminal courts, and it will be used primarily by clerks of courts, court administration and judges and their staffs.

The system produces more than 400 forms and reports, including master account reports. It provides a facility to export report data from the system to other applications such as Microsoft Excel and Access so that counties can customize the presentation of information, if desired.

The CPCMS system has been rolled out in all 67 counties and is actively being used by all clerks of courts offices, court administration offices and criminal judges within the Commonwealth. Systems updates and user requests are being reviewed, developed and implemented. Regional training sessions and on-going training programs are being developed for 2007 to increase the comfort level for users.

The use of the public and secure Web sites continues to grow as people—within the judiciary and law enforcement as well as the public—become more familiar with the system. The number of hits on the system doubled within this past year.

A change to the CPCMS now allows users to pull court calendar information directly from CPCMS to the portal Web site for universal viewing.

Through the Pennsylvania Justice Network (JNET), law enforcement officials statewide will have the ability to transfer warrant information from both the Magisterial District Judge System and CPCMS into the Commonwealth Law Enforcement Assistance Network (CLEAN) and National Crime Information Center (NCIC), state and federal law enforcement databases, respectively. Cumberland County was selected as the pilot for the new process and a rollout schedule has been developed for the remaining 66 counties.

Magisterial District Judge System (MDJS)

The Magisterial District Judge System provides case management and accounting functions to all magisterial district judges and their staffs statewide, approximately 3,500 users. The system has been in place since 1992 and generates all forms needed for civil, criminal and traffic case processing.

Preparation for a rewrite of the MDJS has begun in earnest this year. Teams have been developed to assist in the analysis for a 2007 start-up date for the project.

Evening and on-site training classes have been well-received. This process will continue throughout the development and implementation of the new system.

The Pennsylvania Judicial Incident Reporting System has been released to all magisterial district judges and their staffs. This system allows the reporting of security incidents electronically into a central staff with automatic notification to AOPC security staff, who follow up on each incident.

Administrative Support Application Project (ASAP)

ASAP is a software application that was developed in-house at the AOPC to support the administrative functions of the appellate courts, AOPC and First Judicial District. The system

includes payroll, human resources and finance modules.

ASAP programmers have developed a Web-based system for filing Statements of Financial Interest. This year over 400 court staff filed online, including over 200 judicial officers.

Systems Support

A comprehensive request for proposal has been developed for a new telecommunications network and security and network monitoring services. Much work has been put into identifying current network deficiencies to ensure that the new network will address current trends and future enhancements.

Deputy Court Administrator's Office

Judicial Security

The goal of Judicial Security is to make every state court facility in Pennsylvania a safe place for not only jurists and their staff, but for litigants and their families, jurors, witnesses, victims of crime and the general public to conduct their business.

In 2006, with funding from the Pennsylvania legislature, the AOPC reimbursed counties for the purchase of one or more of four physical security enhancements for courthouses: magnetometers, x-ray screening machines, wireless duress alarm systems and card-key access systems.

In addition, the Pennsylvania Judicial Incident Reporting System (PAJIRS) neared completion for implementation in the Courts of Common Pleas. PAJIRS has been operational in the magisterial district court system since July 2005. As of December 31, 2006, 302 judicial security incidents were reported in magisterial district courts.

A task group of members of the Judicial Council's Judicial Safety and Preparedness Committee convened to develop a safety handbook for judges. When completed, the handbook will provide judges with safety and security tips for use while in their courts, their homes, and the community.

In the fall a second round of workshops for local court security committees was conducted on a regional basis throughout the Commonwealth. These committees, comprised primarily of president judges, sheriffs, county commissioner chairs/executives, court administrators and magisterial district judges, are encouraged to meet regularly to formulate and guide local efforts to make courts safer and more secure and to respond to emergency situations.

The second round focused on handling bomb threats and featured a video presentation Judy Cramer, court administrator for the Atlanta Superior Court. In 2005, an inmate escaped custody in the Fulton County Courthouse and shot and killed four people, including a judge; a court reporter; a sheriff's deputy and, later, a federal officer. Ms. Cramer's presentation highlighted the need for routine drills and exercises to practice courthouse safety plans in order to respond appropriately and effectively to security incidents.

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 magisterial district judge and Common Pleas court, staff also monitor and report on legislation that may necessitate changes to the respective software programs.

Administrative Services

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

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

Judicial Education

The Judicial Education Department was formed to meet the need of providing continuing education to Pennsylvania's jurists.

Human Resources

The Department of Human Resources

- monitors and ensures UJS compliance with state and federal employment statutes
- maintains all UJS fringe benefit programs and counsels judiciary personnel regarding their provisions and utilization

- 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
- assists managers in the recruiting, interviewing and hiring of new staff and develops and administers AOPC hiring procedures
- formulates and administers position classification and pay plans for the UJS
- monitors and administers the UJS performance management system
- develops training curriculum, policies and procedures for judiciary personnel.

Finance

The Finance Department is responsible for managing all budgets, accounting and the accounting system for the Unified Judicial System. It serves as the primary resource for the various components comprising the UJS regarding financial matters. It 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, juror cost reimbursements, and county court reimbursements. Finance 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 \$329.4 million in annual appropriations, including \$39.1 million in grants to counties
- participating in the annual financial audit of the UJS
- serving as the central clearinghouse for all financial transactions impacting the judiciary
- overseeing the finances of the First Judicial District/AOPC Procurement Unit, 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. 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.

AOPC

2006 Membership

Honorable Thomas A. Wallitsch, *Chair*
Honorable Jane Cutler Greenspan, *Vice Chair*
Gaele Barthold, Esq.
William P. Bresnahan II, Esq.
Abraham J. Gafni, Esq.
Marcel Groen, Esq.
James C. Haggerty, Esq.
James J. Kutz, Esq.
Honorable Maureen Lally-Green
Susan Moyers, Esq.
Sunah Park, Esq.
James Sargent, Esq.
Alison Taylor, Esq.
Kevin Wright, Esq.

Staff

Dean R. Phillips, Esq., *Counsel*
D. Alicia Hickok, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization

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

About the Committee

The principle function of the Appellate Court Procedural Rules Committee 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.

Appellate

Court

Procedural

Rules

Committee

Dean R. Phillips, Counsel
P.O. Box 3010
Blue Bell, PA 19422
(215) 977-1067
e-mail dean.phillips@
pacourts.us
www.courts.state.pa.us/
Index/SupCtCmtes/
AppCtRulesCmte/
IndexAppCtRulesCmte.
asp

2006 Activities

The following recommendations were promulgated by the Supreme Court in 2006:

Recommendation 2 of 2006: Amendment of Rule 124(a)(4) to conform to Pa.R.C.P. 204.1 and Pa.R.Crim.P. 575 by changing the allowable **font size** from 11-point to 12-point. Adopted 9-15-06, effective immediately.

Recommendation 3 of 2006: Amendment to the Note to Rule 341 to incorporate the principles of *Nationwide Mut. Ins. Co. v. Wickett*, 563 Pa. 595, 604, 763 A.2d 813, 818 (2000) and explain that, under the Declaratory Judgment Act, **orders based on pre-trial motions or petitions** are considered “final” if they affirmatively or negatively declare the rights and duties of the parties. Adopted 10-13-06, effective 12-12-06.

The following recommendations were submitted to the Supreme Court in 2006:

Recommendation 1 of 2006: Proposed amendments of Pennsylvania Rules of Appellate

Procedure 2140 and 2544 to clarify that there is a **single page limit for all briefs**, whether prepared on a typewriter or by a computer word-processing program. Submitted 7-28-06.

Recommendation 4 of 2006: Proposed amendments of Rules 108, 301, and 903 to conform them to the proposed amendments to Pa.R.Crim.P. 462, 720 and 721 and their Notes. The Appellate Court Procedural Rules Committee and the Criminal Procedural Rules Committee have made these recommendations because of the lack of clarity as to when the **time for appeal** begins in a criminal matter in which no post-sentence motions are filed. This ambiguity was pointed out in *Commonwealth v. Green*, 862 A.2d 613 (Pa. Super. 2004) (*en banc*), allocatur denied, 584 Pa. 692, 882 A.2d 477 (filed August 17, 2005). Submitted 9-6-06.

2007 Plans

The committee anticipates examining Rule 903 and the rules governing collateral orders to determine whether amendments or clarifications are needed. **AOPC**

2006 Membership

Michael W. King, Esq., *Chair*
Gregory P. Miller, Esq., *Vice Chair*
Patti S. Bednarik, Esq.
Karen Engro, Esq.
Jeanette H. Ho, Esq.
Samuel H. Pond, Esq.
William R. Sasso, Esq.

Staff

Mark S. Dows, *Executive Director*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Jill E. Fuchs, *Deputy Executive Director*
Brenda K. Kovanic, *Director of Testing*
Brian S. Mihalic, *Director of Information Technology*

Legal Authorization

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

About the Board

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.

Members are appointed to three-year terms, and each member may serve two consecutive terms. Board office staff includes the executive director, deputy executive director, counsel to the board/supervising law examiner, director of testing, and six administrative support staff. The board also employs seven examiners, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 14 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.

Board of Law Examiners

5070 Ritter Road,
Suite 300
Mechanicsburg, PA 17055
(717) 795-7270
www.pabarexam.org

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 Harrisburg.

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 includes seven questions developed by the examiners and approved by the board, including one performance test (PT) question. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

The PT question tests an applicant's ability to use fundamental lawyering skills in a realistic situation. Some of the tasks an applicant might be required to complete in responding to a question include 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. It is weighted at one and a half times an essay question and is combined with the scores for the remaining six questions.

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

Successful applicants for admission to the bar must attain a total combined scaled score of at least 272 with the essay portion

weighted 55 percent and the MBE portion weighted 45 percent. 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 careers 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 three 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 it 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 (including the PT question), 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.

Rereads are automatically conducted for all applicants receiving a combined score of nine points or less below passing, (i.e., 263-271).

The MBE is graded by ACT.

The most recent results of the bar exam can be found on the Board of Law Examiners home page at www.pabarexam.org.

Application Approval/Denial and Hearing Process

In addition to passing the bar exam, prospective members of Pennsylvania's bar 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.

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 35 hearings were held in 2006.

2006 Statistics

Statistics for 2006, including a comparison with 2005's figures, can be found in Table 3.2.1 on page 32. Chart 3.2.2 on page 33 details the percentage of those passing the bar since 1996 while Chart 3.2.3 on page 34 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. In addition, office staff processed approximately 500 applications for admission on motion and for character and fitness determination.

2006 Activities

The board met eight times in 2006 to review bar admission rules and recommend 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.

Recommendations to the Supreme Court

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 201, regarding providing notice that the **license of an attorney** to practice law may be revoked when there has been a material misrepresentation of fact or a deliberate failure

to disclose a material fact in connection with an application submitted under the Bar Admission Rules that is not discovered prior to the attorney being admitted to practice law.

The Note to Rule 201 makes it clear that when a revocation occurs, in order for the attorney to again be able to practice law in the Commonwealth, the attorney will be required to reapply for admission to the bar *de novo*. Attorneys seeking full admission to practice law must meet all requirements for admission to the bar, including taking and passing the current bar examination if more than three years have passed since the prior certificate recommending admission was issued. At the time of reapplication, the board will make a determination as to the applicant’s character and fitness to practice law, taking into account the existing character issues, including the prior misrepresentation.

Adopted 3-21-06, effective immediately.

Recommendation No. 2: Proposed amendments to Pa.B.A.R. 321, regarding eligibility for certification as a **legal intern** as follows:

- The current rule requires that a person be enrolled in an accredited law school to be eligible for certification as a legal intern. The change would permit a law school student who has not previously been certified to be so after graduation from law school while awaiting the results of the bar examination.
- The period of validity of a certification of an intern would be extended up 24 months or until the announcement of the results of the first bar examination following the completion of the study of law by the student, whichever is earlier.
- Students attending an unaccredited law school could be certified as interns, provided the law school has submitted and is actively pursuing an application for accreditation with the American Bar Association and has been approved by the board.

Admission applications	approx. 3,000	
Sitting for the February Exam	841	
Change from 2005	100	13.50%
Persons passing February exam	485	
Persons failing February exam	356	
Passing Percentage	57.67%	
2005 Passing Percentage	62.62%	
Sitting for July exam	2,078	
Change from 2005	(156)	(6.98)%
Persons passing July exam	1,581	
Persons failing July exam	497	
Passing Percentage	76.08%	
2005 Passing percentage	72.34%	

Table 3.2.1

- Several editorial amendments
 - clarify the limitations on eligibility for students of certain out-of-state law schools and on activities in which a certified legal intern may engage
 - change the terminology in the rule from “district justice” to “magisterial district judge.”

Pending with the Court.

Filing Fees

The filing fees charged for processing applications in 2006 are as follows:

For new applicants:

- \$500 first-time filing fee
- \$650 late first filing fee
- \$950 second late filing fee
- \$1,350 final filing fee.

For Re-applicants:

- \$250 first-time filing fee
- \$400 late first filing fee

- \$650 second late filing fee
- \$950 final filing fee.

Other:

- \$1,000 for admission on motion
- \$650 for application for limited in-house counsel license.

AOPC

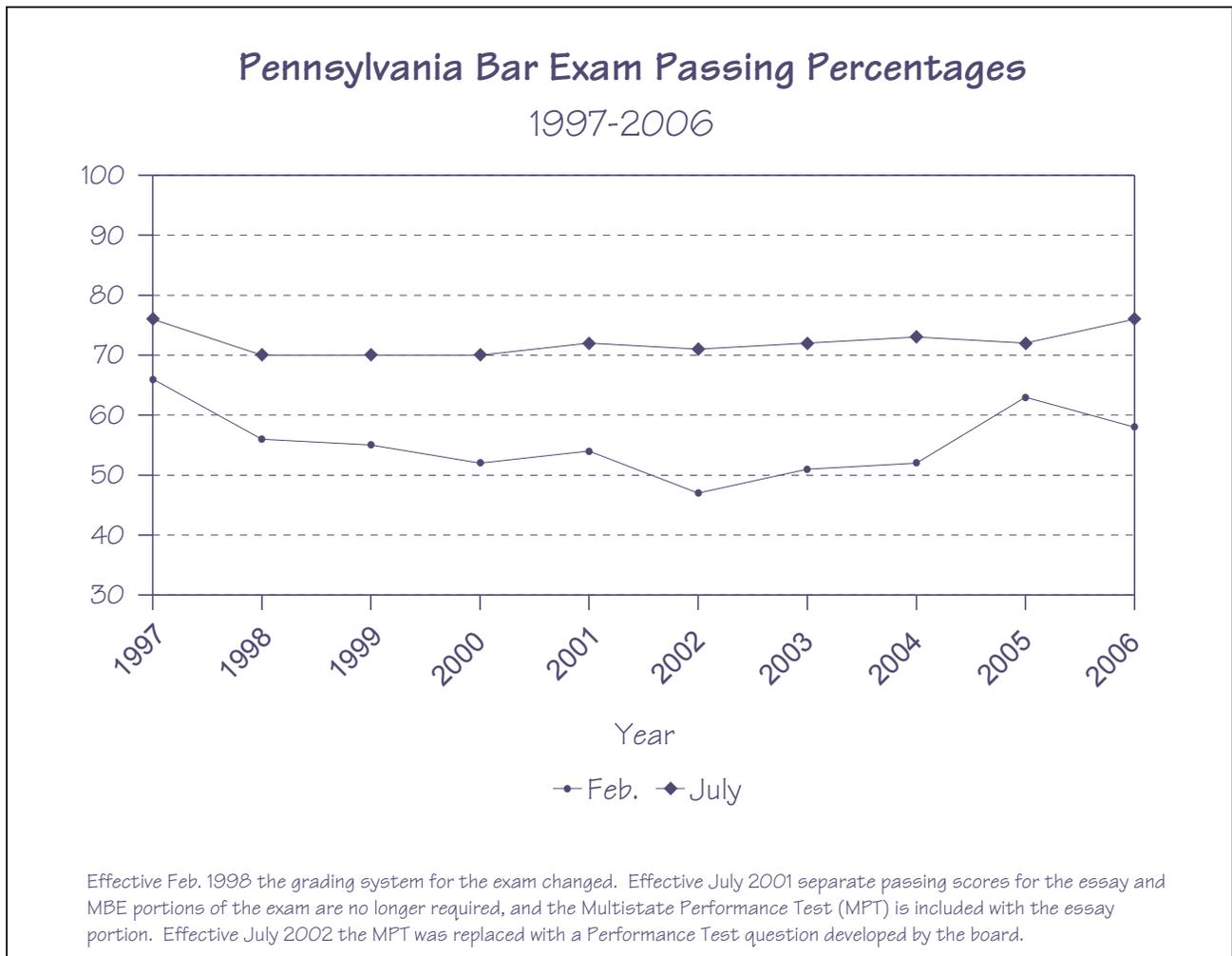
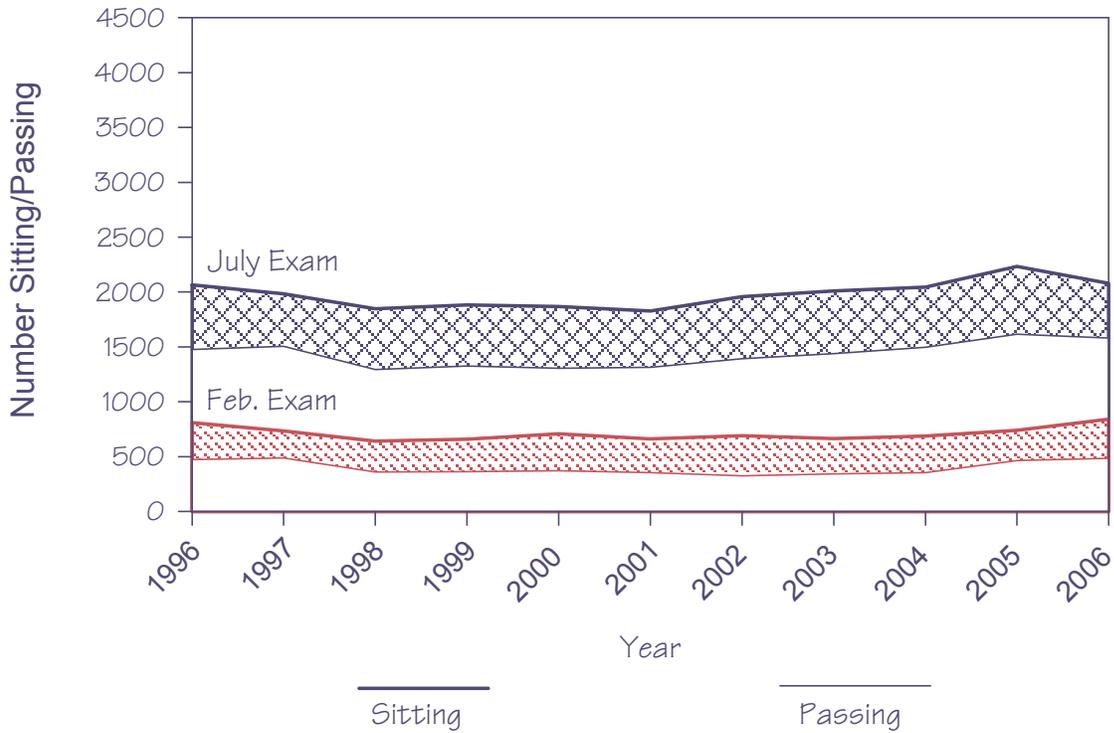


Table 3.2.2

Comparison of Applicants Sitting to Applicants Passing



Effective Feb. 1998 the grading system for the exam changed. Effective July 2001 separate passing scores for the essay and MBE portions of the exam are no longer required, and the Multistate Performance Test (MPT) is included with the essay portion. Effective July 2002 the MPT was replaced with a Performance Test question developed by the board.

Table 3.2.3

2006 Membership

Honorable R. Stanton Wettick, Jr., *Chair*
Honorable Stewart L. Kurtz, *Vice Chair*
C. Lee Anderson, Esq.
Robert C. Daniels, Esq.
Nancy H. Fullam, Esq.
Heather S. Heidelbaugh, Esq.+
Honorable Kevin A. Hess
Michael R. Kehs, Esq., *ex officio*
Honorable William J. Manfredi**
Darlene A. Marquette, Esq.*
Howard F. Messer, Esq.
Leta V. Pittman, Esq.
Gary A. Rochestie, Esq.
James R. Ronca, Esq.
Andrew J. Stern, Esq.
William F. Stewart, Esq.
Arthur H. Stroyd, Jr., Esq.+

Staff

Harold K. Don, Jr., Esq., *Counsel*
Karla M. Shultz, Esq., *Research Assistant*
Elizabeth J. Knott, *Administrative Assistant*

* Term expired 6-30-06

** Term expired 1-1-07

+ Term expired 6-30-07

Legal Authorization

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

About the Committee

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.

Civil

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2110
e-mail civil.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
CivilRulesCmte/
Indexcivilrules.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CivilRulesCmte/Indexcivilrules.asp)

2006 Activities

The committee held four meetings in 2006 as follows:

March	Philadelphia
June	Pittsburgh
September	Pittsburgh
November	Philadelphia

2006 Amendments to the Rules of Civil Procedure

Descriptions of the various recommended rule changes are described below and are listed in the Status of Recommendations chart that follows this report.

Recommendations Promulgated by the Supreme Court

The following recommendations were promulgated in 2005 with effective dates in 2006:

Recommendation 190: Wage Attachment in Residential Landlord-Tenant Actions Adds a new chapter of rules, 3301 *et seq.*, to govern the attachment of wages, salary and commissions pursuant to Section 8127(a)(3.1) of the Judicial Code in actions or proceedings for amounts awarded to a judgment creditor-landlord arising out of a residential lease. The rules balance the interests of the landlord (plaintiff), tenant (defendant) and employer garnishee. Promulgated 12-21-05, effective 1-1-06.

Recommendation 201: Arbitration Awards in Consumer Credit Transactions New chapter of rules, 1326 *et seq.*, governing proceedings to compel arbitration and to confirm the award of arbitrators in collection claims in consumer credit transactions when arbitration is a common law or statutory arbitration under applicable provisions of the

Judicial Code. Promulgated 12-30-05, effective 2-1-06.

Recommendation 203: Execution upon Real Property Amendments to Rule 3135(a) governing the sheriff's deed to real property to increase the time in which the sheriff must execute and deliver the deed from ten to 20 days and to make it applicable to all execution sales. Promulgated 11-2-05, effective 1-1-06.

The Supreme Court promulgated the following recommendations in 2006:

Recommendation 204: Appeals from Awards in Compulsory Arbitration Amendment to Rule 1311.1 to increase the maximum amount of recoverable damages from \$15,000 to \$25,000 in appeals from awards made in compulsory arbitration. Promulgated 5-16-06, effective 7-1-06.

Recommendation 208: Notice by the Prothonotary Amendment to the note to subdivision (d) of Rule 236 governing the notice to be given by the prothonotary of the entry of an order or judgment to specifically provide for notice by courthouse mail, i.e., placing a copy of the order in the attorney's courthouse mailbox. Promulgated 5-16-06, effective 7-1-06.

Recommendation 209: Technical amendments to Rules 205.4(b)(1)(ii) (**electronic filing**) and 206.5 (**petitions**) and to the Explanatory Comment to Rule 1038.2. Promulgated 3-27-06, effective immediately.

Recommendation 210: Execution Sale of Real Property Amendment of Rule 3129.3 to permit two postponements of a sale of real property upon execution within 130 days of the scheduled sale without giving new notice.

Also, promulgation of new subdivision (c) to provide that when the plaintiff, whether in person or by representative, does not attend the sale of real property, the property will not be sold, and the sheriff will return the writ of

execution to the prothonotary and file a return pursuant to Rule 3139. The plaintiff may again seek to have the property sold, but must recommence the proceedings by having the writ of execution reissued pursuant to Rule 3106 and giving new notice under Rule 3129.2.

Promulgated 10-24-06, effective 1-1-07.

Recommendation 212: Format of Legal Papers New Rule 204.1 governing the format of pleadings and other legal papers filed with the court in civil actions and proceedings. The rule is almost identical to current Pennsylvania Rule of Appellate Procedure 124(a) and to new Rule of Criminal Procedure 575(C). The civil rule was promulgated concurrently with the criminal rule to provide uniformity in the format of legal papers in both civil and criminal matters. Promulgated 7-7-06, effective 2-1-07.

Recommendation 213: Compelling and Confirming Arbitration Awards Amendment to Rule 1329(d)(1) to change from 30 days to 20 days the amount of time one has to file an answer to the motion to show cause why arbitration should not be compelled. Promulgated 7-14-06, effective immediately.

Recommendations Pending

The following recommendations remain pending before the Supreme Court:

Recommendation 211: Admission Pro Hac Vice Proposed new Rule 1012.1 governing admission of an attorney *pro hac vice* in civil cases. The rule achieves a uniform statewide practice, provides information and guidance to the court in the evaluation of a motion for such an admission and imposes obligations upon both the attorney seeking admission and the attorney sponsoring the admission. The rule would supplement Pennsylvania Bar Admission Rule 301, which authorizes a court to grant admission *pro hac vice* provided that a

Pennsylvania attorney has agreed to act as the attorney of record.

Recommendation 215: Exemption of Funds from Execution Proposed new Rule 3111.1 to explicitly state that a defendant's funds on deposit in particular accounts with a bank or other financial institution are exempt from execution. The accounts include those in which funds are deposited electronically on a recurring basis and the funds of which are identified as being exempt from execution, levy or attachment under Pennsylvania or federal law.

Recommendation 216: Mortgage Foreclosure Proposed amendments to the rules governing the action of mortgage foreclosure and proceedings in execution, both as to money judgments and judgments of mortgage foreclosure, to implement provisions under Section 9604(a) of the Uniform Commercial Code.

Recommendation 218: Cross-claims and Joinder of Additional Defendants Proposed new Rule 1031.1 to assert that a claim by one party against another is a matter of pleading rather than joinder of parties, to be pleaded as a cross-claim.

Also, amendments to Rule 2252(a) governing joinder of additional defendants to limit to the joinder of a person not already a party to an action. Amendment to Rule 2253(a) to allow a joining party to join an additional defendant without leave of court if the joinder is accomplished within one of two time frames, whichever is longer.

The following recommendations were published during 2006 for comment and remain pending before the committee:

Recommendation 214: Petition to Transfer Structured Settlement Payment Rights Proposed new Rule 229.2 governing the transfer of structured settlement payment rights to provide additional information necessary for a trial court to determine whether a petition to

transfer structured settlement payment rights satisfies the best interest standard.

Recommendation 217: Video Depositions Amendments to Rule 4017.1 to allow a party to take video depositions as a matter of course and to changed the terminology from “video-tape deposition” to “video deposition.”

Recommendation 219: Electronic Filing and Service of Legal Papers Amendment to Rule 205.4 to accommodate both permissive and mandatory electronic filing systems and to make the practice more useful to both the attorney and the court.

Proposed new Rule 239.9 to require that a county implementing an electronic filing system must promulgate a local rule setting forth in detail the county’s system.

Recommendation 220: Service of Original Process Proposed amendment to Rule 400.1 to allow competent adults in addition to the sheriff to serve original process in Allegheny County. This exception currently exists in Philadelphia and has been requested by the

Allegheny County Court of Common Pleas in light of the inability of the sheriff’s office to provide security in the civil division and administrative offices of the judicial district due to “budgetary constraints and understaffed work force.”

Recommendation 221: Pre-Complaint Discovery Proposed Rule 4003.8 to establish a two-prong test for pre-complaint discovery, viz., that (1) the information sought must be material and necessary to the filing of the complaint, and (2) the discovery will not cause any unreasonable annoyance, burden, embarrassment or expense on anyone.

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. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
190	New Rule 3301 <i>et seq.</i> governing wage attachment pursuant to Section 8127(a)(3.1) of the Judicial Code	Promulgated 12-21-05, effective 1-21-06
201	New Rule 1326 <i>et seq.</i> governing compelling arbitration and confirmation of arbitration award in consumer credit transactions	Promulgated 12-30-05, effective 2-1-06
203	Amendment of Rule 3135 and note to Rule 3132 governing execution sales	Promulgated 11-2-05, effective 1-1-06
204	Amendment of Rule 1311.1 governing an appeal from an award in compulsory arbitration	Promulgated 5-16-06, effective 7-1-06
208	Amendment of Note to Rule 236(d) regarding notice by the prothonotary	Promulgated 6-12-06, effective 7-1-06
209	Technical amendments to Notes to Rules 205.4 and 206.5	Promulgated 3-27-06, effective immediately
210	Amendment of Rule 3129.3 and promulgation of new Rule 3129.4 governing execution sales of real property	Promulgated 10-24-06, effective 1-1-07
211	Promulgation of new Rule 1012.1 governing admission <i>pro hac vice</i>	Pending with Court
212	Promulgation of new Rule 204.1 governing format of legal papers	Promulgated 7-7-06, effective 2-1-07
213	Technical amendment of Rule 1330 governing proceedings to compel arbitration and confirm arbitration awards in consumer credit transactions	Promulgated 7-14-06, effective immediately
214	Promulgation of new Rule 229.2 governing petition to transfer structured settlement payment rights	Pending with committee
215	Promulgation of new Rule 3111.1 governing exemption from execution of certain recurring electronic deposits	Pending with Court

Table 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
216	Amendments to rules governing mortgage foreclosure to accommodate § 9604(a) of the Uniform Commercial Code	Pending with Court
217	Amendment to Rule 4017.1 governing videotape depositions	Pending with committee
218	Promulgation of new Rule 1031.1 governing cross-claims and amendment of Rule 2251 <i>et seq.</i> governing joinder of additional defendants	Pending with Court
219	Amendment of Rule 205.4 governing electronic filing of legal papers and promulgation of Rule 239.9 governing local rules	Published for comment
220	Amendment of Rule 400.1 governing service of original process in the First Judicial District	Published for comment
221	Promulgation of new Rule 4003.8 governing pre-complaint discovery	Published for comment

Table 3.3.1, cont'd.

2006 Membership

Civil Jury Instructions Subcommittee

Lee C. Swartz, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Barbara R. Axelrod, Esq., *Reporter*
Honorable Mark I. Bernstein
David E. Lehman, Esq.
Clifford A. Rieders, Esq.
Ira B. Silverstein, Esq.

Criminal Jury Instructions Subcommittee

Professor Bruce A. Antkowiak, *Chair*
Honorable Ernest J. Disantis, Jr.
Ronald Eisenberg, Esq.
Jules Epstein, Esq.
Frank G. Fina, Esq.
James Robert Gilmore, Esq.
Honorable Robert A. Graci
Honorable Renee Cardwell Hughes
Honorable Jeffrey Alan Manning
Honorable William H. Platt
Sandra Preuhs, Esq.
Bernard L. Siegel, Esq.
Stuart B. Suss, Esq.
Honorable Carolyn Engel Temin
James J. West, Esq.
Arthur Murphy, Esq., *Emeritus Member*

Staff

Roger B. Meilton, Esq., *Assistant Reporter and Secretary*
Lydia L. Hack, Esq., *Pennsylvania Bar Institute Contact*

Legal Authorization

Pa. Constitution Article V, § 10(c)

About the Committee

The committee's mission is to assist the administration of justice in court proceedings by developing pattern jury instructions for use by both the bench and the bar.

Committee for Proposed Standard Jury Instructions

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

Committee Activities

Civil Instructions

In 2006 the Civil Jury Instructions Subcommittee continued its mission of updating the Suggested Standard Civil Jury Instructions included in the Third Edition (2005). In preparation of releasing a supplement to the Third Edition, the subcommittee incorporated revisions based upon case law developments, new Rules of Civil Procedure and new legislation as well as comments from lawyers and judges.

The subcommittee continues its plain-English objective to revise the instructions to make them more understandable to lay jurors. It is committed to updating the instructions every 18 to 24 months.

Criminal Instructions

In 2006, the subcommittee completed the first supplement to the Second Edition (2005). This reference contains hundreds of criminal instructions keyed numerically to the

Crimes Code with many offering alternative language depending on the case facts.

The supplement included 25 revised instructions and the following nine new instructions:

- deliberations and verdict: deadlocked jury
- note-taking by jurors
- aggravated assault—attempt to cause bodily injury to an enumerated person
- aggravated assault—causing bodily injury to an enumerated person
- disarming a law enforcement officer
- aggravated assault by vehicle while driving under the influence
- flying while impaired
- flying while impaired—consolidated blood alcohol count
- relevance of refusal to submit to testing.

The subcommittee's ongoing goal is to improve the language of the instructions to ensure that a proper statement of law is conveyed and that the instructions are accessible to the jurors applying them. The subcommittee is committed to updating the instructions every 18 to 24 months.

AOPC

2006 Membership

Honorable Richard A. Lewis, *Chair*
Patrick J. O'Connor, Esq., *Vice Chair*
Syndi L. Guido, Esq.
Professor Sandra D. Jordan
Michael J. Manzo, Esq.
Bridget E. Montgomery, Esq.
Professor Leonard Packel, *Official Reporter*
Neil R. Rosen, Esq.
Bernard W. Smalley, Esq.
Kathleen D. Wilkinson, Esq.

Staff

Richard L. Kearns, Esq., *Staff Counsel*
Terri L. Metil, *Administrative Assistant*

Legal Authorization

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

About the Committee

The Committee on Rules of Evidence was created by the Supreme Court of Pennsylvania as an advisory body to assist the Court in its constitutional and statutory responsibility to prescribe general rules governing court proceedings in Pennsylvania's Unified Judicial System. The committee studies and makes recommendations to the Court about matters affecting evidence law in the Commonwealth. It 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.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Committee

on

Rules of

Evidence

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2100
[www.courts.state.pa.us/
Index/SupCtCmtes/
evidence/indexevid.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/evidence/indexevid.asp)

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*), in various local bar publications and also on 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.

2006 Activities

The committee met three times in 2006.

Members continued in 2006 to participate in various programs and seminars about the rules. These sessions provide the members

with excellent opportunities to answer questions and to 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.

2006 Committee Action

Amendment to Pa.R.E. 601 Comment to include two cases interpreting the language of Rule 601. In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court addressed the effect on a child's capacity to testify as a result of techniques that "taint" the child's memory and ability to testify truthfully. In *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998), the Supreme Court held that the issue of a child's competency must be decided outside the presence of the jury. Pending with Court.

Amendment to Pa.R.E. 104 Comment to delete the word "error" from the *per se* rule language requiring a competency hearing to be held outside of the presence of the jury and replacing the word "tainted" with the word "impaired." Pending with Court.

Looking Ahead to 2006

The committee plans to continue to monitor the Rules of Evidence and 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.

AOPC

2006 Membership

Honorable Thomas M. Golden, *Chair*
Kelly H. Shuster, Esq., *Vice Chair*
Richard Antonelli, Esq.
Samuel Tyrone Cooper III, Esq.
Leonard Dubin, Esq.
Martin Greitzer, Esq.
Robert C. Heim, Esq.
Abraham C. Reich, Esq.
Stuart Savett, Esq.
Lawrence Tabas, Esq.

Staff

Daniel Levering, *Administrator*
Katey Buggy, *Office Manager*

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

About the Board

The Continuing Legal Education Board administers the rules pertaining to continuing legal education (CLE) for attorneys.

The board is comprised of ten active Pennsylvania attorneys. Terms are three years in length, and members may serve two consecutive terms.

Continuing

Legal

Education

Board

5035 Ritter Road,
Suite 500
Mechanicsburg, PA 17055
(717) 795-2139
(800) 497-2253
e-mail pacleb@pacle.org
www.pacle.org

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 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 randomly assigned. 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 three committees, each covering a major area of operations: Accreditation, Administration and Compliance. A description of each committee follows.

Accreditation Committee

The Accreditation Committee has four members: Samuel T. Cooper III, Esq.; Honorable Thomas M. Golden; Leonard Dubin, Esq. and Stuart Savett, Esq. Its duties include oversight of the certification of providers and courses, CLE program standards, adequacy of course availability, and course and provider accreditation standards.

Administration Committee

The Administration Committee includes Honorable Thomas M. Golden; Kelly H. Shuster, Esq. and Samuel T. Cooper III, 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. This committee also oversees the budget, annual independent audit and review of board operations.

Compliance Committee

Martin Greitzer, Esq.; Richard Antonelli, Esq. and Lawrence Tabas, Esq. comprise the Compliance Committee. This committee oversees attorney compliance; reviews requests for waivers, extensions and deferrals; reviews determination of lawyer noncompliance and makes recommendations to the board for action regarding these issues.

2006 Board Actions and Operations Highlights

The board held three meetings in 2006.

Distance Learning Teleconference Pilot Project

In October of 2006, the board began a two-year pilot project to review and explore the accreditation of teleconferences as an additional form of distance learning. This method of delivery allows lawyers the option of earning CLE credit through participation in pre-approved telephone seminars offered by accredited providers. Credits earned in this method are considered distance learning credit and count towards the four-hour distance learning cap per compliance period. All distance learning CLE reporting is conducted in a paperless fashion.

Automated System for Accredited Providers (ASAP)

ASAP is an internally-developed Internet software that allows for the paperless reporting of provider courses, course attendance and

course evaluations. It is used by 241 accredited CLE providers. In 2006 78 percent of credit hours were reported electronically.

Web Site Enhancements

In 2006 the board launched a new compliance assurance service for law firms. This service assists law firms and their CLE coordinators in achieving member compliance with CLE. Law Firm Services Online is an automated tool that offers firms the ability to access the compliance status of their lawyers on demand. The service, which is the first of its kind, is updated daily and is protected using secure passwords.

ORACLE

Two meetings of the international Organization of Regulatory Administrators for Continuing Legal Education (ORACLE) were held in 2006. Pennsylvania maintained a strong and active presence within the organization. Dan Levering continued to serve on ORACLE's Management and Technology Committees. The board's office manager, Katey Buggy, was nominated for secretary and served on the membership committee.

Technology Update

A Virtual Private Network (VPN) was deployed, which allows for highly secure remote access to PA CLE systems through an encrypted Internet connection.

The board held three successful disaster recovery exercises. In the event of disaster, it

should be able to adequately reestablish technical operations within eight hours.

Other Accomplishments

The annual providers conference was held in May 2006 and included an update on PA CLE news as well as sessions on disaster planning and recovery and distance learning methods.

Providers of CLE engage in a direct debit option for electronic payment. The number of providers using this method continues to grow, which benefits both providers and lawyers. This method eliminates the manual efforts of processing and mailing checks and increases the speed in which lawyers can review their credits online.

The board announced a regulation change to assist lawyers returning from military service with CLE requirements.

Attorney Compliance

Lawyer compliance rates with the CLE requirement remain extremely positive. Chart 3.6.1 on page 48 indicates the high percentage of lawyers who meet the requirements of the PA CLE rules.

Looking Ahead to 2007

The PA CLE network and systems infrastructure will be aligned to provide the highest levels of data and network security. PA CLE will play a significant role as host state for the ORACLE's 2007 Annual Meeting in Philadelphia.

AOPC

Attorney Compliance				
Compliance Group/ Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates (%)
Group 1 (April)				
92-93	17,100	16,959	141	99.2
93-94	17,300	17,179	121	99.3
94-95	17,619	17,552	67	99.6
95-96	17,873	17,768	105	99.4
96-97	17,804	17,639	165	99.1
97-98	17,665	17,523	142	99.2
98-99	17,864	17,751	113	99.4
99-00	18,132	18,018	114	99.4
00-01	18,426	18,295	131	99.3
01-02	18,480	18,342	138	99.2
02-03	18,668	18,539	129	99.3
03-04	18,224	18,720	104	99.4
04-05	19,223	19,141	82	99.6
05-06	19,672	19,602	70	99.6
Group 2 (August)				
92-93	17,124	16,868	256	98.5
93-94	17,289	17,134	155	99.1
94-95	17,649	17,540	109	99.4
95-96	17,595	17,507	87	99.5
96-97	17,410	17,294	116	99.3
97-98	17,613	17,511	102	99.5
98-99	17,756	17,666	90	99.5
99-00	18,087	17,974	113	99.4
00-01	18,181	18,100	81	99.6
01-02	18,143	18,011	132	99.3
02-03	18,572	18,493	79	99.6
03-04	18,753	15,664	89	99.5
04-05	19,098	19,019	79	99.6
05-06	19,556	19,443	113	99.4
				continued...

Table 3.6.1

Attorney Compliance, continued				
Compliance Group/ Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates (%)
Group 3 (December)				
92-93	17,269	16,936	333	98.1
93-94	17,474	17,414	60	99.7
94-95	17,679	17,574	105	99.4
95-96	17,542	17,430	112	99.4
96-97	17,582	17,456	126	99.3
97-98	17,781	17,647	134	99.2
98-99	17,968	17,865	103	99.4
99-00	18,220	18,113	107	99.4
00-01	18,361	18,227	134	99.3
01-02	18,479	18,366	113	99.4
02-03	18,625	18,527	98	99.5
03-04	18,887	18,792	95	99.5
04-05	19,443	19,347	96	99.5
05-06	19,882	19,797	85	99.6

Table 3.6.1, cont'd.

2006 Membership

Nicholas J. Nastasi, Esq., *Chair*
D. Peter Johnson, Esq., *Vice Chair*
Scott A. Bradley, Esq.+
Dennis J. Cogan, Esq.*
John P. Delaney, Jr., Esq.
John L. Elash, Esq.
Risa Vetri Ferman, Esq.**
Daniel E. Fitzsimmons, Esq.
Philip B. Friedman, Esq.
Charles J. Grant, Esq.
Stanley A. Greenfield, Esq.
Paul S. Kuntz, Esq., *ex officio*
Alexander H. Lindsay, Jr., Esq.
Honorable Lester G. Nauhaus
Marc Neff, Esq.
Honorable John T. Robinson
Richard A. Sheetz, Jr., Esq.++
Graham C. Showalter, Esq.

Staff

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jeffery M. Wasileski, Esq., *Staff Counsel*
Suzanne M. Creavey, *Office Manager*

- * Resigned 6-06
- ** Appointed 6-1-06
- + Term expired 6-30-06
- ++ Appointed 8-28-06

Legal Authorization

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

About the Committee

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.

Criminal

Procedural

Rules

Committee

5035 Ritter Road, Suite 100
Mechanicsburg, PA 17055
(717) 795-2100
e-mail criminal.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
CrimRulesCmte/
Indexcrim.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/CrimRulesCmte/Indexcrim.asp)

Reports

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory report, called simply "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. 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.

2006 Activities

The committee held five full-committee meetings and several subcommittee meetings in 2006. The full-committee meetings were held in Mechanicsburg, Erie, Hershey, Lancaster, Philadelphia and Pittsburgh.

In 2006 the committee continued its work on the following:

- changes necessitated by the Common Pleas Case Management System (CPCMS), the statewide automation of the criminal division of the Common Pleas courts.
- review of the rules affecting proceedings before the minor judiciary, specifically
 - summary guilty pleas
 - procedures when a defendant fails to appear for a preliminary hearing
 - issues arising out of the Magisterial District Judge System (MDJS), the statewide automation of the magisterial district courts.

The committee also addressed several other areas of criminal practice and procedure, including

- bail
- the joinder of summary offenses with misdemeanor and felony charges
- mandating a uniform format for motions, answers and briefs.

In addition, the committee continued to monitor local rules, particularly issues raised by the CPCMS staff that arose as each judicial district was brought online.

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

2006 Committee Action

The Supreme Court adopted seven committee recommendations for rule changes in 2006. A number of other recommendations remained pending with the Court. They are all

described below and are summarized in the Status of Recommendations chart beginning on page 55.

Proposals Adopted by the Supreme Court

Note: The Final Reports for any of these proposals can also be found on the committee's Web page at www.courts.state.pa.us/Index/SupCtCmtes/CrimRulesCmte/dockcrm.asp.

Recommendation No. 4, Criminal Rules 2005: Proposed new Rules 567 (Notice of Alibi Defense), 568 (Notice of Defense of Insanity or Mental Infirmity; Notice of Expert Evidence of a Mental Condition) and 569 (Examination of Defendant by Mental Health Expert) providing the **procedures for notice of defenses and examination of a defendant by mental health expert(s)**. Adopted 1-27-06, effective 8-1-06. See Final Report at 36 *Pa.B.* 700 (February 11, 2006), 889 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 2005: Proposed new Rule 589; amendments to Rules 542, 543, 546, 551, 622 and 648; and correlative changes to clarify the procedures that require the **summary offense** joined with misdemeanor or felony charges to accompany the misdemeanor or felony charges as part of the court case if held for court. The Court of Common Pleas must dispose of the summary offense, except in certain circumstances outlined in the rules. Adopted 3-9-06, effective 9-1-06. See Final Report at 36 *Pa.B.* 1392 (March 25, 2006), 893 *A.2d* Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 1, Criminal Rules 2006: Amendment to Rule 535 to prohibit court officials from asking whether a bail depositor agrees to have the **bail deposit** used towards fines, costs, etc.. Adopted 3-9-06, effective 8-1-06. See Final Report at 36 *Pa.B.* 1398 (March 25, 2006), 891 *A.2d* No. 2 and 892 *A.2d* No. 1 Advanced Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 2006: Revision of the Comments to Rules 431 and 706 to make it clear a Common Pleas judge may issue a **fine and cost warrant**. Adopted 3-9-06, effective 8-1-06. See Final Report at 36 *Pa.B.* 1396 (March 25, 2006), 891 *A.2d* No. 2 and 892 *A.2d* No. 1 Advanced Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 3, Criminal Rules 2006: Amendments to Rule 522 Comment to make it clear that electronic monitoring is appropriate for detention of **material witnesses**. Adopted 4-28-06, effective 8-1-06. See Final Report at 36 *Pa.B.* 2279 (May 13, 2006), 895 *A.2d* No. 3 Advanced Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 4, Criminal Rules 2006: Amendments to Rules 529, 543 and 1011 to provide for the pre-preliminary hearing for **modification of bail** by a magisterial district judge, exempting Philadelphia from this change and clarifying the proper issuing authority. Adopted 5-19-06, effective 8-1-06. See Final Report at 36 *Pa.B.* 2633 (June 3, 2006), 898 *A.2d* No. 3 Advanced Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 6, Criminal Rules 2006: Amendments to Rule 575(C) establishing **format requirements for motions and answers**. Adopted 7-7-06, effective 2-2-07. See Final Report at 36 *Pa.B.* 3809 (July 22, 2006), 900 *A.2d* No. 3 and 901 *A.2d* No.1 Advanced Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 2006: Amendments to Rule 114(C)(2)(c) deleting the requirement that there be a **docket entry of the manner of service of court orders and notices**. Adopted 7-20-06, effective 9-1-06. See Final Report at 36 *Pa.B.* 4173 (August 5, 2006), 901 *A.2d* No. 3 and 902 *A.2d* No.1 Advanced Sheets (*Pennsylvania Reporter Series*).

Amendments to Rule 241 that establish regional districts from which the statewide investigating **grand jurors** will be summoned. Adopted

6-7-07, effective immediately. See Court's order at 36 Pa.B. 3085 (June 24, 2006), 899 A.2d and 900 A.2d Advanced Sheets (Pennsylvania Reporter Series). Because these changes were adopted by the Court *sua sponte*, there is no recommendation number, nor a committee explanatory Final Report.)

Proposals Pending with the Supreme Court

Recommendation No. 4, Criminal Rules 2004: Proposed revisions of the comments to Rules 502, 503 and 504 clarifying that the **complaint may be electronically prepared, verified and transmitted**. (The Court put this proposal on hold 8-16-04 at the request of the MDJS and CPCMS staff until the technology is in place to accommodate this change.)

Recommendation No. 5, Criminal Rules 2006: Proposed new Rule 559 and amendments to Rules 509, 510, 511, 512, 536, 542, 543, 547 and 571 addressing issues arising with new uniform procedure when **defendant fails to appear for preliminary hearing** after the August 2005 effective date.

Recommendation No. 8, Criminal Rules 2006: Proposed amendments to Rule 107 (Subpoenas) establishing the procedures for **issuing subpoenas** by magisterial district judges and Courts of Common Pleas. Comparable changes are being proposed by the Minor Court Rules Committee to Pa.R.C.P.M.D.J. 214 (Subpoena; Issuance; Service) in Recommendation No. 4, Minor Court Rules 2006.

Recommendation No. 9, Criminal Rules 2006: Proposed amendments to Rules 462, 720 and 721 clarifying that the time for **appeal** when no post-sentence motion is filed runs from the date of the imposition of sentence. This proposal was developed in conjunction with the Appellate Court Procedural Rules Committee's development of proposed amendments to

Pa.R.A.P. 108 (Date of Entry of Orders), 301 (Requisites for an Appealable Order), and 903 (Time for Appeal) in Recommendation No. 4 of 2006.

Recommendation No. 10, Criminal Rules 2006: Proposed amendments to Rules 403, 409, 414, 424 and 454 concerning **summary case guilty pleas, intermediate punishment and sentences of imprisonment**.

Recommendation No. 11, Criminal Rules 2006: Proposed amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its **right to a jury trial** in Municipal Court cases and transfer the cases to Common Pleas Court.

Looking Ahead to 2006

The committee's efforts in 2006 will include the following:

- working with the CPCMS, coordinating rule proposals with the automation of the criminal divisions of the Common Pleas Courts
- working with the AOPC during the initial phases of the redesign of the MDJS
- continuing to monitor the application of new Rule 644 that permits juror note-taking in criminal cases during the three-year trial period the Court has imposed
- examining detainer practices, written guilty plea colloquy forms and pretrial practices
- continuing to examine public access issues, bail procedures and local rules procedures
- working on rules affecting the minor judiciary
- monitoring criminal practice and procedure and the criminal rules in general. **AOPC**

Status of Recommendations		
Recommendation	Subject	Status
4, 2004	Revisions of comments to Rules 502, 503 and 504, clarifying that complaint may be electronically prepared, verified and transmitted	Put on hold indefinitely by Court 8-16-04
4, 2005	New rules 567, 568 and 569 and correlative amendments providing procedure for notice of defenses and examination of defendant by mental health expert(s)	Adopted 1-27-06, effective 8-1-06
8, 2005	New Rule 589; amendments to Rules 542, 543, 546, 551, 622 and 648; and correlative changes to clarify procedures pertaining to summary offense joined with misdemeanor or felony charges	Adopted 3-9-06, effective 9-1-06
12, 2005	Amendments to Rules 644, 646 and 647 providing procedures for use of juror binders in all criminal cases	Rejected by the Court 1-10-06
1, 2006	Amendment to Rule 535 to prohibit court officials from asking whether a bail depositor agrees to have the bail deposit used towards fines, costs, etc.	Adopted 3-9-06, effective 8-1-06
2, 2006	Revision of Comments to Rules 431 and 706 to make it clear a Common Pleas judge may issue a fine and cost warrant	Adopted 3-9-06, effective 8-1-06
3, 2006	Amendments to Rule 522 Comment to make it clear that electronic monitoring is appropriate for detention of material witnesses	Adopted 4-28-06, effective 8-1-06
4, 2006	Amendments to Rules 529, 543 and 1011 to provide for the pre-preliminary hearing for modification of bail by a magisterial district judge, exempting Philadelphia from this change, and clarifying proper issuing authority	Adopted 5-19-06, effective 8-1-06
5, 2006	New Rule 559, amendments to rules 509, 510, 511, 512, 536, 542, 543, 547 and 571 addressing issues arising with new uniform procedure when defendant fails to appear for preliminary hearing after the August 2005 effective date	Submitted 3-7-06; pending with Court

continued...

Table 3.7.1

Status of Recommendations, continued		
Recommendation	Subject	Status
6, 2006	Amendments to Rule 575(C) establishing format requirements for motions and answers	Adopted 7-7-06, effective 2-2-07
7, 2006	Amendments to Rule 114(C)(2)(c) deleting the requirement that there be a docket entry of the manner of service of court orders and notices	Adopted 7-20-06, effective 9-1-06
8, 2006	Proposed amendments to Rule 107 establishing the procedures for issuing subpoenas by magisterial district judges and Courts of Common Pleas	Submitted 7-27-06; pending with Court
9, 2006	Proposed amendments to Rules 462, 720 and 721 clarifying that the time for appeal when no post-sentence motion is filed runs from the date of imposition of sentence	Submitted 8-28-06; pending with Court
10, 2006	Proposed amendments to Rules 403, 409, 414, 424 and 454 concerning summary case guilty pleas, intermediate punishment and sentences of imprisonment.	Submitted 10-5-06; pending with Court
11, 2006	Proposed amendments to Rule 1001 establishing procedures for the Commonwealth to invoke its right to a jury trial in Municipal Court cases and transfer the cases to Common Pleas Court.	Submitted 10-23-06; pending with Court

Table 3.7.1, cont'd.

2006 Membership

Marvin J. Rudnitsky, Esq., *Chair**
Gary G. Gentile, Esq., *Chair***
Jonathan H. Newman, Esq., *Vice Chair+*
Marc S. Baer
Laurence H. Brown, Esq.
Carl D. Buchholz III, Esq.
Sal Cagnetti, Jr., Esq.
Robert E. J. Curran, Esq.
Smith Barton Gephart, Esq.
Charlotte S. Jefferies, Esq.
Francis X. O'Connor, Esq.
William A. Pietragallo, Esq.
Marc S. Raspanti, Esq.
Robert C. Saidis, Esq.
Robert L. Storey
Min S. Suh, Esq.
Louis N. Teti, Esq.
Donald E. Wright, Jr., Esq.

Staff

Joseph W. Farrell, *Executive Director*

* Term as chair expired 4-1-06

** Appointed chair 4-1-06

+ Appointed vice chair 4-1-06

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

About the Board

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.) continued...

Disciplinary

Board

of the

Supreme

Court

First Floor
Two Lemoyne Drive
Lemoyne, PA 17043
(717) 731-7073
fax (717) 731-7080
www.padisciplinaryboard.
org

Such persons include:

- any attorney admitted to practice law in Pennsylvania
- any attorney from 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 jurist 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 jurist.

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).)

2006 Statistics	
Attorneys	58,269
Change from 2005	2.39%
Complaints filed with board	4,767
Change from 2005	1.08%
Pending at start of 2006	1,024
Complaints disposed of	4,908
Total complaints resulting in discipline	305
Total pending at end of 2006	1,092

Table 3.8.1

2006 Activities

Statistics for 2006 can be found in Table 3.8.1 above.

The board met seven times in 2006. The results of the executive sessions can be found in Table 3.8.2 on page 60. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.3 on page 62.

Comparisons of cumulative actions taken and actions taken in 2006 can be found in Chart 3.8.4 on page 64.

Rules Committee

The following rules changes were approved by either the board or the Supreme Court or became effective in 2006:

Order No. 63 Amending the board's Rules of Organization and Procedure to make **conforming changes** to reflect adoption of amendments to Pa.R.D.E. 104, 208, 209, 213, 215 and 402. Effective 2-25-06.

Order No. 64 Amending the board's Rules of Organization and Procedure to establish **time limits** for the filing and service of motions and answers and the scheduling of a hearing before a Hearing Committee member to hear a challenge to a subpoena. Effective 4-1-06.

Pa.R.D.E. 203 and 204: Provides that making a **material misrepresentation** of fact or deliberately failing to disclose a material fact in connection with a bar application is grounds for discipline, and for revocation of an attorney's admission as a type of discipline in cases involving bar application omissions or misrepresentations. Adopted 3-21-06, effective 4-8-06.

Pa.R.D.E. 214(g): Expands the Court's authority on actions it may take in cases involving **conviction of an attorney** for a crime other than a serious crime. Adopted 3-28-06, effective 4-15-06.

Order No. 65 Amends the board's Rules of Organization and Procedure to make **conforming changes** to reflect adoption of amendments to Pa.R.D.E. 208(h), 219(g) and 219(i). Effective 5-20-06.

Pa.R.D.E. 208(g): Assesses an **administrative fee** of \$250 in cases where discipline, other than an informal admonition, is imposed. Adopted 6-28-06, effective 7-15-06.

Order No. 66 Amending the board's Rules of Organization and Procedure to make **conforming** changes to reflect adoption of amendments to Pa.R.D.E. 203(b), 204(a), 208(g) and 214(g). Effective 12-2-06.

Pa.R.D.E. 217(j): Replaces the words "employment" and "employed" with the words "engagement" and "engaged" and clarifies that **formerly admitted attorneys and supervising attorneys** are required to file notices of engagement with the Disciplinary Board and notify the board upon termination of the engagement. Amended 12-11-06, effective 12-23-06 to persons becoming formerly admitted attorneys on or after that date and 1-22-07 to persons who were already formerly admitted attorneys as of 12-23-06.

The following proposals were published for comment in 2006:

Rule of Disciplinary Enforcement 208(g): Amendment to impose an **administrative fee** to be paid by respondent-attorneys in cases resulting in the imposition of any form of discipline more serious than an informal admonition.

§91.3 of the Rules of Organization and Procedure: Amendment to clarify issues concerning **subpoenas**, including providing procedures for service of out-of-state lawyers and for moving to quash subpoenas.

Pennsylvania Bar Admission Rules and the Rules of Disciplinary Enforcement: Amendments relating to misstatements or omissions in **licensure applications**.

Rule of Professional Conduct 1.15 and Rule of Disciplinary Enforcement 221: Amendments relating to **safekeeping property and "Funds of Clients and Third Persons. Mandatory Overdraft Notification."**

Rule of Disciplinary Enforcement 402: Amendment relating to **confidentiality of disciplinary proceedings**.

Education Committee

The Education Committee designed the program for the board's retreat meeting in July 2006. The topics covered were lawyer succession issues and disaster planning.

The board discussed the number of aging lawyers becoming senior citizens and the implications the aging lawyer population has on the profession. The guest speaker was retired board member C. Eugene McLaughlin, who spoke from his perspective as a small business owner about the need for solo practitioners to have a plan in place to ensure that clients are protected in the event the lawyer has died. The board also discussed whether changes should be made to the rules governing conservatorships and the use of Office of Disciplinary Counsel staff attorneys as conservators.

The guest speaker for disaster planning was attorney J. Marc Vezina from New Orleans, Louisiana. Mr. Vezina spoke at length about his law firm's experiences in dealing with Hurricane Katrina. He gave tips on how to prepare for an unexpected disaster, evaluating one's risk level based on office location, considering what documents and records are vital to operations and for the service of clients, taking an inventory of all computer and technical assets in the firm, finding staff after a disaster, determining whether temporary offices will be necessary, reestablishing communications and recovering destroyed documents.

The Education Committee also redesigned the program at the training session for new hearing committee members held on September 21, 2006, in Hershey. Panels discussed topics such as Opening the System, Discipline on Consent, Respondents in Financial Hardship, the Latest Trends in Mitigation and Aggravation, Being on Public Display, Recent Case Law & Rule Changes, A Non-lawyer's Perspective and a Review of Reinstatement Procedure.

Communications Committee

In January 2006 board member Min Suh published an article in *Unidad Latina* to educate at-risk audiences.

Hearings and Hearing Committees

Hearing committee members are ranked based on their experience. Senior members are those who have completed one full three-year term and who have conducted at least three hearings that required the preparation of transcripts and full reports to the board. Experienced members are those who have completed at least one full year of service and who have conducted at least one hearing that required preparation of transcripts and a full report to the board. New members are those who are either still in their first year of service and/or have not yet had a full hearing.

A committee must be composed of at least one senior member and one senior or experienced member. A senior member chairs the committee. Only a senior or experienced member may conduct the mandatory prehearing conference.

As of December 31, 2006, 70 senior members, 73 experienced members and 55 new members were serving on a *pro bono* basis to conduct hearings.

Disciplinary Board Web Site

In late June the board launched its redesigned Web site with the goal of making it more consumer friendly. The new site features

2006 Executive Session Results

Action	Total
Adjudications involving formal charges	58
Board referrals to Supreme Court, including report and recommendation for public discipline	46
Oral arguments before three-member panels of board members	10
Hearing before one board member on petition to revoke or modify probation	1
Considerations by three-member panels of recommendations for summary private reprimands	14
Appeals by Office of Disciplinary Counsel from Review Hearing Committee members before three-member panels	1
Respondents appearing before board or three-member panels to receive private reprimands	21
Approval of filing petitions with the Supreme Court for emergency temporary suspensions	4
Petitions for reinstatement to active status of attorneys inactive more than three years with no discipline involved	72

Table 3.8.2

an attorney section, a consumer section and an attorney look-up section.

The attorney section provides forms for registration and reinstatement, information on registration and reinstatement procedures, options to look up attorneys, frequently asked questions, current copies of the rules and other attorney-related information.

The new consumer section allows consumers to look up attorneys, explains the process for filing a complaint, provides downloadable copies of the complaint form and informational brochures and provides information to better understand how the disciplinary system works.

The attorney look-up section, which can be accessed directly from the home page or from either the attorney or consumer sections, allows users to easily search registered Pennsylvania attorneys to verify public address information, the attorney's current status and date of admission; a history of public discipline, if any; and whether any public proceedings are pending against that attorney.

HALT Report Card

In 2002 the legal reform organization HALT issued its first Lawyer Discipline Report Card. Pennsylvania ranked 51st in the nation with an overall grade of F. In the 2006 Report Card, Pennsylvania had improved to fifth in the

nation, receiving a grade of C+ and honors as the most improved. The report based the improvement on the launching of the board's Web site in 2003, a more organized staff that now provides the American Bar Association with statistics related to its case processing and the opening of the disciplinary system to the public.

While the board appreciates the recognition from HALT, efforts to improve the disciplinary system over the last several years were not made as a result of the report card. Rather, they were in response to the realization that in balancing the rights of respondents against a responsibility to protect the public, opening the disciplinary system in certain cases was warranted and necessary. **AOPC**

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 1993-2006

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	54	58	106	109	77	3,109
Private Reprimand	30	41	48	31	46	43	26	29	35	32	36	34	26	22	807
Probation	5	5	7	3	8	5	7	3	10	8	8	20	24	11	136
Public Censure	0	1	6	3	3	7	4	0	2	2	1	1	2	4	101
Suspension	12	23	26	37	33	24	23	30	27	29	31	38	51	65*	688
Disbarment	20	32	35	41	40	33	29	32	31	42	38	37	37	39+	855
TOTAL	152	177	196	185	236	200	137	139	145	167	172	236	249	218	5,696

Reinstatement Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Petitions Granted	29	24	44	31	35	33	45	35	55	64	58	75	72	93#	1,045
Petitions Denied	1	0	1	0	2	1	4	2	3	4	4	2	1	1▲	52
TOTAL	30	24	45	31	37	34	49	37	58	68	62	79	73	94	1,097

* This figure includes 16 suspensions on consent (Rule 215 Pa.R.D.E.) but does not include nine temporary suspensions (Rule 214 Pa.R.D.E.) or three temporary suspensions (Rule 208(f) Pa.R.D.E.)

+ This figure includes 21 disbarments on consent (Rule 215 Pa.R.D.E.).

This figure includes reinstatement to active status of 77 attorneys who had been inactive three or more years, ten reinstatements after suspensions and six reinstatements after disbarment.

▲ This figure is a reinstatement request denied after the attorney had been suspended

Disciplinary Board Actions Comparison

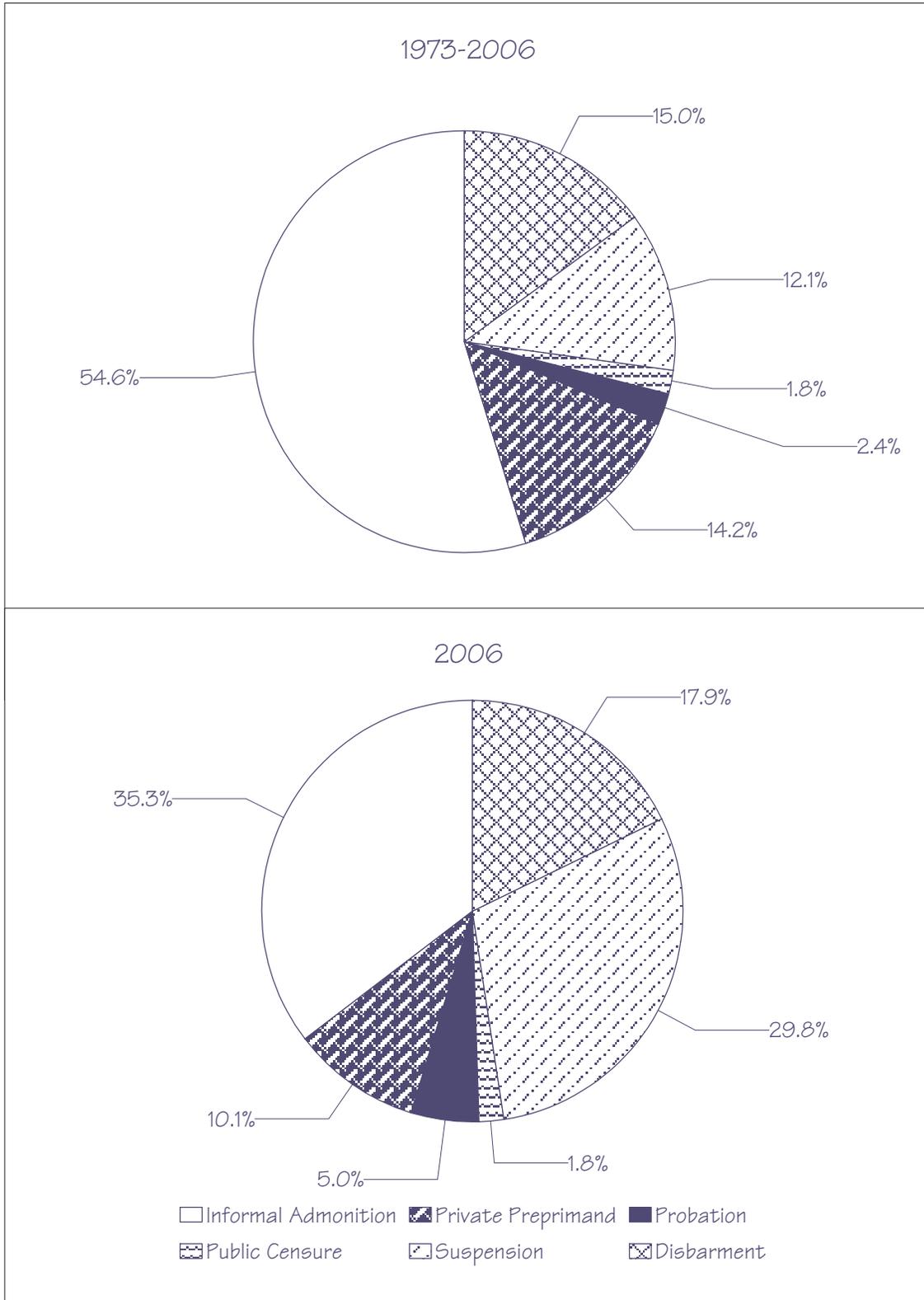


Table 3.8.4

2006 Membership

Nancy P. Wallitsch, Esq., *Chair*
Honorable Kevin M. Dougherty, *Vice Chair*
Carol A. Behers, Esq.
Honorable Kim Berkeley Clark
Mark M. Dalton, *ex officio*
Mark B. Dischell, Esq.
David N. Hofstein, Esq.
Honorable Anthony G. Marsili
Frederick R. Mogel, Esq.
James B. Yelovich, Esq.

Staff

Patricia A. Miles, Esq., *Counsel*
Terri Lynn Metil, *Administrative Assistant*

Legal Authorization

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

About the Committee

Begun 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. It does this 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 the rules conform with developments in the law as well as the realities of domestic relations practice.

Members are appointed to three-year terms, and each member may serve two consecutive terms.

Domestic

Relations

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2037
fax (717) 795-2175
e-mail patricia.miles@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
domesticrelations/
indexdomrel.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/domesticrelations/indexdomrel.asp)

2006 Activities

The committee met four times in 2006 as follows:

February	Hershey
May	Fogelsville
September	Pittsburgh
November	Philadelphia

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

The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes. To this end, throughout 2006 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. These included the Pennsylvania Bar Association Family Law Section's summer and winter meetings, local bar association meetings, the Department of Public Welfare's Domestic Relations Directors Conference and the Domestic Relations Association of Pennsylvania Conference.

2006 Recommendations

The following recommendations were effective, promulgated or pending with either the Supreme Court or the committee in 2006:

Recommendation 67. Support Guidelines Review. Pursuant to both federal—Family Support Act of 1988 (P.L. 100-485, 102 Stat. 2343 (1988)), 42 U.S.C., §467(a)—and state—23 Pa. C.S., §4322(a)—law, statewide support guidelines must be reviewed at least once every four years to assure that appropriate child support amounts are being awarded. In addition, federal regulation 45 CFR 302.56 requires that

such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited.

The Domestic Relations Procedural Rules Committee began the mandated review process in early 2003, assisted by Jane Venohr, Ph.D., an economist with Policy Studies, Inc., under contract with the Pennsylvania Department of Public Welfare. Changes were made to the child support schedule as follows:

- the schedule reflects updated economic data
- support amounts apply to parties with a combined net monthly income of \$20,000, rather than the prior \$15,000
- the Self-Support Reserve (SSR) was increased from \$550 per month to \$748 per month. Formerly designated as the "Computed Allowance Minimum" or "CAM," the SSR is intended to assure that low-income obligors retain sufficient income to meet their own basic needs as well as to maintain the incentive to continue employment.

The amendments also apportion between the parties the cost of childcare incurred by both parties during their custodial time with the child.

Promulgated 9-27-05, effective 1-27-06.

Recommendation 73. Amendments to Rules 1910.11, 1910.12, 1915.4-2, 1920.55-2 and 1920.55-3 to expand the time for **filing exceptions or requests for de novo review** from ten to 20 days in support, custody and divorce matters. Promulgated 8-8-06, effective immediately.

Recommendation 74. Amendments to Rules 1910.16-2(b) and 1910.16-4 relating to treatment, for purposes of calculating support, of **Social Security derivative benefits** received by a child as a result of a parent's disability or retirement. Pending with committee.

Recommendation 75. Amendment to Rule 1910.19 to authorize the court to administratively close a **support case** and vacate arrears without prejudice when it appears to the court that an obligor is unable to pay and there is no means to enforce the order in the foreseeable future. Promulgated 5-19-06, effective immediately.

Recommendation 76. Amendments to the **Income and Expense Statement**, separating the income and expense portions of the form. The income form is required in all cases. A new short expense form is available for guidelines cases, but should only be used if a party seeks to have additional expenses (like child care or private school) apportioned between the parties or if a party believes his or her expenses would warrant a deviation under Rule 1910.16-5. Another new expense form is intended only for use when the parties' combined monthly net income is above \$20,000 and the case will proceed pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). This new form contains space for both the child's and the parent's expenses. Promulgated 11-8-06, effective 2-6-07.

Recommendation 77. Amendments to Rule 1910.16-6 to allow **allocation of additional expenses**, such as medical insurance, unreimbursed medical expenses, childcare and other costs enumerated in Rule 1910.16-6, even if the respective incomes of the parties do not justify an order for basic support. Promulgated 10-17-06, effective immediately.

Recommendation 78. New Rule 1930.7 to authorize **status conferences** in domestic relations matters. Promulgated 8-18-06, effective immediately.

Recommendation 79. Amendments necessitated by Act 66 of 2005, which amended the Protection from Abuse Act, particularly with regard to firearms. Promulgated 5-2-06, effective, 5-9-06, the same date that the Protection from Abuse Act amendments became effective.

Recommendation 80. Amendments to Rules 1910.13-1 and 1910.13-2 to make the **support bench warrant** rules consistent with the new criminal bench warrant rules that became effective in August 2006. The new comment incorporates committee's final report, which provides that in out-of-county bench warrant arrests, the 72-hour period begins from the time an individual is lodged in the jail of the issuing county and is extended to the next business day when the 72 hours expires on a non-business day. Promulgated 11-8-06, effective 2-6-07.

Recommendation 81. Amendment to Rule 1910.1 to provide that the rules do not apply in actions seeking support for an **indigent person** under Chapter 46 of the Domestic Relations Code. Pending with Court.

Recommendation 82. On May 2, 2006, the Supreme Court took the unusual step of promulgating Recommendation 79, proposed amendments to the rules governing **Protection from Abuse** actions, in the form in which they were published for comment, even though the comment period had not ended. It did so to assure that rules were in place to implement Act 66 of 2005 when it became effective on May 9, 2006. The committee continued to accept comments on Recommendation 79, and Recommendation 82 incorporates suggestions from those comments. Pending with Court.

Recommendation 83. Proposed amendments to the rule and form for the **appointment of an expert in custody matters** to clarify the responsibilities of the court, the parties and the expert. Pending with committee.

Recommendation 84. Proposed new Rule 1915.13-1 to require a material and substantial change in circumstances for a **modification of an existing custody order**, overruling the Supreme Court's holding in *Karis v. Karis*, 518 Pa. 601, 544 A.2d 1328 (1988). Pending with committee.

Recommendation 86. Amendments to 1) make the time periods for seeking *de novo* review or

filing exceptions in **support contempt cases** consistent with the new time frames in Recommendation 73; and 2) address concerns about the effect of recent Superior Court opinions on support enforcement by creating a new rule allowing the court to hold an obligor in indirect criminal contempt if he/she willfully fails to obey an order to obtain employment in a support matter. Pending with committee.

Recommendation 87. Amendment to Rule 1930.5 to permit **discovery** in complex custody cases. Pending with committee.

Looking Ahead to 2007

The committee will begin a new quadrennial review of the support guidelines in 2007. It will also continue to monitor legislation, practice and procedure and make recommendations that may facilitate the practice of family law in the commonwealth. **AOPC**

2006 Membership

Maureen P. Kelly, Esq., *Chair*
Kenneth M. Jarin, Esq., *Vice Chair*
William P. Carlucci, Esq.
Hubert X. Gilroy, Esq.
Lewis F. Gould, Jr., Esq.
William T. Hangle, Esq.
Penina Kessler Lieber, Esq.
M. Mark Mendel, Esq.
Michael H. Reed, Esq.

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

About the Board

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. It is the job of the IOLTA Board to administer the program, collecting and managing the funds received and awarding grants to nonprofit organizations, law school clinical and internship programs, and *pro bono* programs.

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.

Interest

on

Lawyers

Trust

Account

Board

115 State Street
P. O. Box 1025
Harrisburg, PA 17108
(717) 238-2001
(888) 724-6582
fax (717) 238-2003
e-mail paiolta@pacourts.us
www.paiolta.org

How the IOLTA Program Works

Clients often ask attorneys to hold particular sums of money for them. When this involves a large amount 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 that the IOLTA program targets.

These small or short-term funds are deposited into special interest-bearing IOLTA accounts at financial institutions that have been approved by the Supreme Court. Usually, on a monthly basis (but no less than quarterly), 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 nonprofit organizations, law school-administered clinical and externship programs and administration of justice projects that provide civil legal services free of charge to low-income and disadvantaged Pennsylvania residents.

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.

Additional Funding

Access to Justice Act

The Access to Justice Act (AJA), part of Act 122 of 2002, provides for a \$10 surcharge

to be placed on all civil filings as well as the recordings of deeds and mortgages and their related filings and on criminal filings where a conviction or guilty plea is obtained. A percentage of this surcharge is placed into the Access to Justice Account for the IOLTA Board to provide grants to civil legal services provided by nonprofit legal aid organizations. (Under a sunset provision in the statute, the AJA is scheduled to expire November 1, 2012. At least one year prior to this date, the Legislative Budget and Finance Committee will submit a performance audit to the General Assembly for the purpose of determining whether there is a continuing justification for the activities and level of financial support funded by the act.)

MJ-IOTA

Effective February 1, 2005, the Supreme Court began requiring judicial officials of the minor courts (magisterial district judge courts, Philadelphia Municipal Court and Philadelphia Traffic Court) to establish accounts similar to IOLTA accounts. Called the Minor Judiciary Interest on Trust Accounts, or MJ-IOTA, the program targets the funds judicial officials maintain in custodial accounts to hold the collection of fees and fines, collateral and cash bonds, restitution for victims of crime and other similar amounts until the funds are ultimately transferred to the owners.

Out-of-State Attorneys

A new initiative sought by the IOLTA Board was the establishment of an admission fee applicable to out-of-state attorneys wishing to appear in a Pennsylvania court. Twenty-nine other states have such admission fees, five of which devote all or most of the proceeds to civil legal aid for the indigent. The Supreme Court approved a *pro hac vice* fee of \$100 per case effective September 4, 2007.

Miscellaneous

The IOLTA Board also receives a small amount of funding from voluntary lawyer contributions. These contributions are used to increase organized *pro bono* representation in Pennsylvania.

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.

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.

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 from legal services organizations must be made to the board by late January. Applications from law schools and *pro bono* initiatives must be made by early February. The board reviews all requests and submits 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.

Fiscal Year 2006-07 Statistics

Revenues for fiscal year 2006-07 were as follows:

IOLTA	\$12,179,121
Access to Justice Act	9,690,273
<i>Pro bono</i> contributions	86,284
Other	625,357

Grants totaling \$20,223,136 were awarded in fiscal year 2006-07 as follows:

Legal Service Organizations	\$18,711,550
Pennsylvania Law Schools	1,410,212
<i>Pro Bono</i> Grants	101,374

The largest grant, \$16,134,600, was awarded to the Pennsylvania Legal Aid Network, which is an administrative and support

organization that oversees a statewide system of legal aid programs.

1995-96 when the program became mandatory. **AOPC**

Table 10.1.1 below shows how IOLTA funds have been distributed since fiscal year

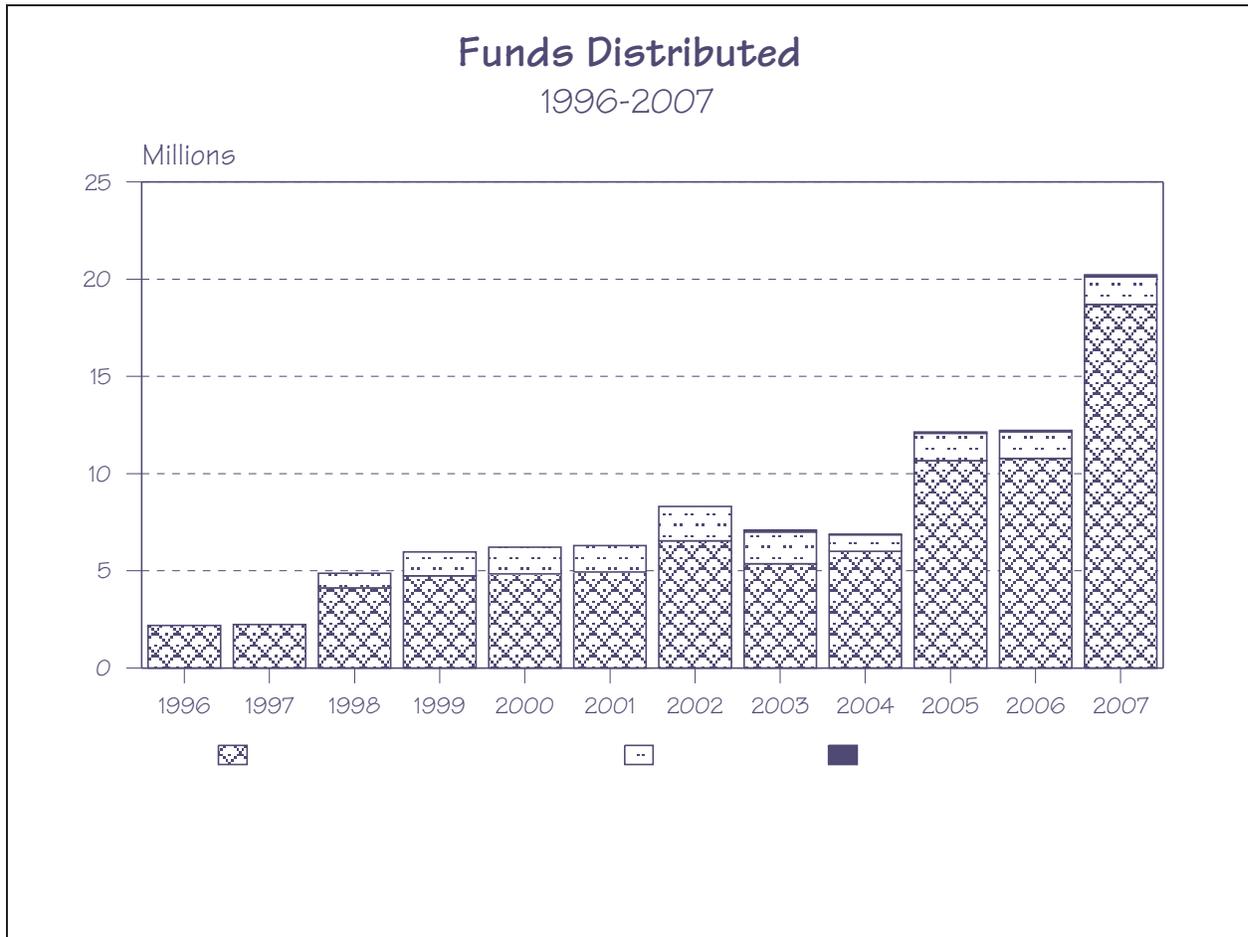


Table 3.10.1

2006 Membership

F. Barry McCarthy, *Chair*
Honorable Carol K. McGinley, *Vice Chair*
Frank P. Cervone, Esq.
Honorable Robert J. Colville
Honorable Thomas J. Doerr
Jason P. Kutulakis, Esq.
George D. Mosee, Jr., Esq.
Michael E. Noyes, Ph.D., *ex officio**
Lisa Siciliano, *ex officio*
Cynthia K. Stoltz, Esq.
Mark R. Zimmer, Esq.

* Term expired 9-06

Staff

A. Christine Riscili, Esq., *Staff Counsel*
Tricia D. Remmert, *Administrative Assistant*

Legal Authorization

Pa. Constitution Article V, § 20(c)
42 Pa.C.S. § 1722
Supreme Court Order No. 264 (Docket No. 1, Book No. 2) January 22,
2001

About the Committee

The Supreme Court of Pennsylvania established the Juvenile Court Procedural Rules Committee in January 2001 to advise the Court concerning its constitutional and statutory responsibility to prescribe general rules governing juvenile delinquency and dependency practice and procedure.

Juvenile

Court

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
(717) 795-2175
e-mail juvenile.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
juvct/indexjuvct.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/juvct/indexjuvct.asp)

Reports

Prior to submitting 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*, West's *Atlantic Reporter* advance sheets and various local bar association publications and on the Unified Judicial System's (UJS) Web site. The committee also distributes the reports to organizations and practitioners in the juvenile system.

Web Site

The Juvenile Court Procedural Rules Committee publishes its rule proposals and reports, the Supreme Court's orders promulgating rule changes, the text of the rule changes and the "Final Reports" on the UJS Web site. These documents may be found on the Supreme Court Committees page at www.courts.state.pa.us.

2006 Activities

The committee's work included procedures for arrest warrants and the involvement of magisterial district judges in issuing arrest warrants; docketing; public access to specific case information; grand jury investigations; DNA

testing; closed/open proceedings; post-dispositional motions; subpoenas and parental notification of a bench warrant, subpoena or summons. The committee also performed a statewide survey on the delinquency rules and requested suggestions for improvement on the operation of the rules or new areas of concern.

The Supreme Court adopted Recommendation No. 1, Juvenile Rules 2006—The Rules of Juvenile Court Procedure—**Dependency Matters**. Adopted 8-21-06, effective 2-1-07. These rules will govern dependency practice and create a uniform practice throughout the Commonwealth.

Looking Ahead to 2007

The committee plans to submit recommendations on

- post-dispositional motions
- public access to specific case information
- bench warrants and parental notification
- termination of court supervision.

It will also address issues raised in the 2006 survey. The committee will request forms from every county and begin working with the AOPC in developing forms for the written allegation and arrest warrant.

In addition, the committee will begin developing procedures for venue and transfer cases, consolidation of cases and *pro hac vice* admission procedures. **AOPC**

2006 Membership

Honorable Thomas E. Martin, Jr., *Chair**
Honorable M. Kay DuBree, *Chair***
Honorable Robert S. Blasi
Aileen Bowers, Esq., *ex officio*
Honorable Mark A. Bruno++
Honorable Blaise P. Larotonda++
Honorable Timothy Patrick O'Reilly+
Honorable Thomas A. Placey
Honorable Henry J. Schireson
Honorable Carla M. Swearingen

Staff

Michael F. Krimmel, Esq., *Counsel*#
Tricia D. Remmert, *Administrative Assistant*

- * Term expired 8-9-06
- ** Appointed chair effective 8-9-06
- + Term expired 9-6-06
- ++ Appointed effective 9-20-06
- # Resigned 11-3-06

Legal Authorization

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

About the Committee

The Minor Court Rules Committee examines and evaluates the rules and standards governing practice and procedure in Pennsylvania's magisterial district judge courts. It reviews Pennsylvania court cases and legislation, identifying those decisional or statutory changes which affect magisterial district judge procedure and necessitate amendments to the rules or other action by the Supreme Court.

Minor

Court

Rules

Committee

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2018
fax (717) 795-2175
e-mail: minorcourt.rules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/mcrc/
indexmcrc.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp)

Reports

Prior to submitting 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 on the Unified Judicial System's Web site at www.courts.state.pa.us/Index/SupCtCmtes/mcrc/indexmcrc.asp. 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, the Pennsylvania Association of Court Management 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 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

In addition to its rule proposals and reports, the committee publishes the Supreme

Court's orders promulgating rule changes, the text of the rule changes and the "Final Reports" on the Unified Judicial System Web site. A link to the full text of the Minor Court Civil Rules (Title 246 of the Pennsylvania Code) is also available.

2006 Activities

The committee held four meetings in 2006. At each it conferred with AOPC staff on issues relating to the Magisterial District Judge System, the statewide computer system that links all of Pennsylvania's district courts.

The committee reviewed and considered a number of issues in 2006, including the following:

- a joint project with the Criminal Procedural Rules Committee to study the question of whether magisterial district judges may issue **subpoenas in blank**. In July 2006 the committee submitted a recommendation to the Court to amend Rule 214.
- a proposal to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend in civil actions**. The committee published a proposal to amend Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to, among other things, require that the defendant in a civil action file a simplified answer to the plaintiff's complaint before a hearing date is set. Published at Volume 35, *Pa.B.*, page 2258 (April 16, 2005).
- a proposal to amend Rule 112 to further provide for **availability and temporary assignments of magisterial district judges**. Submitted to the Court 5-06.
- a comprehensive review of issues surrounding **appeals from district courts**.

In addition, the committee communicated regularly with the AOPC 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 dialog with the Special Court Judges Association of Pennsylvania and the Pennsylvania Association of Court Management.

2006 Committee Action

The committee submitted four recommendations for consideration by the Supreme Court in 2006. The Court approved three recommendations, and three others were pending at the end of the year. A chart indicating the status of the recommendations in 2006 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 3, Minor Court Rules 2004: Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514 and adoption of new Rule 207.1 regarding **definitions, representation in district court proceedings, attorneys of record and notices.** Adopted 6-1-06, effective 10-1-06.

Recommendation No. 1, Minor Court Rules 2005: Amendments to Rules 19 and 21 to impose a two-year limitation on the certification of a person who has successfully completed the **course of training and instruction** and passed the examination, but has not served as a magisterial district judge, bail commissioner or judge of the Philadelphia Traffic Court. Adopted 3-8-06, effective 7-1-06.

Recommendation No. 1, Minor Court Rules 2006: Amendment to the Official Note to Rule 1201 to add a cross-reference to the **Older Adult Protective Services Act.** Amendment to

Rule 1202 to expand the **definition** of "hearing officer." Adopted 7-7-06, effective immediately.

Recommendations Pending with the Supreme Court

Recommendation No. 2, Minor Court Rules 2006: Amendments to Rules 410, 412 and 418 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to provide for a **stay of execution** at the request of the plaintiff, for **limits on the amount of time property can be subject to levy**, and for additional posting of the **notice of sale.** Submitted to the Court on 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2006.

Recommendation 3, Minor Court Rules 2006: Amendment to Rule 112 of the Rules of Conduct for Magisterial District Judges to provide for temporary assignment and availability of magisterial district judges in **civil and possessory matters.** Submitted to the Court 5-25-06. At the Court's request, the committee continued to work on the recommendation throughout 2006.

Recommendation 4, Minor Court Rules 2006: Amendment to Rule 214 of the Rules of Conduct for Magisterial District Judges to further provide for the issuance and service of **subpoenas** allowing, in certain circumstances, for the issuance of a subpoena by the attorney of record for a party. Submitted 7-27-06.

Looking Ahead to 2007

In 2007 the committee will finalize a proposal to require the defendant in a civil action to file a simplified answer to the plaintiff's complaint and to file any counterclaim before an initial hearing date is set in the case. The committee will also continue to work with the Civil and Criminal Procedural Rules committees on a number of matters of mutual concern.

Status of Recommendations		
Recommendation	Subject	Status
2, 2003	Implementation of the provisions of the Act of June 29, 2002 (P.L. 663, No. 100), the Right-to-Know Law	Submitted 4-17-03; per Supreme Court order of 5-16-06, all right-to-know actions are assigned to the Common Pleas courts
3, 2004	Amendments to Rules 202, 207, 315, 318, 324, 421, 511 and 514, new Rule 207.1 regarding definitions, representation in district court proceedings, attorneys of record and notices	Submitted 8-10-04; adopted 6-1-06, effective 10-1-06
4, 2004	Renaming Chapter 400, new rule 401.1 to further provide for enforcement of judgments, assignment of judgments and parties	Submitted 12-22-04; adopted 5-17-05, effective 7-1-06
1, 2005	Amendments to Rules 19 and 21 regarding certification of a person who has successfully completed training and passed the examination, but has not served as a magisterial district judge, bail commissioner or Philadelphia Traffic Court judge	Submitted 7-21-05; revised recommendation submitted 12-22-05; adopted 3-8-06, effective 7-1-06
1, 2006	Amendment to the Official Note to Rule 1201 and to Rule 1202 to cross reference the Older Adult Protective Services Act and add an expanded definition of "hearing officer"	Submitted 5-9-06; adopted 7-7-06, effective immediately
2, 2006	Amendments to Rules 410, 412 and 418 to provide for a stay of execution at the request of the plaintiff, for limits on the amount of time property can be subject to levy and for additional posting of the notice of sale	Submitted 5-26-06; returned to committee for further work
3, 2006	Amendment Rule 112 to provide for temporary assignment and availability of magisterial district judges in civil and possessory matters	Submitted 5-26-06; returned to committee for further work
4, 2006	Amendment to Rule 214 to further provide for the issuance and service of subpoenas	Submitted 7-27-06

Table 3.12.1

2006 Membership

Honorable Daniel B. Garber, *Chair*
Honorable James J. Dwyer, III, *Vice Chair*
Honorable Robert E. Simpson, Jr., *Secretary*
Honorable Catherine M. Hummel-Fried, *Treasurer*
Gregory E. Dunlap, Esq.
Jerry J. Russo, Esq.
Jack Treadway, Ph.D.

Staff

Susan M. Davis, *Judicial Education Administrator*
Kate D. Grenke, *Clerical Assistant*

Legal Authorization

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

About the Committee

Article V, §12 of the Pennsylvania Constitution requires that magisterial district judges 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 magisterial district judges, 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 one-week continuing education classes for magisterial district judges, 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 magisterial district judges.

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

Minor

Judiciary

Education

Board

770 East Park Drive
Harrisburg, PA 17111
(717) 558-3600
fax (717) 558-3603

2006 Curriculum

Four-Week Magisterial District Judge Certifying Course

- 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 Magisterial District Judges

Class requirements are 32 hours per year and were offered over 13 scheduled weeks.

- review and update of civil and criminal procedure
- motor vehicle code
- commercial vehicle safety regulations
- stress management
- Judicial Conduct Board
- minor court rules update
- protection from abuse
- safety in the court
- pension planning
- PennDOT forms—driver records
- booking center procedures
- JNET overview
- public access
- underage drinking and drug abuse
- consumer protection—ID theft

Philadelphia Bail Commissioners

- sexual assault
- bail procedures

- criminal law
- criminal rules and procedures
- search and seizure
- ethics
- protection from abuse
- Behind the Scenes of “To Catch a Predator”
- underage drinking and drug abuse
- mental health
- identity theft

Orientation Course for New Magisterial District Judges

- office administration
- auditor general and county controller audits
- magisterial district judge practices and procedures
- ethics
- PA Coalition Against Rape
- National Alliance for the Mentally Ill
- search and seizure
- MDJS financial reports

Philadelphia Traffic Court Judges

- court procedures
- Philadelphia Traffic Court administration
- Pennsylvania Motor Vehicle Code review and update
- commercial vehicle safety regulations
- highway safety outreach
- impoundment issues
- hearing officers

Statistics

MJEB statistics for 2006 can be found in the chart on page 83. **AOPC**

2006 Educational Statistics	
Continuing education to magisterial district judges & sr. magisterial district judges	598
Continuing legal education to attorney magisterial district judges & sr. magisterial district judges	135
Magisterial district judge recertification	47
Certification classes to prospective magisterial district judges	85
Total certified	30
Certification of prospective Philadelphia Bail Commissioners	1
Certification of prospective Philadelphia Traffic Court judges	1
Certification of prospective Philadelphia Traffic Court hearing officer	1

Table 3.13.1

2006 Membership

Mary Jane Barrett, Esq., *Chair*
Kristen M. Del Sole, Esq.
Honorable Calvin S. Drayer, Jr.
Richard E. Flannery, Esq.
Michael L. Mixell, Esq.
Shari J. Odenheimer, Esq.
Honorable Paula Francisco Ott
Carolyn C. Thompson, Esq.

Staff

Dean R. Phillips, Esq., *Chief Counsel*
Lisa M. Rhode, Esq., *Deputy Counsel*
Elizabeth J. Knott, *Administrative Assistant*

Legal Authorization

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

About the Committee

The Orphans' Court Procedural Rules Committee responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules and rule changes as necessary.

Orphans'

Court

Procedural

Rules

Committee

Dean R. Phillips, Counsel
P.O. Box 3010
Blue Bell, PA 19422
(215) 977-1067
e-mail orphandrules@pacourts.us
[www.courts.state.pa.us/
Index/SupCtCmtes/
orphctrules/
indexorphctrules.asp](http://www.courts.state.pa.us/Index/SupCtCmtes/orphctrules/indexorphctrules.asp)

2006 Activities

Recommendation Promulgated by the Supreme Court

The Supreme Court adopted 17 e-forms for use before the Commonwealth's orphans' court divisions and registers of wills. The forms are intended to promote uniformity and standardize the content of pleadings and forms across the state without supplanting local forms. Adopted 10-16-06, effective 11-15-06.

Miscellaneous

The committee also worked on the following projects in 2006:

- exploration of the relationship between the orphans' court rules, the Rules of Civil Procedure and the Pennsylvania Probate Estates and Fiduciaries Code, with the goal of assuring simple and clear procedures for orphans' court litigation that accounts for the unique nature of such litigation. The committee is researching citation practice and

pleadings that should be permitted in orphans' court.

- orphans' court mediation
- consideration of model physician interrogatories for uncontested incapacity hearings and forms regarding minors and incapacitated persons
- possible rules of procedure governing practice before the registers of wills
- monitoring the statewide e-filing rules and the Philadelphia pilot project
- new model accounting forms which the committee proposes to add to the model forms referenced above.
- review of "readoption" practice and procedure in connection with Act 96 of 2006 dealing with foreign adoptions to determine if a statewide procedure for completing foreign adoptions which are not "full and final" is viable and appropriate.

AOPC

2006 Membership

Zygmunt R. Bialkowski, Jr., Esq., *Board Chair*
James M. Mead, *Board Vice Chair*
Eric N. Anderson, Esq.
Maureen Murphy McBride, Esq.
Robert K. Reitzel
Robert A. Rovner, Esq.
Joan O'Connor Shoemaker, Esq.

Staff

Kathryn J. Peifer, Esq., *Executive Director*
Lisa A. Watkins, Esq., *Counsel*
Susan L. Erdman, *Administrative Assistant*

Legal Authorization

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

About the Board

The Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court in 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 (\$45 for 2006-07) paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$75,000 for a 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.

Pennsylvania

Lawyers

Fund

for

Client

Security

4909 Louise Drive,
Suite 101
Mechanicsburg, PA 17055
(717) 691-7503
(800) 962-4618
fax (717) 691-9005
e-mail admin@palawfund.com
www.palawfund.com

2006 Claims Statistics

Statistics for the 2006-07 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 87 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 88 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 89 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2006-07.

Claims	No.	Amount
Received	183 *	\$53,978,960
*11 in excess of \$75,000 limit		
Awarded	114	1,708,948
Rejected	73	1,449,144
Discontinued	17	102,189
Total	204	\$5,150,366
Pending	160	\$53,978,960

Table 3.15.1

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 2006-07 cost the fund \$906,826, 53.07 percent of its total award dollars, settling 41 claims. Of this amount \$231,000 went to four former clients of one attorney.

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. Payments of \$ 467,617 to 14 claimants fitting this category were made in 2006-07, 27.37 percent of the total dollars awarded. Of this, \$281,631 were paid to nine former clients of one attorney.

Conversion of Real Estate Settlement Funds - A misappropriation of funds involved in real estate settlements represents the third highest payment category. A typical claim in this category results from the closing attorney's failure to forward the payoff of the existing mortgage to the lender. Awards totaling \$159,387 were approved to five claimants. Two former clients of one attorney received \$100,822 of this amount.

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

2006 Activities

During the year the board met in Hershey, Pittsburgh and Philadelphia.

Restitution and Subrogation Efforts

The fund received \$157,399 in restitution payments during FY 2006-07.

Mandatory Overdraft Notification

Pennsylvania Rule of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 2006-07 the fund received 166 overdraft notices. No notices were pending. Of the 166 notices, 124 were reviewed and dismissed, and 37 were referred to the Office of Disciplinary Counsel. Five 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. In 2006 and 2007 the fund met with Allegheny, Dauphin and Philadelphia Counties.

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client

Security may provide funding to nonprofit organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 2006-07 \$277,875 of funding was given to the organization known as Lawyers Concerned for Lawyers. Such assistance complements the fund's mission to ameliorate losses resulting from attorney dishonesty as oftentimes when an attorney converts client funds, the conduct is related to substance abuse. The financial support for Lawyers Concerned for Lawyers helps to mitigate the losses by providing a resource for impaired attorneys. **AOPC**

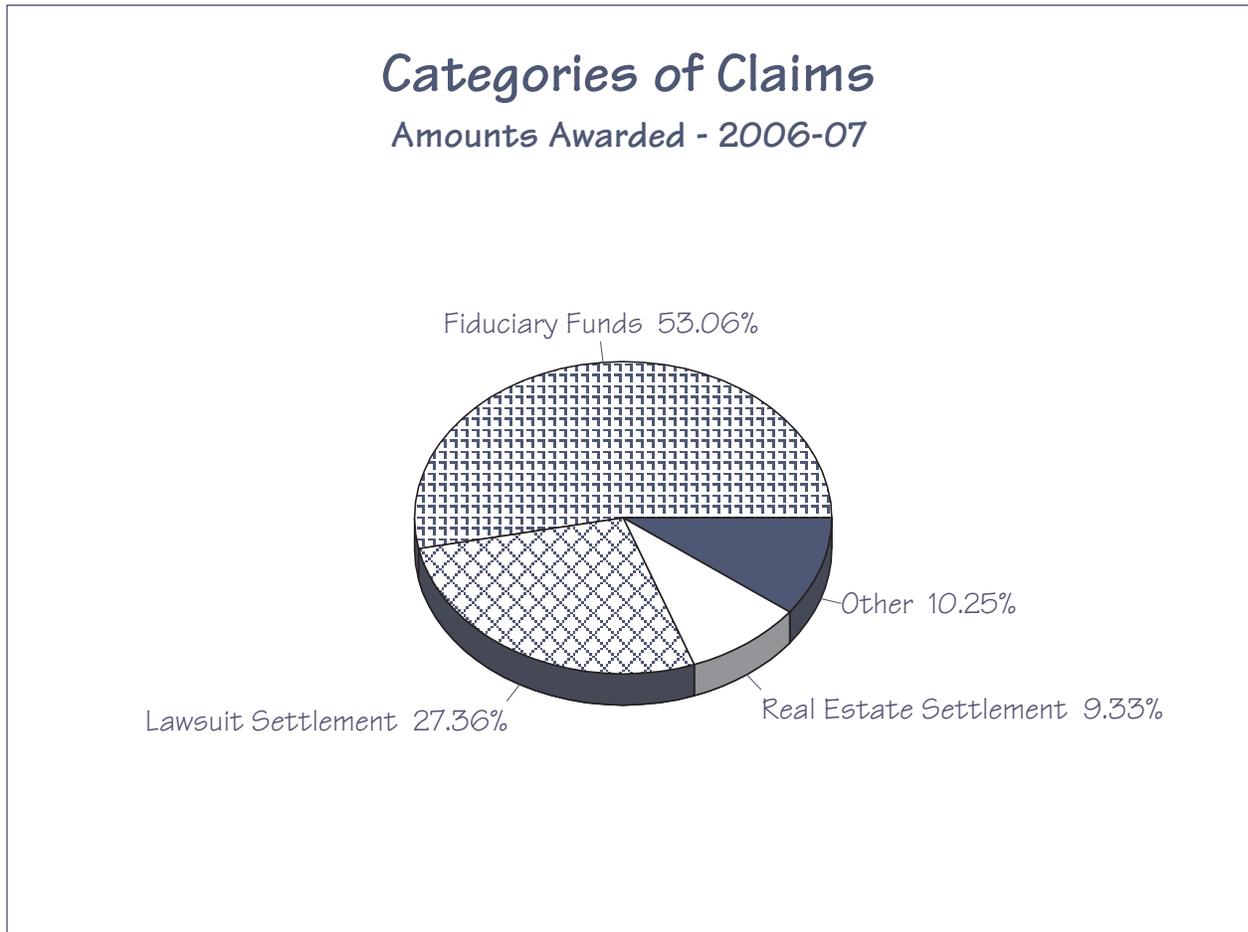
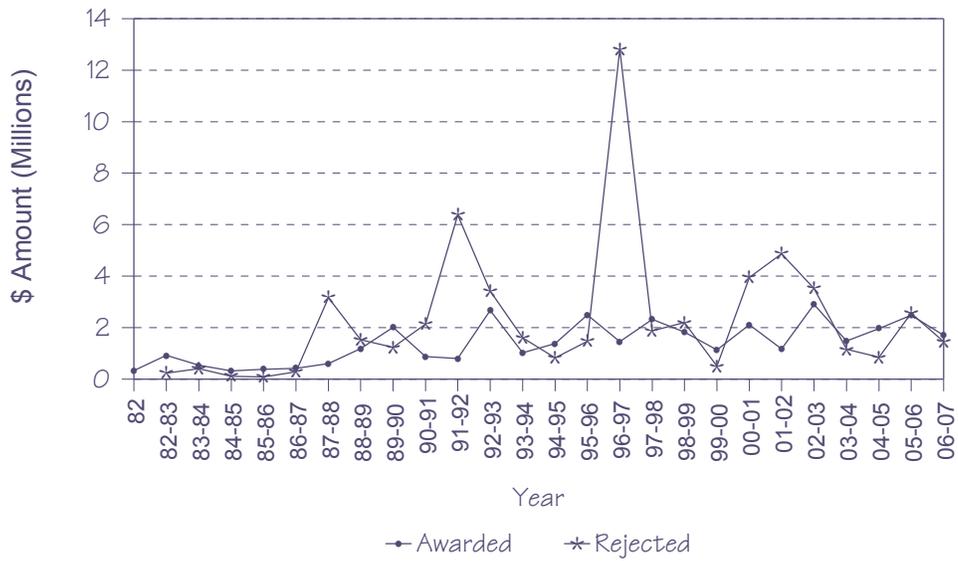


Table 3.15.2

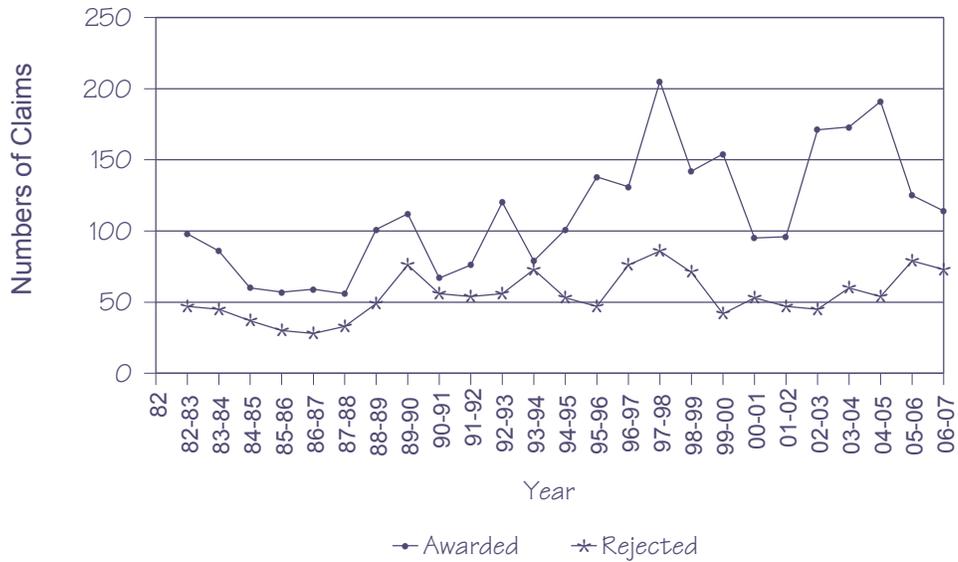
Claim Awards v. Rejections

1982-2007



Claims Awarded v. Rejections

1982-2007

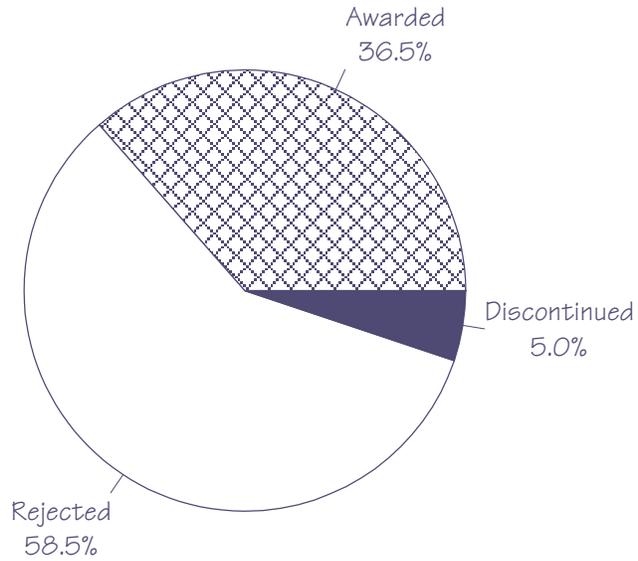


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2007

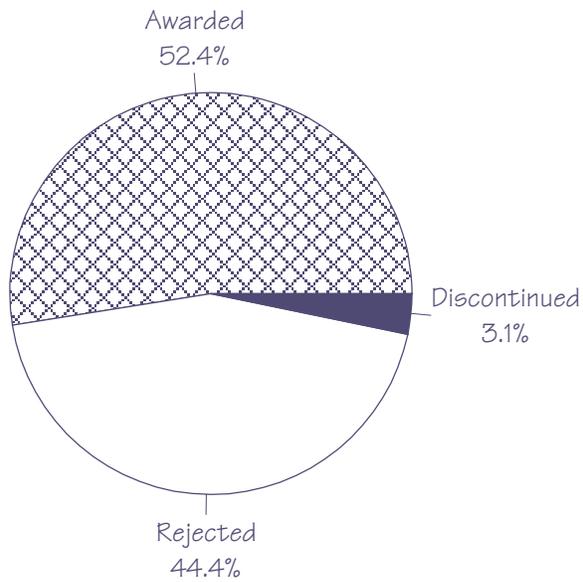


Table 3.15.4

Of the total state government expenditures for fiscal year 2006-07, administrative costs for the judiciary accounted for approximately one-half of one percent. Table 4.1 on page 93 shows the distribution of expenditures across the three branches of government. (With the county reimbursement grant discussed below, the judiciary accounts for approximately 0.6 percent of total state government expenditures.)

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 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 4.2 on page 94 provides a breakdown of the state appropriations for fiscal year 2006-07.

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.

The General Assembly also requires that counties spend an amount at least equal to the flat reimbursement rate per judge, which was \$70,000 for FY 2006-07.

Court

Finances -

Fiscal

Year

2006-2007

Counties also receive partial reimbursement for expenses they incur to provide support—facilities and staff services—to assigned Common Pleas senior judges in accordance with Pennsylvania Rule of Judicial Administration (R.J.A.) 701(F). Act 88 of 2001 served as the enabling legislation for the Senior Judge Support Reimbursement Grant. This grant has been provided each year since its inception in FY 2001–02.

Table 4.3 on page 96 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2006–07.

One exception to the current funding pattern has been the Pittsburgh Magistrates Court, which was merged into the magisterial district judge system within Allegheny County on January 1, 2005, as part of the decennial realignment of magisterial districts by the Supreme Court. Traditionally, costs for this court were borne by the city. In fiscal year 1995–96, however, the Commonwealth reimbursed Pittsburgh for costs related to the court by the payment of a \$1.2 million grant. Grant money continued to be provided to Pittsburgh each fiscal year until 2000–01, when the grant was not funded. Funding was restored in 2001–02, but was not granted subsequently. A grant was, however, provided to Allegheny County in FY 2005–06 to assist with consolidation costs and provided again in FY 2006–07.

A grant was also provided to Philadelphia to assist with the costs of a new “gun court” instituted within its trial courts. Funding for the grant was first provided in FY 2004–05 and continued each year thereafter.

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 100, 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, as amended by Act 122 of 2002, to provide funding for the statewide Judicial Computer System. Still other monies collected, such as motor vehicle fines, revert to state general use.

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.

AOPC

Pennsylvania Government FY 2006-07		
<i>General, Special Federal & Other Funds Expenditures</i>		
Branch	\$ Amount (Millions)	Percent of Total
Executive	55,187,900	98.80
Legislative	342,655	0.61
Judicial	291,358	0.52
Judicial - County Reimbursement for Courts	39,105	0.07
Total	55,861,018	

Totals shown exclude capital budget.

Note: The governor's budget showed FY 2006-07 funds available to the judiciary as \$326,422,000. Actual total available funds, including a transfer from the JCS Augmentation Account of \$3,725,000 and \$200,000 of federal funds for a drug court training grant from the Pennsylvania Commission on Crime and Delinquency, were \$330,463,000. The state total operating expenditures shown here were adjusted to reflect this difference.

Source: FY 2007-08 Governor's Recommended Budget

Table 4.1

Appropriations	
Appropriation	2006-07 (thousands)
Supreme Court	\$14,801
Justices' Expenses	180
Civil Procedural Rules Committee	423
Criminal Procedural Rules Committee	463
Domestic Relations Procedural Rules Committee	203
Judicial Council	406
Juvenile Court Procedural Rules Committee	215
Appellate Court/Orphans' Court Procedural Rules Committees	204
Committee on Rules of Evidence	191
Minor Court Rules Committee	198
Superior Court	27,379
Judges' Expenses	237
Commonwealth Court	16,638
Judges' Expenses	143
Court Administrator	10,000
Court Improvement Program* (F)	863
Drug Court Training** (F)	200
District Court Administrators	17,670
Court Management Education	157
Unified Judicial System Security+	2,058
Statewide Judicial Computer System++ (R)	41,727
Integrated Criminal Justice System	2,467
Courts of Common Pleas#	78,161
Common Pleas Senior Judges	4,217
Common Pleas Judicial Education	1,346
Ethics Committee of the Pennsylvania Conference of State Trial Judges	58
Magisterial District Judges	60,303
Magisterial District Judge Education	707
Philadelphia Traffic Court	924
Philadelphia Municipal Court	5,842
Philadelphia Law Clerks	39
Domestic Violence	230

continued...

Table 4.2

Appropriations, continued

Appropriation	2006-07 (thousands)
County Court Reimbursement	33,036
Philadelphia Gun Court Reimbursement Grant##	700
Senior Judge Support Reimbursement	2,000
Juror Cost Reimbursement	1,369
Court Costs (Court Consolidation)	2,000
Judicial Conduct Board	1,202
Court of Judicial Discipline	476
State Funds	286,643
(F) Federal Funds	1,063
(R) Restricted Receipts	41,727
Total	\$329,433

* These federal funds are available under Title IV-B and IV-E of the Social Security Act from the U.S. Department of Health and Human Services for a Court Improvement Project involving the dependency courts.

** The federal drug court training funds are available over a period spanning two fiscal years. Because they were not spent during FY 2006-07, they will be available for spending during FY 2007-08.

+ The FY 2006-07 UJS Security appropriation was provided in the form of a continuing appropriation.

++ The statewide Judicial Computer System is funded through a restricted receipt account in accordance with Act 64 of 1987 and Act 59 of 1990 as amended by Act 122 of 2002. The funds in the account are supplemented periodically by the transfer of available surplus funds at year end from certain UJS appropriations as authorized as part of the annual appropriations process. An additional \$75,500 was derived from fees charged to users for information generated by the Magisterial District Judge System, and \$94,500 was 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 2006-07 was \$41,897,000.

The Common Pleas appropriation shown includes \$3.725 million provided as a supplemental, continuing appropriation after the close of the fiscal year as a result of a deficit in the appropriation.

The FY 2006-07 Philadelphia Gun Court Reimbursement Grant is a two-year continuing appropriation, expiring June 30, 2008.

Table 4.2, cont'd.

**County Reimbursements for Courts
FY 2006-07**

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Adams	\$69.25	\$210,000.00	\$1,134.00	\$0.00	\$0.00	\$211,203.25
Allegheny	100,087.24	2,870,000.00	196,204.00	0.00	2,000,000.00	5,166,291.24
Armstrong	956.67	140,000.00	150.00	0.00	0.00	141,106.67
Beaver	7,336.89	420,000.00	31,932.00	0.00	0.00	459,268.89
Bedford	663.36	140,000.00	0.00	0.00	0.00	140,663.36
Berks	20,256.40	840,000.00	135,760.00	0.00	0.00	996,016.40
Blair	10,135.33	280,000.00	5,604.00	0.00	0.00	295,739.33
Bradford	7,084.90	140,000.00	5,172.00	0.00	0.00	152,256.90
Bucks	45,422.27	910,000.00	32,904.00	0.00	0.00	988,326.27
Butler	5,151.24	350,000.00	284.00	0.00	0.00	355,435.24
Cambria	0.00	350,000.00	18,968.00	0.00	0.00	368,968.00
Cameron	480.00	10,500.00	0.00	0.00	0.00	10,980.00
Carbon	299.71	140,000.00	6,490.00	0.00	0.00	146,789.71
Centre	1,945.76	210,000.00	0.00	0.00	0.00	211,945.76
Chester	27,167.69	910,000.00	21,300.00	0.00	0.00	958,467.69
Clarion	3,253.88	70,000.00	7,902.00	0.00	0.00	81,155.88
Clearfield	2,913.59	140,000.00	2,200.00	0.00	0.00	145,113.59
Clinton	0.00	140,000.00	0.00	0.00	0.00	140,000.00
Columbia	0.00	109,200.00	0.00	0.00	0.00	109,200.00
Crawford	2,761.99	210,000.00	4,208.00	0.00	0.00	216,969.99
Cumberland	9,145.96	350,000.00	0.00	0.00	0.00	359,145.96
Dauphin	38,392.64	560,000.00	0.00	0.00	0.00	598,392.64
Delaware	23,000.69	1,330,000.00	104,844.00	0.00	0.00	1,457,844.69
Elk	0.00	59,500.00	238.00	0.00	0.00	59,738.00

continued...

County Reimbursements for Courts, continued
FY 2006-07

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Erie	\$6,785.35	\$630,000.00	\$0.00	\$0.00	\$0.00	\$636,785.35
Fayette	3,708.91	350,000.00	0.00	0.00	0.00	353,708.91
Forest	0.00	14,000.00	1,660.00	0.00	0.00	15,660.00
Franklin	6,230.13	252,000.00	0.00	0.00	0.00	258,230.13
Fulton	322.16	28,000.00	0.00	0.00	0.00	28,322.16
Greene	7,833.60	140,000.00	0.00	0.00	0.00	147,833.60
Huntingdon	1,019.11	70,000.00	0.00	0.00	0.00	71,019.11
Indiana	740.10	210,000.00	312.00	0.00	0.00	211,052.10
Jefferson	2,875.99	70,000.00	5,950.00	0.00	0.00	78,825.99
Juniata	0.00	47,600.00	512.00	0.00	0.00	48,112.00
Lackawanna	18,614.18	490,000.00	30,792.00	0.00	0.00	539,406.18
Lancaster	21,359.53	910,000.00	4,824.00	0.00	0.00	936,183.53
Lawrence	9,509.31	280,000.00	0.00	0.00	0.00	289,509.31
Lebanon	8,275.48	280,000.00	0.00	0.00	0.00	288,275.48
Lehigh	25,592.74	700,000.00	19,224.00	0.00	0.00	744,816.74
Luzerne	22,836.54	630,000.00	92,692.00	0.00	0.00	745,528.54
Lycoming	9,587.94	350,000.00	596.00	0.00	0.00	360,183.94
McKean	2,085.70	140,000.00	4,482.00	0.00	0.00	146,567.70
Mercer	5,729.33	280,000.00	3,898.00	0.00	0.00	289,627.33
Mifflin	0.00	70,000.00	1,448.00	0.00	0.00	71,448.00
Monroe	4,204.23	420,000.00	2,740.00	0.00	0.00	426,944.23
Montgomery	30,244.73	1,470,000.00	31,584.00	0.00	0.00	1,531,828.73
Montour	0.00	30,800.00	0.00	0.00	0.00	30,800.00
Northampton	8,119.22	490,000.00	37,940.00	0.00	0.00	536,059.22

continued...

County Reimbursements for Courts, continued
FY 2006-07

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Northumberland	\$0.00	\$210,000.00	\$6,192.00	\$0.00	\$0.00	\$216,192.00
Perry	43.94	92,400.00	1,524.00	0.00	0.00	93,967.94
Philadelphia	523,492.91	10,075,327.00	348,536.00	700,000.00	0.00	11,647,355.91
Pike	2,617.26	70,000.00	13,042.00	0.00	0.00	85,659.26
Potter	1,079.38	70,000.00	0.00	0.00	0.00	71,079.38
Schuylkill	1,515.89	420,000.00	0.00	0.00	0.00	421,515.89
Snyder	2,449.37	65,800.00	0.00	0.00	0.00	68,249.37
Somerset	3,370.79	210,000.00	2,540.00	0.00	0.00	215,910.79
Sullivan	0.00	13,300.00	0.00	0.00	0.00	13,300.00
Susquehanna	666.89	70,000.00	0.00	0.00	0.00	70,666.89
Tioga	1,157.16	70,000.00	0.00	0.00	0.00	71,157.16
Union	2,538.53	74,200.00	0.00	0.00	0.00	76,738.53
Venango	3,929.60	140,000.00	4,320.00	0.00	0.00	148,249.60
Warren	1,349.34	126,000.00	8,018.00	0.00	0.00	135,367.34
Washington	15,507.27	350,000.00	2,580.00	0.00	0.00	368,087.27
Wayne	374.86	70,000.00	0.00	0.00	0.00	70,374.86
Westmoreland	12,807.13	770,000.00	7,128.00	0.00	0.00	789,935.13
Wyoming	569.29	56,700.00	0.00	0.00	0.00	57,269.29
York	21,558.91	840,000.00	13,364.00	0.00	0.00	874,922.91
Transfer to JCS	270,000.00	0.00	778,000.00	0.00	0.00	1,048,000.00
Lapse	0.00	673.00	808.00	0.00	0.00	1,481.00
Total	1,367,228.26	33,036,000.00	2,000,000.00	700,000.00	2,000,000.00	39,103,228.26

Funding Methodologies:

Juror Cost - The grant reimburses counties for 80 percent of the amounts they expend for compensation and travel allowances to jurors participating in a trial or grand jury proceedings after the first three days of service.

continued...

County Reimbursements for Courts, continued
FY 2006-07

Funding Methodologies, continued:

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 2006-07, 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 at least equal to the reimbursement rate per authorized position. Nevertheless, in accordance with statute, no county will receive less than 77.5% of the actual reimbursement for court costs provided to it from state funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

Senior Judge - The grant provides partial reimbursement for expenses counties incur to provide support—facilities and staff services—to assigned Common Pleas Court senior judges in accordance with Pa. Rule of Judicial Administration 701. Facilities include the use of judicial chambers, office equipment and supplies; staff services include the services of law clerks and secretaries. The use of facilities is reimbursed at the current statutory rate of \$60 per day, billable in half-day increments. Services of a secretary are reimbursed at \$12 per hour, and the services of a law clerk at \$20 per hour. For FY 2006-07, the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2006.

Philadelphia Gun Court Reimbursement Grant - The grant provides reimbursement to the City of Philadelphia for personnel costs associated with the operation of the Philadelphia gun court.

Court Accounts (Court Consolidation Grant) - The grant provides reimbursement to Allegheny County for costs related to the transition of the former Pittsburgh Magistrates Court staff to county employment as a result of the merger of the Pittsburgh Magistrates Court into the magisterial district judge system effective January 1, 2005.

Fees That Support State Operations	
Appropriation	2006-07 (thousands)
Supreme Court	\$416
Pa. Board of Law Examiners	2,118
Judicial Computer System*	170
Superior Court	222
Commonwealth Court	162
Magisterial District Judge Education	24
Court Management Education	1
Court Administrator	35
Total	\$3,148
<p><i>*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$94,500 to support the "Jen/Dave" functions during FY 2006-07. The remainder was derived from public access fees levied on nongovernmental users of information captured by the Magisterial District Judge System.</i></p>	

Table 4.4

SUPREME COURT JUSTICES
•
SUPERIOR COURT JUDGES
•
COMMONWEALTH COURT JUDGES
•
SUPERIOR COURT SENIOR JUDGES
•
COMMONWEALTH COURT SENIOR JUDGES
•
COMMON PLEAS COURT JUDGES
•
COMMON PLEAS COURT SENIOR JUDGES
•
PHILADELPHIA MUNICIPAL COURT JUDGES
•
PHILADELPHIA MUNICIPAL COURT SENIOR
JUDGES
•
PHILADELPHIA TRAFFIC COURT JUDGES
•
PHILADELPHIA TRAFFIC COURT SENIOR JUDGES
•
DISTRICT JUSTICES
•
SENIOR DISTRICT JUSTICES

**The
Directory
2006**

Supreme Court Justices

Complement 7

Cappy, Ralph J.
Chief Justice

Castille, Ronald D.
Newman, Sandra Schultz**
Saylor, Thomas G.
Eakin, J. Michael
Baer, Max
Baldwin, Cynthia A.*
Fitzgerald, James J., III+

* Appointed 2-15-06

** Resigned 12-31-06

+ Appointed 3-28-07

Superior Court Judges

Complement 15

Del Sole, Joseph A.*
President Judge

Ford Elliott, Kate**
President Judge

Hudock, Joseph A.
Joyce, Michael T.
Stevens, Correale F.
Musmanno, John L.
Orie Melvin, Joan
Lally-Green, Maureen
Todd, Debra B.

Klein, Richard B.
Bender, John T.
Bowes, Mary Jane
Gantman, Susan Peikes
McCaffery, Seamus P.
Panella, Jack A.
Daniels, Robert C.+

* Resigned 9-1-06

** Elected president judge effective 9-2-06

+ Appointed 3-28-07

Commonwealth Court Judges

Complement 9

Colins, James Gardner*
President Judge

Leadbetter, Bonnie Brigance**
President Judge

McGinley, Bernard L.
Smith-Ribner, Doris A.
Pellegrini, Dante R.
Friedman, Rochelle S.

Cohn Jubelirer, Renée
Simpson, Robert E., Jr.
Leavitt, M. Hannah

* President judge term expired 1-1-07

** Elected president judge effective 1-2-07

Appellate

Court

Jurists

(As of 6-30-07)

**Senior
Appellate
Court
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.**
Colville, Robert E.*
Johnson, Justin M.
Kelly, John T.J., Jr.
McEwen, Stephen J., Jr.

Popovich, Zoran
Tamilia, Patrick R.

* Allegheny County senior Common
Pleas Court judge assigned to
Superior Court; effective 3-20-06

** Retired 12-31-06

**Commonwealth
Court Senior Judges**

Feudale, Barry F.**
Flaherty, James J.
Kelley, James R.
McCloskey, Joseph F.*
Quigley, Keith B.+

* Schuylkill County senior Common
Pleas Court judge assigned to
Commonwealth Court

** Northampton County senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court

+ Perry-Juniata Counties senior
Common Pleas Court judge; sits
on occasion in Commonwealth
Court

(As of 6-30-07)

ADAMS COUNTY (51)

Complement 3

Kuhn, John D.
Bigham, Robert G.
George, Michael A.

ALLEGHENY COUNTY (05)

Complement 43
Vacancy 2

James, Joseph M.

Administrative Judges

Clark, Kim Berkeley
Lucchino, Frank J.
McDaniel, Donna Jo
Wettick, R. Stanton, Jr.

Allen, Cheryl Lynn
Baldwin, Cynthia A.**
Borkowski, Edward J.
Cashman, David R.
Colville, Robert J.

De Angelis, Guido A.
Della Vecchia, Michael A.
Durkin, Kathleen A.
Eaton, Kim D.
Flaherty, Thomas E.

Folino, Ronald W.
Friedman, Judith L.A.
Gallo, Robert C.
Hens-Greco, Kathryn M.
Hertzberg, Alan David

Horgos, Robert P.
Kelly, Robert A.
Lazzara, Beth A.
Little, Walter R.*
Lutty, Paul F., Jr.

Machen, Donald E.
Manning, Jeffrey A.
Mariani, Anthony M.
Mazur, Lee J.
Mulligan, Kathleen R.

Nauhaus, Lester G.
O'Brien, W. Terrence

O'Reilly, Timothy Patrick
O'Toole, Lawrence J.
Rangos, Jill E.

Sasinoski, Kevin G.
Scanlon, Eugene F., Jr.
Strassburger, Eugene B., III
Todd, Randal B.
Ward, Christine A.

Wecht, David N.
Woodruff, Dwayne D.
Zottola, John A.

* Resigned 1-31-06
** Appointed to the Supreme Court 2-15-06

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

BEAVER COUNTY (36)

Complement 7

Kunselman, Robert E.
Dohanich, John P.
James, George E.
Kwidis, C. Gus
Kunselman, Deborah A.

Mancini, Richard
McBride, John D.

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

BERKS COUNTY (23)

Complement 13

Grim, Arthur E.
Boccabella, John A.
Bucci, James M.

Common

Pleas

Court

Judges

(As of 6-30-07)

(Judicial district listed in parentheses)

(Italics denotes president judge)

BERKS COUNTY, continued

Campbell, Mary Ann
Keller, Scott D.

Lash, Scott E.
Lieberman, Stephen B.
Ludgate, Linda K.M.
Parisi, Thomas G.
Schmehl, Jeffrey L.

Schmehl, Peter W.
Sprecher, Jeffrey K.
Yatron, Paul M.

BLAIR COUNTY (24)

Complement 5

Kopriva, Jolene Grubb
Carpenter, Hiram A., III
Doyle, Elizabeth A.
Milliron, Daniel J.
Sullivan, Timothy M.

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 13

Heckler, David W.
Biehn, Kenneth G.
Boylan, Rea Behney
Cepparulo, Albert J.
Finley, Jeffrey L.

Fritsch, C. Theodore, Jr.
Goldberg, Mitchell S.
Lawler, Daniel J.
Mellon, Robert J.
Rubenstein, Alan M.

Rufe, John J.
Scott, Susan Devlin
Waite, Clyde W.

BUTLER COUNTY (50)

Complement 6

Doerr, Thomas J.
Hancher, George H.
Horan, Marilyn J.
McCune, Timothy F.
Shaffer, William R.

Yeager, S. Michael

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
Creany, Timothy P.
Krumenacker, Norman A., III
Leahy, Francis J.
Tulowitzki, David J.

CARBON COUNTY (56)

Complement 2

Nanovic, Roger N.
Addy, David W.

CENTRE COUNTY (49)

Complement 4

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

CHESTER COUNTY (15)

Complement 13

Ott, Paula Francisco
Cody, Jacqueline C.
Gavin, Thomas G.
Griffith, Edward
Hall, John L.

MacElree, James P., II
Mahon, William P.
Nagle, Ronald C.

Platt, Katherine B.L.
Riley, Howard F., Jr.

Sarcione, Anthony A.
Shenkin, Robert J.
Streitel, Phyllis R.

CLARION COUNTY (18)

Complement 1

Arner, James G.

CLEARFIELD COUNTY (46)

Complement 2

Ammerman, Frederic J.
Cherry, Paul E.

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 3

Miller, Gordon R.
Spataro, John F.
Vardaro, Anthony J.

CUMBERLAND COUNTY (09)

Complement 5

Bayley, Edgar B.
Ebert, Merle L., Jr.
Guido, Edward E.

**CUMBERLAND COUNTY,
continued**

Hess, Kevin A.
Oler, J. Wesley, Jr.

DAUPHIN COUNTY (12)
Complement 8

Lewis, Richard A.
Bratton, Bruce F.
Cherry, John F.
Clark, Lawrence F., Jr.
Evans, Scott A.

Hoover, Todd A.
Kleinfelter, Joseph H.
Turgeon, Jeannine

DELAWARE COUNTY (32)
Complement 19

Clouse, Kenneth A.*
Zetusky, Edward J., Jr.**
Bradley, Harry J.
Bradley, James P.
Burr, Charles B., II

Coll, Michael F.X.
Cronin, Joseph P., Jr.
Dozor, Barry C.
Durham, Kathrynann W.
Fitzpatrick, Maureen F.

Hazel, Frank T.
Jenkins, Patricia H.
Kelly, Kevin F.
Kenney, Chad F., Sr.
Nilon, James F., Jr.

Osborne, Ann A.
Pagano, George A.
Proud, James F.
Wright, Robert C.

* President judge term
expired 1-6-07

** Elected president judge
effective 1-7-07

**ELK-CAMERON
COUNTIES (59)**

Complement 1

Masson, Richard A.

ERIE COUNTY (06)

Complement 9

*Kelly, Elizabeth K.
Bozza, John A.
Connelly, Shad F.
Cunningham, William R.
DiSantis, Ernest J., Jr.*

*Domitrovich, Stephanie A.
Dunlavey, Michael E.
Garhart, John
Trucilla, John J.*

FAYETTE COUNTY (14)

Complement 5

*Capuzzi, Conrad B.
Leskinen, Steve P.
Solomon, Gerald R.
Wagner, John F., Jr.
Warman, Ralph C.*

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 4

*Walker, John R.
Herman, Douglas W.
Van Horn, 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 3

*Martin, William J.
Hanna, Carol
Olson, Gregory A.*

JEFFERSON COUNTY (54)

Complement 1

Foradora, John H.

**LACKAWANNA
COUNTY (45)**

Complement 8

*Harhut, Chester T.
Barrasse, Michael J.
Corbett, Patricia
Geroulo, Vito P.
Mazzoni, Robert A.*

*Minora, Carmen D.
Munley, Thomas J.
Nealon, Terrence R.*

LANCASTER COUNTY (02)

Complement 13

Vacancy 2

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

*Gorbey, Leslie
Hoberg, Jay J.
Hummer, Wayne G., Jr.
Kenderdine, Henry S., Jr.
Madenspacher, Joseph C.*

LANCASTER COUNTY,
continued

Perezous, Michael J.**
Reinaker, Dennis E.
Workman, Daniel R.

* Resigned 12-31-06
** Retired 12-31-06

LAWRENCE COUNTY (53)
Complement 4

Motto, Dominick
Cox, J. Craig
Hodge, John W.
Piccione, Thomas M.

LEBANON COUNTY (52)
Complement 4

Eby, Robert J.
Charles, Bradford H.
Kline, Samuel A.
Tylwalk, John C.

LEHIGH COUNTY (31)
Complement 10
Vacancy 1

*Platt, William H.***
Black, Alan M.+
Banach, Kelly L.
Brenner, Lawrence J.
Ford, William E.

Johnson, J. Brian
McGinley, Carol K.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.*

* Resigned 3-3-06
** President judge term
expired 1-6-07
+ Elected president judge
effective 1-7-07

LUZERNE COUNTY (11)
Complement 9

*Conahan, Michael T.**
*Ciavarella, Mark A., Jr.***
Augello, Joseph M.
Burke, Thomas F., Jr.
Lokuta, Ann H.
Mundy, Hugh F.
Muroski, Chester B.
Olszewski, Peter Paul, Jr.
Toole, Michael T.

* President judge term
expired 2-5-07
** Elected president judge
effective 2-6-07

LYCOMING COUNTY (29)
Complement 5

Brown, Kenneth D.
Anderson, Dudley N.
Butts, Nancy L.
Gray, Richard A.
Kieser, William S.

MCKEAN COUNTY (48)
Complement 2

Cleland, John M.
Yoder, John H.

MERCER COUNTY (35)
Complement 4

Fornelli, Francis J.
Dobson, Thomas R.
Reed, John C.
St. John, Christopher J.

MIFFLIN COUNTY (58)
Complement 2

Searer, Timothy S.
Williams, Rick A

MONROE COUNTY (43)
Complement 6

Vican, Ronald E.
Cheslock, Jerome P.
Mark, Jonathan
Miller, Linda Wallach
Worthington,
Margherita Patti
Zulick, Arthur L.

**MONTGOMERY
COUNTY (38)**
Complement 21

*Corso, S. Gerald**
*Hodgson, Richard J.***
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.

Branca, Thomas C.
Carpenter, William R.
Daniele, Rhonda Lee
DelRicci, Thomas M.
Dickman, Toby L.

Drayer, Calvin S., Jr.
Furber, William J., Jr.
Moore, Bernard A.
Nicholas, William T.
O'Neill, Steven T.

Ott, Stanley R.
Rogers, Thomas P.
Rossanese, Maurino J., Jr.
Smyth, Joseph A., Jr.
Tilson, Arthur R.

Tressler, Paul W.

* President judge term
expired 1-6-07
** Elected president judge
effective 1-7-07

**NORTHAMPTON
COUNTY (03)**

Complement 8

Freedberg, Robert A.
Baratta, Stephen G.
Beltrami, Anthony S.
Giordano, Emil A.
McFadden, F. P. Kimberly

Moran, William F.
Roscioli, Paula A.
Smith, Edward G.

**NORTHUMBERLAND
COUNTY (08)**

Complement 3

Sacavage, Robert B.
Saylor, Charles H.
Wiest, William Harvey

**PERRY-JUNIATA
COUNTIES (41)**

Complement 2

Rehkamp, C. Joseph
Morrow, Kathy A.

**PHILADELPHIA
COUNTY (01)**

Complement 93
Vacancy 2

*Massiah-Jackson,
Frederica A.*
Jones, C. Darnell, II***

Administrative Judges
Dougherty, Kevin M.
Fitzgerald, James J., III++
Keogh, D. Webster#
O'Keefe, Joseph D.

Abramson, Howland W.
Allen, Jacqueline F.
Bernstein, Mark I.

Berry, Willis W., Jr.
Bright, Gwendolyn N.

Brinkley, Genece E.
Bronson, Glenn B.
Brown, Joan A.
Butchart, Ann M.
Byrd, Sandy L.V.

Carrafiello, Matthew D.
Chen, Ida K.
Clark, Tama Myers
Cohen, Denis P.
Cooperman, Amanda

Cunningham,
Charles J., III
DeFino-Nastasi, Rose Marie
Dembe, Pamela Pryor
Dempsey, Thomas E.
Di Vito, Gary F.

DiNubile, Victor J., Jr.
Djerassi, Ramy I.
Dumas, Lori A.
Dych, Joseph A.
Fleisher, Leslie

Ford, Holly J.
Fox, Idee C.
Frazier-Clemons, Brenda
Geroff, Steven R.
Glazer, Gary S.

Gordon, Richard J., Jr.
Greenspan, Jane Cutler
Herron, John W.
Hill, Glynnis D.
Hughes, Renee Cardwell

Jackson, Elizabeth
Johnson, Joel S.
Joseph, Barbara A.
Kane, Harold M.
Kean, Joyce S.+

Lachman, Marlene
Lazarus, Anne E.
Lerner, Benjamin
Lewis, Kathryn Streeter
Lynn, James Murray

Maier, Eugene Edward J.
Manfredi, William J.
Matthews, Robert J.
Mazzola, William J.
McInerney, Patricia A.

Means, Rayford A.
Minehart, Jeffrey B.
Moss, Sandra Mazur
Murphy, Margaret Theresa
New, Arnold L.

Olszewski, Walter J.
Overton, George W.
Palumbo, Frank
Panepinto, Paul P.
Papalini, Joseph I.

Patrick-Johnakin, Paula A.
Pechkurow, Doris A.
Quiñones Alejandro, Nitza I.
Ransom, Lillian Harris
Rau, Lisa M.

Rebstock, Robert J.
Rizzo, Annette M.
Robins New, Shelley
Robinson, Roslyn K.
Rogers, Peter F.

Sarmina, M. Teresa
Schulman, Susan I.
Sheppard, Albert W., Jr.
Shirdan-Harris, Lisette
Shreeves-Johns, Karen

Smith, Gregory E.
Snite, Albert John, Jr.
Summers, Edward R.
Sylvester, Esther R.
Tereshko, Allan L.

Trent, Earl W., Jr.
Tucker, Leon W.
Wogan, Chris R.
Wolf, Flora Barth
Woods-Skipper, Sheila A.

PHILADELPHIA COUNTY, continued

Wright Padilla, Nina N.
Younge, John Milton

- * President judge term expired 1-9-06
- ** Elected president judge effective 1-10-06
- + Resigned 5-2-06
- ++ Appointed to Supreme Court 3-28-07
- # Appointed administrative judge effective 3-30-07

PIKE COUNTY (60)

Complement 1

Kameen, Joseph F.

POTTER COUNTY (55)

Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)

Complement 6

Baldwin, William E.
Dolbin, Cyrus Palmer
Domalakes, John E.
Miller, Charles M.
Russell, Jacqueline L.
Stine, D. Michael

SNYDER-UNION COUNTIES (17)

Complement 2

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

SOMERSET COUNTY (16)

Complement 3

Cascio, John M.
Geary, D. Gregory
Klementik, David C.

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 2

Morgan, William F.
Skerda, Maureen A.

WASHINGTON COUNTY (27)

Complement 6

O'Dell Seneca, Debbie
Bell, Janet Moschetta
DiSalle, John F.
Emery, Katherine B.
Mascara, Mark E.
Pozonsky, Paul M.

WAYNE COUNTY (22)

Complement 1
Vacancy 1

*Conway, Robert J.**

* Resigned 12-31-06

WESTMORELAND COUNTY (10)

Complement 11

*Ackerman, Daniel J.**
*Blahovec, John E.***
Bell, Alfred B.
Caruso, Gary P.
Driscoll, John J.

Feliciani, Christopher A.
Hathaway, Rita Donovan
Marsili, Anthony G.
McCormick, Richard E., Jr.
Ober, William J.

Pezze, Debra A.

- * President judge term expired 4-9-07
- ** Elected president judge effective 4-10-07

WYOMING-SULLIVAN COUNTIES (44)

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 14+2

Renn, Richard K.
Adams, Joseph C.
Blackwell, Penny L.
Bortner, Michael E.
Brillhart, Michael J.

Chronister, John H.
Cook, Maria Musti
Dorney, Sheryl Ann

YORK COUNTY, continued

Kelley, Thomas H.

Kennedy, John S.

Linebaugh, Stephen P.

Snyder, Gregory M.

Thompson, John W., Jr.

Uhler, John C.

**Common
Pleas
Court
Senior
Judges**

ADAMS COUNTY

Spicer, Oscar F.*

* Retired 12-31-06

ALLEGHENY COUNTY

Bigley, Gerard M.
Johnson, Livingstone M.
Kaplan, Lawrence W.
Novak, Raymond A.*

* Resigned 2-1-06

BEAVER COUNTY

Mannix, Thomas C.
Reed, Robert C.
Steege, Peter O.

BERKS COUNTY

Eshelman, Thomas J.
Schaeffer, Forrest G., Jr.
Smith, Calvin E.
Stallone Albert A.

BLAIR COUNTY

Peoples, Thomas G., Jr.

BUCKS COUNTY

Biester, Edward G., Jr.*
Clark, Ward F.
Kane, Michael J.
McAndrews, R. Barry
Rufe, William H., III

* Retired 12-31-06

BUTLER COUNTY

Brydon, John H.

CAMBRIA COUNTY

Swope, Thomas A., Jr.

CARBON COUNTY

Lavelle, John P.*
Webb, Richard W.

* Resigned 2-1-06

CHESTER COUNTY

Smith, Charles B.*
Wood, Lawrence E.**

* Effective 5-25-06

** Resigned 10-4-06

CLARION COUNTY

Alexander, Charles R.

CLEARFIELD COUNTY

Reilly, John K., Jr.

CLINTON COUNTY

Brown, Carson V.

DELAWARE COUNTY

Keeler, Charles C.
Koudelis, George
Toal, William R., Jr.

(As of 6-30-07)

ERIE COUNTY

Anthony, Fred P.

FRANKLIN-FULTON COUNTIES

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker*

* Resigned 3-20-06

JEFFERSON COUNTY

Henry, William L.

LACKAWANNA COUNTY

O'Malley, Carlon M., Jr.

LANCASTER COUNTY

Georgelis, Michael A.*
Perezous, Michael J.*

* Effective 1-1-07

LAWRENCE COUNTY

Pratt, Ralph D.

LEHIGH COUNTY

Diefenderfer, James N.

LUZERNE COUNTY

Toole, Patrick J., Jr.

LYCOMING COUNTY

Smith, Clinton W.

MERCER COUNTY

Wherry, Michael J.

MONROE COUNTY

O'Brien, Peter J.*

* Effective 1-9-06

MONTGOMERY COUNTY

Vogel, William W.*

* Retired 12-31-06

NORTHAMPTON COUNTY

Franciosa, Michael V.
Hogan, James C.

NORTHUMBERLAND COUNTY

Feudale, Barry F.*
Ranck, Samuel C.

* Sits on occasion in
Commonwealth Court

PERRY-JUNIATA COUNTIES

Quigley, Keith B.*

* Sits on occasion in
Commonwealth Court

PHILADELPHIA COUNTY

Ackerman, Norman
Bonavitacola, Alex+
Chiovero, John J.
DeFino, Anthony J., Jr.
DiBona, Alfred J., Jr.

Field, Myrna P.++
Ivanoski, Leonard A.
Jackson, Ricardo C.
Jelin, Sheldon C.
Kafritsen, Arthur S.

Levin, Stephen E.
O'Grady, John J., Jr.
Poserina, John J., Jr.
Reynolds, Abram Frank
Richette, Lisa A.

Russell, Edward E.
Savitt, David N.**
Temin, Carolyn Engel
Watkins, Thomas D.*

* Resigned 2-14-06
** Resigned 10-20-06
+ Retired 12-31-06
++ Died 4-24-07

PIKE COUNTY

Thomson, Harold A., Jr.

SOMERSET COUNTY

Fike, Eugene E., II

WARREN-FOREST COUNTIES

Millin, Paul H.
Wolfe, Robert L.*

* Retired 12-31-06

WASHINGTON COUNTY

Bell, John F.
Gladden, Thomas D.
Terputac, Thomas J.

WAYNE COUNTY

Conway, Robert J.*

* Effective 1-1-07

WESTMORELAND COUNTY

Loughran, Charles H.
Marker, Charles E.
Mihalich, Gilfert M.*

* Retired 12-31-06

YORK COUNTY

Cassimatis, Emanuel A.*
Miller, John T.

* Retired 12-31-06

Philadelphia Municipal Court

Judges

Complement 25
Vacancy 2

Prezenza, Louis J.
Anderson, Linda F.*
Blasi, Robert S.
Brady, Frank T.
Conway, Gwendolyn A.

Daher, Georganne V.
DeLeon, James M.
Deni, Teresa Carr
Gehret, Thomas F.
Gilbert, Barbara S.

Griffin, Deborah Shelton
Jimenez, Nazario, Sr.
Kirkland, Lydia Y.
Kosinski, Gerard A.
Meehan, William Austin, Jr.

Merriweather, Ronald B.
Moore, Jimmie
Moss, Bradley K.
Neifield, Marsha H.
Pew, Wendy L.

Robbins, Harvey W.
Shuter, David C.
Silberstein, Alan K.**
Simmons, Karen Y.
Washington, Craig M.

* Died 12-7-06

** Resigned 3-2-07

Philadelphia Traffic Court

Judges

Complement 7
Vacancy 1

Tynes, Thomasine

Administrative Judge
DeAngelis, Bernice A.

Adams, Willie J.
Green, Earlene
Perri, Fortunato N., Sr.*
Sullivan, Michael J.

* Retired 12-31-06

Philadelphia

Special

Courts

Judges

(As of 6-30-07)

*(Italics denotes
president judge)*

**Philadelphia
Special
Courts
Senior
Judges**

**Philadelphia
Municipal Court
Senior Judges**

Cosgrove, Francis P.
King, William A., Jr.**
Krase, Morton
Mekel, Edward G.*
Stack, Felice Rowley

* Resigned 12-31-06

** Retired 12-31-06

**Philadelphia
Traffic Court
Senior Judges**

Perri, Fortunato N., Sr.*

* Effective 1-1-07

(As of 6-30-07)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)

Complement 49
Vacancy 3

Barner, Robert L.
Barton, David J.
Bengel, Carolyn S.
Blaschak, Suzanne R.
Bova, John N.

Boyle, Mary Grace**
Brletic, Thomas S.*
Bubash, Cathleen Cawood
Cercone, Mary Ann
Cioppa, Ross C.

Cooper, Kevin E.
Costa, Ronald N., Sr.
Dzvonick, Robert P.
Edkins, Sally Ann
Evashavik, Susan F.

Firestone, Nathan N.
Ford, Robert L.
Hanley, James J., Jr.
Herbst, Jeffrey L.
Hoots, Kim M.

Hromyak, Leonard J.
Joyce, Dennis R.
King, Richard G.
Lang, Elissa M.
Larotonda, Blaise P.

Marraccini, Ernest L.+
Martin, Armand
Martini, Randy C.
McGraw, Elaine M.
McLaughlin, Charles A., Jr.

Miller, Thomas G., Jr.
Murray, Mary P.
Olasz, Richard D., Jr.

Opiela, Richard G.
Petite, Oscar J., Jr.

Ravenstahl, Robert P., Jr.
Ricciardi, Eugene N.
Saveikis, Anthony W.
Schricker, Scott H.
Smith, Tara L.

Sosovicka, David J.
Swearingen, Carla M.
Torkowsky, Thomas R.
Wagner, William K.
Welsh, Regis C., Jr.

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

* Resigned 1-27-06
** Resigned 3-1-06
+ Resigned 12-4-06

ARMSTRONG COUNTY (33)

Complement 4

DeComo, J. Gary
Gerheim, Michael L.
Goldstrohm, Samuel R.
Owen, James H.

BEAVER COUNTY (36)

Complement 9

DiBenedetto, James F.
Finn, Tim
Howe, Edward C.
Knafelc, Harry E.
Livingston, William R., II

Loughner, C. Douglas
Nicholson, Dale F.
Schafer, Joseph L.
Swihart, Janet M.

Magisterial

District

Judges

(As of 6-30-07)

BEDFORD COUNTY (57)

Complement 4

Baker, Brian K.
Bingham, H. Cyril, Jr.
Calhoun, Kathy S.
Osman, Tonya M.

BERKS COUNTY (23)

Complement 18

Bentz, Nicholas M., Jr.
Book, Andrea J.
Dougherty, Timothy M.
Frederick, Victor M., IV
Gauby, Thomas M., Sr.

Glass, David E.
Greth, Gail M.
Hall, William N., Jr.
Hartman, Michael G.
Kennedy Stuart D.

Kowalski, Phyllis J.
Lachina, Deborah P.
Leonardziak, Michael J.
Patton, Dean R.
Scott, Wallace S.

Stitzel, Gloria W.
Xavios, Thomas H.
Young, Ann L.

BLAIR COUNTY (24)

Complement 7

Aigner, Paula M.
Auker, Jeffrey P.
Jones, Patrick T.
Kelly, Todd F.
Miller, Fred B.

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

Baum, Charles W.
Benz, William J.
Brown, Leonard J.
Burns, Michael J.
Daly, Philip J.

DuBree, M. Kay
Falcone, Joseph P.
Finello, Daniel J., Jr.
Gaffney, Robert E.
Kelly, John J., Jr.

Kline, Joanne V.
McEwen, Susan E.
Nasshorn, Donald
Peranteau, Frank W., Sr.
Roth, C. Robert

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

BUTLER COUNTY (50)

Complement 7

Haggerty, Sue E.
O'Donnell, Kevin P.
Seibel, Wayne D.
Shaffer, Peter H.
Stoughton, Lewis E.

Streib, Kelly T.D.
Woessner, Clifford J.

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Creany, Frederick S.
Decort, Galen F.
Grecek, Leonard J.
Musulin, Michael J.

Nileski, Charity L.
Pavlovich, Max F.
Varner, Rick W.
Zanghi, Mary Ann
Zungali, Michael

CARBON COUNTY (56)

Complement 4

Appleton, Bruce F.
Homanko, Joseph D., Sr.
Kosciolek, Casimir T.
Lewis, Edward M.

CENTRE COUNTY (49)

Complement 6

Vacancy 1

Grine, Jonathan D.
Hoffman, Daniel R., II
Jordan, Thomas N.
Prestia, Carmine W., Jr.
Sinclair, Allen W.

CHESTER COUNTY (15)

Complement 19

Vacancy 1

Anthony, John F.
Arnold, Rita A.
Blackburn, Jeremy M.
Bruno, Mark A.
Cabry, Michael J., III

Charley, James J., Jr.
Darlington, Chester F.
Davis, Robert L.
DeAngelo, James V.
Farmer, Harry W., Jr.

**CHESTER COUNTY,
continued**

Gill, Nancy A.*
Knapp, Gwenn S.
Koon, Grover E.
Maisano, Daniel J.
Martin, Thomas E., Jr.

Michaels, Theodore P., Jr.
Scott, Stanley
Smith, Larry E.
Winther, J. Peter**

* Appointed 5-2-06
** Resigned 4-30-07

CLARION COUNTY (18)
Complement 4

George, Daniel P.
Kadunce, Nancy M.
Long, Amy L.
Quinn, Duane L.

CLEARFIELD COUNTY (46)
Complement 4

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

CLINTON COUNTY (25)
Complement 3

Maggs, John W.
Mills, Frank P., Sr.
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 5

Chisholm, William D.
Marwood, Rita J.
Nicols, Amy L.
Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

**CUMBERLAND
COUNTY (09)**
Complement 10

Bender, Harold E.
Brewbaker, Jessica E.
Clement, Charles A., Jr.
Cohick, Vivian J.
Correal, Paula P.
Day, Susan K.
Dougherty, Richard S., Jr.
Manlove, Robert V.
Martin, Mark W.
Placey, Thomas A.

DAUPHIN COUNTY (12)
Complement 16

Bridges, Roy C.
Jennings, Robert, III
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Margerum, Rebecca Jo
Pelino, Dominic A.
Pianka, Barbara
Postelle, LaVon A.
Semic, Steven M.
Shugars, Raymond F.
Smith, Michael John
Solomon, Joseph S.

Stewart, Marsha C.
Wenner, William C.

Zozos, George A.

**DELAWARE
COUNTY (32)**
Complement 34
Vacancy 1

Berardocco, Ann
Blythe, Robert J.
Burke, Robert R.
Cappelli, Richard M.
Capuzzi, John P.
Christie, Edward W.
Cullen, Michael G.
Davis, Horace Z.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.

Griffin, David R.
Hunter, Leon, III
Karapalides, Harry J.
Klein, Stephanie H.
Lacey, Thomas J.

Lacianca, Elisa C.
Lang, David Hamilton
Lippart, Jack D.
Lippincott, Nicholas S.
Mallon, Gregory M.

Mattox, Christopher R.
McCray, C. Walter, III
McKeon, Laurence J.
Micozzie, Kelly A.
Murphy, David J.

Perfetti, John J.
Puppio, Andrea E.
Sandone, Steven A.
Scanlon, Anthony D.
Seaton, Spencer B., Jr.

Tolliver, Elkin A.
Tozer, Peter P.
Tuten, John C.

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15

Alonge, Gerard L.
Carney, Thomas
DiPaolo, Dominick D.
Dwyer, James J., III
Krahe, Mark R.

Lefaiver, Joseph R.
Mack, Suzanne C.
MacKendrick,
 Christopher K.
Manzi, Paul
Nichols, Brenda A.

Robie, Thomas C.
Southwick, Carol L.
Strohmeier, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul G.

FAYETTE COUNTY (14)

Complement 9

Abraham, Randy S.
Blair, Mark L.
Breakiron, Robert W.
Cramer, Jesse J.
Defino, Michael J.

Dennis, Wendy D.
George, Joseph M., Jr.
Haggerty, Ronald J., Sr.
Shaner, Dwight K.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 10

Alloway, Richard L., II
Carter, Gary L.
Cunningham, Duane K.
Hawbaker, David E.
Horne, Devin C.

Johnson, Carol J.
Mellott, Wendy Richards
Pentz, Larry G.
Rock, Kelly L.
Williams, Todd R.*

* Appointed 6-19-06

GREENE COUNTY (13)

Complement 3

Bates, D. Glenn
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

Haberl, Guy B.
Rega, Jennifer J.
Steffee, Susanne V.
Thachik, George M.

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.
Chambers, Douglas R.
Inzana, David B.

**LACKAWANNA
COUNTY (45)**

Complement 11

Farrell, Alyce M.
Gallagher, Terrence V.
Gibbons, James A.
Giglio, Theodore J.
Golden, Thomas J.

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

Turlip, Laura M.

LANCASTER COUNTY (02)

Complement 20

Vacancy 1

Ballentine, Kelly S.
Brian, David E.
Commins, B. Denise
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.
Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.

LANCASTER COUNTY,
continued

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

LAWRENCE COUNTY (53)
Complement 5

Amodie, Melissa A.
Cartwright, Jerry G., Jr.
Lamb, J. V.*
Nicholson, Jennifer L.**
Reed, James A.
Rishel, David B.

* Resigned 2-14-07
** Appointed 6-19-07

LEBANON COUNTY (52)
Complement 6

Arnold, John F.
Capello, Thomas M.
Heck, Christine R.
Lehman, Lee R.
Smith, Michael D.
Wolfe, Kim R.

LEHIGH COUNTY (31)
Complement 14
Vacancy 1

Balliet, Carl L.
Beck, Rodney R.
Butler, Donna R.
Crawford, Charles H.
Devine, Karen C.
Engler, Patricia M.
Harding, David B.
Leh, David G.
Maura, Wayne
Merlo, Maryesther S.

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

* Resigned 5-31-07

LUZERNE COUNTY (11)
Complement 17

Amesbury, William Henry
Barilla, David A.
Carmody, Joseph J.
Dotzel, Michael G.
Feissner, Gerald L.
Halesey, Joseph A.
Hasay, John E.
Kane, Martin R.
Malast, Diana
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.

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

Cercone, Dominic A., Jr.
Kennedy, Michael J.
Luther, Richard W., Jr.
Todd, William K.

MERCER COUNTY (35)
Complement 5

Antos, Ronald E.
Fagley, William L.
Hinch, Lorinda L.
McMahon, James E.
Silvis, Lawrence T.

MIFFLIN COUNTY (58)
Complement 3

Clare, Barbara A.
Hunter, Tammy L.
Miller, Jack E.

MONROE COUNTY (43)
Complement 10
Vacancy 1

Claypool, Richard S.
Fluegel, Anthony D.
Germano, Brian R.
Krawitz, JoLana
Mangan, Anthony J.*
Muth, Michael R.
Olsen, Thomas E.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

* Resigned 8-6-06

**MONTGOMERY
COUNTY (38)**
Complement 30

Augustine, Albert J.
Bernhardt, Francis J., III
Borek, Harold D.
Casillo, Ester J.
Cerski, Christopher J.
Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Friedenberg, Jay S.

**MONTGOMERY
COUNTY, continued**

Gadzicki, Walter F., Jr.
Gallagher, James P.
Householder,
William R., Jr.
Hummel Fried, Catherine M.
Hunsicker-Fleischer,
Margaret A.

Keightly, David A.
Lawrence, Francis J., Jr.
Leo, Paul N.
Lukens, Deborah A.
Maruszczak, William I.
McHugh, Elizabeth A.
Murray, John S., III
Nesbitt, Harry J., III
Palladino, Thomas A.
Price, Juanita A.

Schireson, Henry J.
Skerchock, Dorothy
Valentine, Katleen M.
Zaffarano, Patricia A.
Zucker, Karen Eisner

**NORTHAMPTON
COUNTY (03)**

Complement 15
Vacancy 2

Barner, Joseph K.
Elwell, Gay L.
Koury, Michael J., Jr.
Litzenberger, Ralph W.
Marinkovits, Joan

Masut, Adrienne L.
Matos Gonzalez, Nancy
Narlesky, James J.
Repyneck, Diane S.
Stocklas, James F.

Strohe, Todd M.
Zaun, William F.
Zemgulis, Sandra J.

**NORTHUMBERLAND
COUNTY (08)**

Complement 5

Bolton, Robert J.
Gembic, John
Kear, William F.
Mychak, Michael F.
Rice, Carl B.

**PERRY-JUNIATA
COUNTIES (41)**

Complement 5

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
McGuire, Daniel R.L.

PIKE COUNTY (60)

Complement 4
Vacancy 1

Cooper, Alan B.
Fischer, Deborah
McBride, Stephen A.
Sanquilly, William N.*

* Died 1-28-07

POTTER COUNTY (55)

Complement 3

Bristol, Delores G.
Easton, Annette L.
Easton, Barbara J.

SCHUYLKILL COUNTY (21)

Complement 8
Vacancy 1

Bayer, Stephen J.
Ferrier, James R.
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.

Plachko, David A.
Reiley, James K.
Slezosky, William A.*

* Resigned 6-30-07

**SNYDER-UNION
COUNTIES (17)**

Complement 5

Armbruster, Leo S.
Mensch, Jeffrey L.
Mihalik, Edward G., Jr.
Robinson, John T.
Savidge, Willis E.

SOMERSET COUNTY (16)

Complement 5

Bell, Douglas McCall
Cannoni, Joseph A.
Cook, Arthur K.
Mankamyer, Susan
Stevanus, Sandra L.

**SUSQUEHANNA
COUNTY (34)**

Complement 3

Franklin, Gene A.
Hollister, Jeffrey L.
Janicelli, Peter M.

TIOGA COUNTY (04)

Complement 3

Carlson, James E.
Edgcomb, Brian W.
Sweet, Phillip L.

VENANGO COUNTY (28)

Complement 4

Boyer, Robert L.
Dinberg, Douglas I.

**VENANGO COUNTY,
continued**

Fish, David L.
Gerwick, Douglas B.

**WARREN-FOREST
COUNTIES (37)**

Complement 6
Vacancy 1

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

**WASHINGTON
COUNTY (27)**

Complement 11

Costanzo, Valarie S.
Dutton, Jay H.
Ellis, James C.
Havelka, Gary H.
Hopkins, Larry W.

Mark, David W.
Pelkey, William P.
Spence, J. Albert
Thompson, Curtis L.
Weller, Jay H.

Wilson, Mark A.

WAYNE COUNTY (22)

Complement 4

Carney, Bonnie L.
Edwards, Ronald J.
Farrell, Jane E.
Lewis, Bonnie P.

**WESTMORELAND
COUNTY (10)**

Complement 18

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

DeMarchis, Joseph R.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.
King, J. Bruce

Kistler, Helen M.
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.
Pallone, Frank J., Jr.

Peck-Yakopec, Cheryl J.
Thiel, Denise Snyder
Weimer, Douglas R., Jr.

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

Baumunk, Linda M.
Hovan, John J.**
Robinson, Patricia A.*
Shurtleff, Russell D.
Smith, Carl W., Jr.

* Resigned 10-31-06

** Appointed 5-21-07

YORK COUNTY (19)

Complement 19

Dubs, Dwayne
Edie, Nancy L.
Garber, Daniel B.
Groom, Walter R.
Gross, Scott J.

Haskell, Ronald J., Jr.
Kessler, Harold D.
Leppo, Kim S.
Martin, Richard E., II
Meisenhelter, Douglas F.

Miner, James S.
Naylor, Alan G.
Nixon, Barbara H.
Olwert, John R.
Reamer, Walter P.

Shoemaker, Gerald E.
Teyral, JoAnn L.
Thomas, Richard T.
Williams, Linda Lou

Senior

Magisterial

District

Judges

ADAMS COUNTY

Deardorff, Harold R.

ALLEGHENY COUNTY

Burnett, Edward
Comunale, Frank, III
Devlin, Mark B.
Longo, Nancy L.
Peglow, Lee G.

Presutti, Donald H.
Reed, Douglas W.
Terrick, Richard J.
Tibbs, Edward A.
Zoller, Richard H.

BEAVER COUNTY

Armour, John W.
Eiler, Donald L.
Schulte, Martin V.

BEDFORD COUNTY

McVicker, Erica

BERKS COUNTY

Dougherty, John F.
Mest, Ronald C.
Stoudt, Carol A.*

* Resigned 12-11-06

BUCKS COUNTY

Dietrich, Ruth C.
Hogeland, H. Warren

BUTLER COUNTY

O'Donnell, Joseph D., Jr.

CAMBRIA COUNTY

Coleman, Alfred B.*

* Retired 12-31-06

CARBON COUNTY

Hadzick, Paul J.

CENTRE COUNTY

Horner, Ronald J.
Shoff, Robert A.

CHESTER COUNTY

Welsh, Susann E.
Winther, J. Peter*

* Effective 5-1-07

DAUPHIN COUNTY

Magaro, Samuel J.
Rathfon, William P.
Williams, Edward R.
Yanich, Bernard B.

DELAWARE COUNTY

Davis, Horace Z.*
Harkin, Edward C.
Liberace, Gerald C.
McDevitt, Leonard M.
Miller, Kenneth N.

(As of 6-30-07)

**DELAWARE COUNTY,
continued**

Quinn, Joseph T. F.
Sellers, Nicholas
Shaffer, Robert M.
Videon, David T.

* Effective 1-1-07

ERIE COUNTY

Abate, Frank , Jr.
Nichols, Patsy A.
Smith, Charles F.
Stuck, Ronald E.
Vendetti, John A.

FAYETTE COUNTY

Blair, Lawrence*
Cavalcante, Brenda K.
Rubish, Michael

* Retired 12-31-06

**FRANKLIN/FULTON
COUNTIES**

Knepper, Brenda M.

GREENE COUNTY

Canan, Neil M.

INDIANA COUNTY

Orendorff, Richard G.*
Steffee, Michael K.

* Resigned 4-17-06

LANCASTER COUNTY

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

LAWRENCE COUNTY

Battaglia, Samuel A.

LEBANON COUNTY

Shultz, Jo Ann
Swisher, Hazel V.

LEHIGH COUNTY

Dugan, John E.
Gatti, Richard A.
Hartman, Edward E.
Hausman, Joan K.
Murphy, Thomas P.

LUZERNE COUNTY

Barilla, Andrew, Jr.

LYCOMING COUNTY

McGee, Gerald A.
Stack, Robert W.

MERCER COUNTY

French, Ruth M.
Russo, Henry J.*

* Effective 1-18-06

MONROE COUNTY

Dennis, C. William
Eyer, Charles P.+
Mangan, Anthony J.**
Perfetti, Robert J.*

* Resigned 4-28-06

** Effective 8-7-06

+ Resigned 8-30-06

MONTGOMERY COUNTY

Berkoff, F. Elaine
Inlander, Gloria M.
Price, Richard M.
Saraceni, Robert A.

NORTHAMPTON COUNTY

Frey, Elmo L., Jr.
Grigg, Sherwood R.
Leo, Joseph N.
Romig, Elizabeth A.

PIKE COUNTY

Lieberman, Charles F.

SOMERSET COUNTY

Roush, William H.

SUSQUEHANNA COUNTY

Dayton, Watson J.

VENANGO COUNTY

Martin, William G.

WASHINGTON COUNTY

Teagarden, Marjorie Lee

WAYNE COUNTY

Laabs, Dorothy C.

WESTMORELAND COUNTY

DelBene, Frank, Jr.
DiClaudio, Mary S.
Medich, Martha
Scott, Robert E.

YORK COUNTY

Bria, Margaret L.
Diehl, Paul M., Jr.
Dubs, Mervin L.
Estep, Roger A.
Hodge, James D.

District Court Administrators

Grim, Mark D., Jr.
Billotte, Raymond L.
Davidson, Martha J.
DeFilippi, Albert R.
Staub, Laurie J.

Weber, Stephen A.
Reighard, Michael D.
Vanderpool, Mary Lou
Praul, Douglas R., Esq.
Graff, Candace Y.

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

Nelson, Daniel J.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Dixon, Taryn N.

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

Sheaffer, William A.
Szojka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

Mackay, Ronald C.
Dalton, Mark M.
Occhibone, Michael A.
Wingert, David P., Esq.
Schellenberg, Susan T.

Sharkey, William T.
Way, Kevin H., Esq.
Bly, Joanne L.
Morin, Peter A.
Fultz, Melissa K.

Bailey, Lyn
Kehs, Michael R., Esq.
Melito, Judy I.
Onembo, James N.
Yasenchak, Brandy
L., Esq.

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
Green
Huntington
Indiana
Jefferson

Lackawana
Lancaster
Lawrence
Lebanon
Lehigh

Luzerne
Lycoming
McKean
Mercer
Mifflin

Monroe
Montgomery
Montour
Northampton
Northumberland

Minor Court Administrators

Grim, Mark D., Jr.
Galvach, Nancy L.
Davis, Susan A.
Bowers, Aileen, Esq.
Staub, Laurie J.

Phillips, Faith
Gildea, Patricia M.
Vanderpool, Mary Lou
Carey, Charles A., Jr.
Graff, Candace Y.

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

Nelson, Daniel J.
Kessinger, Miles D., III
Blass, Joseph A.
Shuttleworth, John L.
Johnson, Ronald E., Esq.

Hawley, Robert P.

Williams, Ward T., Esq.
Masson, Martha Keller
Yeager, Kathleen M.
Lambie, Tammy Jo

Sheaffer, William A.
Szojka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

Doherty, James A., Jr., Esq.
Weaver, Thomas N., Esq.
Occhibone, Michael A.
Hogg, Ginger
Roberts, H. Gordon

Hubbard, Kathleen L.
Way, Kevin H., Esq.
Bly, Joanne L.
Morin, Peter A.
Fultz, Melissa K.

Krom Powell, Deborah A.
Morris, Michael J., Esq.
Blass, Joseph A.
French, Debra C.
Yasenchak, Brandy
L., Esq.

Court

Administrators

(As of 6-30-07)

**Court
Administrators,
continued**

**District Court
Administrators**

Lehman, Robin L.
Lawrence, David C.
Johnson, Samantha G.
Bucheit-Saulter,
Jennifer S.
Wallauer, Lois A.

Kratzer, Charlotte N.
Riley, Kathleen A.
Foster, Mary L.
Clemens, Nancy L.
Cummings-Wilson, Lynn

Critzer, Linda E.
Weller, Christine L.
Myers, Linus
Kuntz, Paul S., Esq.
Custer, Alma F.

Chuk, J. Robert

Perry-Juniata
Philadelphia
Pike
Pitter

Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**Minor Court
Administrators**

Lehman, Robin L.

Johnson, Samantha G.
Bucheit-Saulter,
Jennifer S.
Heffner, Bruce D.

Kratzer, Charlotte N.
Riley, Kathleen A.
Foster, Mary L.
Clemens, Nancy L.
Cummings-Wilson, Lynn

Critzer, Linda E.
Michalski, Sally
Myers, Linus
Heagy, Donald L., Jr.
Custer, Alma F.

Baker, Terry R.

Court Administrator

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

Andrea B. Tuominen, Esq.
Assistant Court Administrator

Darren M. Breslin, Esq.
Special Projects Advisor

Dawn Brown
Administrative Assistant

Judicial Programs

Joseph J. Mittleman, Esq.
Director of Judicial Programs

Cherstin M. Hamel
*Assistant Director of
Judicial Programs*

Andrea Hoffman Jelin
*Administrator, Center for
Families, Children and
the Courts*

Osvaldo R. Avilés
*Interpreter Program
Administrator*

Richard J. Pierce
Amy Y. Kehner
Owen J. Kelly, Esq.
*Judicial Programs
Administrators*

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Bunny Baum
Director of Judicial Services

Nicholene DiPasquale
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Research*

Yan Liu
Statistical Analyst

Laurie A. Sacerdote
*Caseload Statistics
Coordinator*

Rosemary A. Figazzotto
Research Assistant

Chief Counsel

Howard M. Holmes, Esq.
Chief Legal Counsel

Maryellen Gallagher, Esq.
Assistant Chief Legal Counsel

David M. Donaldson, Esq.
Chief of Litigation

A. Taylor Williams, Esq.
Assistant Chief of Litigation

Daryl Walker, Esq.
Mary Butler, Esq.
Geri Romanello St. Joseph, Esq.
Staff Attorneys

Timothy McVay, Esq.
Supervising Staff Attorney

David S. Price, Esq.
Tara A. Kollas, Esq.
Pamela S. Walker, Esq.
Staff Attorneys

Administrative Office of Pennsylvania Courts Philadelphia

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

(As of 6-30-07)

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

James J. Koval
*Communications Manager/
Assistant for Intergovern-
mental Relations*

Stuart Ditzen
Assistant for Communications

David Lane
*Assistant for
Intergovernmental Affairs*

Arthur J. Heinz
*Communications/
Legislative Coordinator*

Steve Schell
Communications Coordinator

Gina L. Earle
Communications Assistant

Steven F. Angle
Payroll Manager

William L. Hollenbach
*Manager of Administrative
Services*

Frank P. Lalley
*Judicial Security
Administrator*

Mary Beth Marschik
*Assistant Judicial Security
Administrator*

Finance

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Director of Finance

Mary M. Gillette
*Assistant Director of
Finance*

Kenneth R. Crump
Budget Administrator

R. Dean Stitler
Accounting Administrator

Human Resources

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Director of Human Resources

David W. Kutz
*Assistant Director of
Human Resources*

Margaret A. Arris
*Employment Services
Administrator*

Nancy L. Kranz, CEBS
Benefits Administrator

Judicial Education

Stephen M. Feiler, Ph.D.
Director of Judicial Education

Mary K. Kennedy, Esq.
Judicial Education Specialist

Susan M. Davis
*Judicial Education
Administrator*

5001 Louise Drive
Mechanicsburg, PA 17055
717-795-2000

Judicial Automation

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

Ralph W. Hunsicker
Director of Special Projects

Barbara Holmes
*Common Pleas Software
Development Manager*

Stanley K. Ritchie
Systems Support Manager

Mark E. Rothermel
MDJS Project Manager

Judy K. Souleret
ASAP Project Manager

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg,
continued**

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
Green	13	30	Crawford
Huntington	20	31	Lehigh
Indiana	40	32	Delaware
Jefferson	54	33	Armstrong
Juniata-Perry	41	34	Susquehanna
Lackawana	45	35	Mercer
Lancaster	02	36	Beaver
Lawrence	53	37	Warren-Forest
Lebanon	52	38	Montgomery

**Judicial
Districts**

**Judicial
Districts,
continued**

Alphabetical Order

District Order

County	District	District	County
Lehigh	31	39	Franklin-Fulton
Luzerne	11	40	Indiana
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 of Legal Terms

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 the 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 the claim. The new agreement is called the accord. The satisfaction is the action performed to settle the claim.
- acknowledgment** Short declaration at the end of a legal paper showing the paper was duly executed and acknowledged.
- acquittal** Verdict after a criminal trial that the **defendant** is not guilty of the 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 a judge in the amount of damages awarded by a jury.

adjudication Pronouncing **judgment** or decree; the judgment given.

administrator One who administers the estate of a person who dies without a will. See **personal representative**. Compare **executor**.

admissible evidence Evidence which can be legally introduced in a trial.

adversary proceeding Proceeding having opposing parties; contested. Differs from **ex parte** proceeding.

adversary system Trial method used in the U.S. and some other countries, based on the 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.

advocate Person who assists, pleads, defends or prosecutes on behalf of another.

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**.

affirm Act of an **appellate court** to uphold the decision of a lower court.

affirmative defense Without denying the charge, a defendant raises **extenuating** or **mitigating circumstances** such as insanity, **self-defense** or **entrapment** to avoid civil or criminal responsibility.

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 the offense's guilt or enormity or add to its consequences. It may increase the sentence of the individual convicted of the offense. Compare **mitigating circumstances**.

aggrieved party Party whose rights have been adversely affected by a court's or another person's actions.

aid and abet To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.

Alford plea A **guilty plea** entered by a **defendant** in a **plea bargain** wherein the defendant maintains innocence, but acknowledges the prosecution likely has enough evidence to convince a jury to convict him/her.

alibi Proof offered by a defendant that he/she was at some other place at the time of a crime and thus could not have committed the crime charged.

alienable Transferable to the ownership of another.

allegation Statement by a party in an **action** which the party intends to prove.

alleged Claimed as true.

Allen charge Jury instructions given to the jury when the jury is unable to reach a verdict.

allocatur (AL lo CAH tur) "It is allowed." Petition to appeal.

allocution In criminal cases, a convicted **defendant's** statement to the sentencing judge or jury before sentencing. Victim's allocution is a crime victim's address to the court before sentencing.

alternative dispute resolution (ADR) Settling a dispute without a full, formal trial. Methods include **mediation**, **conciliation**, **arbitration** and settlement, among others.

amenable Legally accountable.

amicus curiae (uh ME kus KYU ree EYE) Friend of the court. One not a party to a case who, having 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 a 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 a dispute to a neutral third party and agree to abide by the 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**.

array A panel of potential jurors or the jurors empaneled for a trial.

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 a 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, commit another crime or use a deadly weapon. Compare **battery**.

assumpsit Oral or written agreement or contract not under seal.

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

attachment Legal seizure and holding of a person's property pending the outcome of a

lawsuit. Also, the arrest of a person guilty of **contempt of court**.

attempt Effort to commit a crime, carried beyond preparation, but not executed.

attest To bear witness. To affirm to be true.

attorney-at-law **Advocate**, counsel or official agent employed in preparing, managing and trying cases in the courts. Generally shortened to attorney. Also called lawyer.

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 a 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 the suit.

auter action pendant Another action pending.

averment A verification of fact, especially an **allegation** in a **pleading**.

B

backlog Number of pending cases exceeding the capacity of a court.

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 the individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the magisterial district judge, 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 the accused, to secure his/her presence at 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 the assistance of the court in getting a fresh start.

bar Historically, the partition separating the general public from the 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 the unlawful use of force with unusual or serious consequences, e.g., use of a dangerous weapon.

bench Seat occupied by the judge or the court itself.

bench conference See **sidebar conference**.

bench ruling Oral ruling from a judge on the bench.

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**.

bequest Gift 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 a crime has been proven by the prosecution. Does not require the 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 a 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 the charge/s made against a defendant.

billable hour Unit of time used by attorneys to account for work completed for clients and chargeable to clients. Usually broken into tenths or quarters of hours.

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” the accused, normally by setting bail for the accused’s appearance at trial.

binding instruction Instruction in which the 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**.

blackletter laws Informal term encompassing the basic principles of law generally accepted by courts or present in the statutes of a particular **jurisdiction**. Also called hornbook laws.

blood alcohol content (BAC) Concentration of alcohol in one’s bloodstream. Federal law requires that all states adopt a maximum BAC of 0.08 percent for one to be considered legally drunk.

blue laws Laws regulating commercial activity on Sundays.

blue sky laws State statutes regulating sale of securities.

bona fide Made in good faith. Sincere; genuine.

bond See **bail bond**.

booking Process of photographing, fingerprinting and recording the identifying data of a suspect following **arrest**.

breach of contract Legally inexcusable failure to perform a contractual obligation.

Breathalyzer Device used to measure **blood alcohol content** via a person's breath.

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 the degree to which a point must be proven.

burglary Breaking into and entering a building with the intent to commit a **felony**.

C

calendar List of cases scheduled for hearing in court.

call to the bar To admit someone to practice law.

calling the docket Public calling of the **docket** or list of **causes** at the commencement of a court term.

calumny (KAL uhm nee) Maliciously accusing someone falsely in order to damage that person's reputation.

capital crime Crime punishable by death.

capital punishment See **death penalty**.

caption Heading on a legal document listing the parties, court, case number and related information.

case at bar See **bar**.

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.

cause Lawsuit, **litigation** or **action**.

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.

censure An official reprimand, particularly of a public official.

certiorari (SIR she oh RARE ee) Writ issued by an appellate court directing a lower court to deliver a record of a case for review. Often referred to as "granting cert."

challenge Objection, such as when an attorney objects at a **voir dire** hearing to the 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 the grounds of some legal fault in the composition of the panel, e.g., racial discrimination.

challenge for cause Objection to the seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. The judge has discretion to deny the 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.

charge Formal complaint issued accusing an individual of a crime. Compare **indictment** and **information**. Also, judge's instruction to the jury concerning law which applies to the facts of a case. Also called **instruction**.

Compare **binding instruction** and **directed verdict**.

circuit court Court whose **jurisdiction** extends over several counties or districts and 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 the 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 Non-criminal 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 a president or governor to ease the consequences of a criminal act, accusation or conviction. May take the form of **commutation** or **pardon**.

clerk of courts In Pennsylvania an officer appointed or elected to oversee court matters of a criminal nature such as the filing of motions or petitions. Compare **prothonotary**.

closing argument In a trial, closing statements by counsel to the judge or jury after **evidence** has been presented. Also called summation.

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 a **defendant** of the **plaintiff's** claim. Usually upon condition. Authorizes the plaintiff's attorney to sign **judgment** and issue execution.

cognovit judgment See **confession of judgment**.

commit To send a person to prison, an asylum or reformatory pursuant to a court order.

common law Law arising from tradition and judicial decisions rather than 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 an offender performs volunteer work for government, nonprofit or community-based organizations.

commutation Form of **clemency** reducing one's sentence, as from death to life imprisonment.

comparative negligence Legal doctrine by which the negligence of a **plaintiff** determines the amount the plaintiff may recover from the **defendant**. Compare **contributory negligence**.

complainant See **plaintiff**.

complaint Legal document that usually begins a civil lawsuit. States facts and identifies the action the 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 the 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 the government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, the 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 a 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 to commit an unlawful act.

contempt of court Willful disobedience of a judge's command or official court order.

contingency fee Fee for an attorney's services paid only if the attorney is successful or the suit is favorably settled out of court. Fee is usually a percentage of the amount the client recovers.

continuance Postponement of a legal proceeding to a later date.

contributory negligence Legal doctrine that says if a **plaintiff** in a civil action for **negligence** was also negligent, he/she cannot recover **damages** from the **defendant** for the defendant's negligence. Most jurisdictions have abandoned this doctrine in favor of **comparative negligence**.

controlled substance A drug whose possession and use is controlled by law.

conviction Act of judicially declaring a criminal defendant **guilty**. Also called **condemnation**.

copyright Exclusive right of the author of a literary or artistic work to control how the work is used. Many jurisdictions have expanded this right to include computer programs and other electronic data.

corporal punishment Physical punishment, e.g., spanking, caning or branding.

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.

counsel Another name for attorney. Also, advice given by an attorney to a client.

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

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

court administrator Officer who oversees the administrative, nonjudicial activities of a court.

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 costs Fees and costs legally charged 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 order A court or judge's written command.

court of record Court whose proceedings are permanently recorded and which has 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.

court-martial Military court set up to try military personnel accused of crimes.

crime Behavior defined by law as deserving punishment. Crimes are classified as either **misdemeanors** or **felonies**.

crime of passion Crime committed during an intensely emotionally-charged moment.

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. Includes descriptions and notations of arrests, detentions, **indictments** or other formal criminal charges, **dispositions**, sentencing, correctional supervision and release. Also called 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 a conscious intent to do wrong.

criminal summons Order commanding an accused to appear in court. May be issued in lieu of an arrest warrant for **misdemeanors** when the issuing official believes the accused will appear without being placed under **bail**.

cross-claim Claim by codefendants or co-plaintiffs against each other.

cross-examination Questioning of a **witness** by an opponent in a trial. Compare **direct examination**.

cruel and unusual punishment Punishment that is considered barbaric, tortuous, degrading and out of proportion to the crime committed. Prohibited by the Eighth Amendment to the U.S. Constitution, although not specifically defined.

cumulative sentence See **consecutive sentence**.

custody Responsibility for the care of a person, often a minor child whose parents are divorced. Legal custody is the right to make decisions regarding the child's care and upbringing. Physical custody is the right to have the child live with the individual to whom physical custody has been granted. Joint custody is custody shared by both parents. Sole custody is when one parent has lone control over a child. Also, being held under control by law enforcement officials. Being in custody is being under **arrest**. See also **protective custody**.

D

damages Money awarded by a court to a person for injury or loss suffered by the unlawful act or negligence of another. Compensatory or actual damages are awarded for the amount actually lost, as in payment of hospital bills. Punitive damages are awarded above and beyond actual damages to punish the guilty party and deter any future similar actions.

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 minimus (deh MIN ih muss) "Of the least." Something so trivial that a court may overlook it in deciding an issue or case.

de novo (deh NO vo) Anew. A "trial de novo" is a new trial of a case.

death penalty Sentence of death for being convicted of committing certain serious crimes such as **murder**. Also called capital punishment.

decedent Person who has died.

decision Judgment reached or given by a court.

declaratory judgment Judgment in a civil case that declares the 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 the 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 the 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. Also known as intestacy laws. Compare **intestate succession**.

dictum Remark made by a judge in delivering an **opinion** that is not a basis for the opinion and thus may not be used as precedent, but which may be used to persuade. Judge's editorializing. Short for obiter dictum. Pl. dicta.

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. Compare **cross-examination**.

directed verdict Instruction by a judge to a jury to return a specific verdict, usually because one party 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.

discharge Dismissal of a case. Also, vacating of a court order. Also, dismissal of a juror, jury or witness from any further responsibilities in a case.

disclaim To renounce one's legal rights or claims.

discovery Pretrial process by which one party reveals, at the other party's request, relevant information about the litigation.

dismissal Termination of a lawsuit. "Dismissal without prejudice" permits the suit to be filed again at a later time. "Dismissal with prejudice" prevents the lawsuit from being refiled.

disorderly conduct Conduct that bothers others or disturbs the peace, such as loitering, public drunkenness, parties that are too loud.

disposition Court's final determination of a lawsuit or criminal charge.

dissent Disagreement by one or more appellate court judges with the decision of the majority.

disturbing the peace Engaging in **disorderly conduct**.

diversion Process of removing certain minor criminal, traffic or juvenile cases from the full judicial process on condition that the accused undergo some sort of rehabilitation or training, e.g., job training. If the defendant completes probation successfully, the charges may be dropped.

docket List of cases to be heard by a 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 the guarantees and safeguards of the 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 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 will be treated equally by the law.
- equitable action** **Action** which seeks just, fair, nonmonetary remedy, e.g., an **injunction**.
- equitable distribution** Fair distribution of marital property in a divorce. May not mean equal distribution.
- 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. Compare **justice**.
- escheat** (iss SHEET) Process by which the property of one who has died goes to the state if no heir can be found.
- esquire** Title used after an attorney's name.
- 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.
- 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, expert, hearsay, irrelevant, material, opinion, prima facie, real, relevant, state's and substantive evidence**. Compare **rebuttal, testimony, preponderance of evidence, corpus delicti, exhibit** and **weight of evidence**.
- ex delicto** (ex dee LICK toh) Arising from a **tort**; breach of duty.
- ex officio** By virtue of an office or position.
- ex parte** (ex PART ee) On behalf of only one party, without notice to any other party. E.g., a request for a search warrant is an ex parte proceeding since the individual subject to the search is not notified of proceeding.
- ex parte proceeding** Proceeding 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 the act was made illegal. The U.S. Constitution prohibits these.
- examination** Questioning of a witness under oath. See **direct examination** and **cross-examination**.
- 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.

exigent Requiring immediate action or aid; urgent.

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.

expert witness Person with special knowledge in a particular field who may testify and give opinion on meanings of facts related to that knowledge. See also **opinion evidence**.

expungement Official and formal removal of a **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 the 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 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 one year or by death

and/or by 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 the other's benefit, e.g., **guardian, trustee** or **executor**.

file To submit a paper to the clerk of courts/court administrator to be entered into the official files or records of a case. Also, to begin a lawsuit.

finding Formal conclusion by a 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.

frivolous lawsuit Lawsuit having no legal merit. Often filed to harass a **defendant**.

G

garnishment Legal proceeding in which a debtor's money is seized to pay the debtor's creditors, such as when one's wages are garnished.

good faith Honest belief; absence of **malice** and intent to defraud. Also known as **bona fide**.

good time Reduction in time served in prison as a 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. A grand jury may issue an **indictment**, charging the suspect, or may have power to issue a **presentment**. Compare **petit jury**.

granting cert See **certiorari**.

grantor See **trust**.

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 the 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 an accused in confessing the crime with which charged. Also, verdict reached when a jury convicts a defendant of the 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 a trial which was not serious enough to affect the outcome of the trial and thus is not grounds for reversal. Compare **reversible error**.

hearsay Evidence not known to a witness personally, but which was relayed to the witness by a third party. Generally inadmissible in court.

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

homicide Killing of one human being by another.

hornbook laws See **blackletter laws**.

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 a court not to prosecute an individual in exchange for that individual providing criminal evidence.

impeach To attack the 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.

impunity Exemption from punishment.

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 a court exclude certain **evidence** that might prejudice the jury.

in perpetuity Forever.

in personam (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 (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.

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 the minimum term has been served.

indictment Formal written accusation by a grand jury charging a person with a crime. Compare **charge**, **information** and **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. See also **in forma pauperis**.

indirect evidence See **circumstantial evidence**.

inferior court Court of special, limited or statutory jurisdiction. May also denote any court subordinate to the 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.

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. The individual generally comes before a 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 a jury regarding law which applies to the facts of a case. Also called **charge**. Compare **binding instruction** and **directed verdict**.

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 alios (IN ter AY lee us or AH lee us) Among other persons.

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 decree See **decree**.

interlocutory order Any order given before the final order is issued. Usually cannot be appealed until the 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. Part 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 the 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, the grantor may not revoke.

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a lawsuit.

Compare **misjoinder** and **nonjoinder**.

joint and several liability Legal doctrine which makes any number of members of a party responsible for a liability, at the 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 a husband and wife. Compare **tenancy in common**.

joint custody See **custody**.

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. Compare **justice** and **magistrate**.

judgment Final disposition of a lawsuit. See **consent judgment**, **declaratory judgment**, **default judgment**, **summary judgment** and **non obstante veredicto**.

judiciary Relating to judgment.

judicial bypass Obtaining permission from the court to do something that ordinarily requires the permission of someone else, e.g., a minor obtaining a court order to have an abortion without notifying her parents.

judicial dictum See **dictum**.

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

judicial review Authority of a 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 the administration of justice.

judicial day Day on which a court is in session.

juris Of law.

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 in which a court is authorized to hear cases.

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

jurist One skilled or versed in the law. Also refers to **judges**, **justices**, magisterial district judges, **magistrates**, etc.

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.

jury instructions See **instructions**.

justice Fair administration of laws. Compare **equity**. Also, an **appellate court** judge. Compare **judge** and **magistrate**.

justice of the peace Local judicial officer who has limited jurisdiction, usually involving minor offenses and civil matters, and with authority to perform civil functions such as marriages. Pennsylvania used justices of the peace prior to the Constitution of 1968.

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 the 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.

juvenile delinquent A minor guilty of criminal or anti-social behavior for which he/she may not be punished as an adult.

K

kidnapping Unlawfully taking and carrying away a person by force, 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

laches Legal doctrine whereby a court denies relief to a legal right or claim when the claimant has unreasonably delayed or been negligent in asserting the claim and the claim prejudices the opposing party. Compare **statute of limitations**.

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 the will-maker.

larceny Unlawfully taking personal property with the intent to deprive the 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 a 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.

legal custody See **custody**.

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

levy Seizing the property of a debtor for satisfaction of a judgment against him/her. Also, imposition of a 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 the types of cases they may hear. In Pennsylvania these courts include magisterial district judge courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts or special courts. See **inferior court**.

lis alibi pendens (PEN DENZ) Lawsuit pending elsewhere.

lis pendens 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 the lifetime of grantor. Also called inter vivos trust. Compare **testamentary trust**.

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge. Compare **judge** and **justice**.

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) "Prohibited evil." Behavior that is criminal only because society defines it as such, e.g., gambling. Also called *malum prohibita*. Compare **mala in se**.

malfeasance 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 the intention of injuring the **defendant** and without **probable cause**.
- mandamus** (man DAY mus) **Writ** issued by a court ordering a public official, another court, a corporation, a public body or an individual to perform an act.
- mandate** Judicial command or order directing an officer of the court to enforce a judgment, sentence or decree.
- mandatory sentence** Sentence set by law, allowing for little or no discretion by the sentencing judge.
- 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 a fatal collision. Compare **murder**.
- master** Official appointed by a court to assist with proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present a written report to the court.
- material evidence** Evidence that is relevant and goes to substantiate issues in a dispute.
- material witness** A **witness** whose **testimony** is required for a trial and who can significantly affect the outcome of the trial.
- 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** which the prosecution must prove in order to establish criminal responsibility. See **elements of a crime**.
- minor courts** See **limited jurisdiction**.
- Miranda rule** Requirement that police advise a suspect in custody of his/her constitutional rights before questioning him/her. Named after the U.S. Supreme Court ruling in *Miranda v. Arizona*, 384 U.S. 436 (1966) establishing such requirements.
- mischarge** Erroneous jury instruction that could be grounds for verdict reversal.
- misdemeanor** Criminal offenses generally punishable by a fine or limited local jail term, but not by imprisonment in a penitentiary. Compare **felony**.
- misfeasance** Lawful act performed in a wrongful manner. Compare **malfeasance** and **nonfeasance**.
- misjoinder** Erroneously joining parties in a lawsuit. Compare **joinder** and **nonjoinder**.
- mistrial** Trial terminated before a verdict is reached, either because of some procedural error, serious misconduct during proceedings or a hung jury.
- mitigating circumstances** Circumstances which do not constitute justification for committing an offense, but which may reduce the degree of blame and help reduce the sentence of the 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 a court's refusal to consider a case because the 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.
- Multistate Bar Examination (MBE)** Multiple-choice bar exam given by every state's bar association. Its 200 questions are not state-specific and cover contracts, criminal law,

constitutional law, real property, evidence and torts.

municipal court Court whose jurisdiction is confined to the city or community in which it is erected. Usually it has summary jurisdiction over minor offenses and a limited number of misdemeanors. Occasionally, it 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 a sudden, instantaneous intent to kill or to cause injury without caring whether the injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in the 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 the benefit of a minor or incompetent plaintiff and who is not party to the lawsuit.

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

no contest See **nolo contendere**.

no-contest clause Language in a will that a person who makes a legal challenge to the will's validity will be disinherited.

"no-fault" proceeding Civil case in which a 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 a 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 (COM pehs MENT iss) Not of sound mind.

non obstante veredicto (ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." **Verdict** entered by a judge contrary to the jury's verdict.

non prosequitur (preh SEK wit tur) Judgment entered when a **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**.

nonjoinder Neglecting to add a party to a lawsuit who should be added. Compare **joinder** and **misjoinder**.

nonsuit Plaintiff's voluntary withdrawal of a suit without a decision on merits or the court's dismissal of a case because the plaintiff has failed to make out a legal case or to bring forward sufficient evidence.

notary public Licensed public officer who has authority to certify documents, administer oaths, take acknowledgement and deposition and perform other specified functions, depending on the state.

not guilty Plea of a defendant who claims not to have committed the crime with which he/she has been charged. Also, verdict reached by a jury or a judge in a non-jury trial when the prosecution fails to prove its case against a defendant. See **acquittal**.

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nugatory Useless; invalid.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with the 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 they 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.

obiter dictum See *dictum*.

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

onus probandi (OH nus pruh BAN die) **Burden of proof**. Often shortened to *onus*.

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 the court’s decision. A concurring opinion generally agrees with the majority, but usually states different or additional reasons for reaching the same conclusion. A dissenting opinion states the opinion of judges who disagree with the majority. A *per curiam* opinion is an unsigned opinion of 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 the opinion is based on matters common to lay persons.

oral argument Summary by attorneys before a court (particularly an appellate court) of their positions regarding the 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.

orphans’ court Court that oversees estates, adoptions and appointments of guardians. Also called probate court.

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

overt act Act done to carry out or in furtherance of an 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 the expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor the 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 an action, granted after a 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 the 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**.

PFA Protection from Abuse.

physical custody See **custody**.

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). See also **Alford plea**.

plea bargaining Mutually satisfactory disposition of a case negotiated between the accused and the prosecutor. Usually the defendant pleads guilty to lesser charge/s in exchange for a 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 the verdict has been announced whether or not they agree with the verdict.

Post-Conviction Relief Act Process by which someone who has been convicted of a crime

may request a court to vacate or correct a conviction or sentence.

pour-over will Will that leaves some or all estate assets to an 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 the decisions of future cases. Compare **stare decisis**.

precept Writ issued by a person of authority commanding a subordinate official to perform an act.

prejudice Preconceived bias. Judgment decided before facts are given.

prejudicial error See **reversible error**.

preliminary hearing Hearing at which a 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. The jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing evidence**.

presentencing report Report to the sentencing judge containing background information about the crime and defendant to assist the judge in making his/her sentencing decision. Sometimes called sentencing report.

presentment Declaration or document issued by a **grand jury** on its own initiative, making an accusation. Compare **indictment**.

presumption of innocence Fundamental principle of the 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 the judge and lawyers in a lawsuit to narrow the issues, agree on what will be presented at trial and make a final effort to settle the case without trial.

prima facie case (PREE muh FAH sheh) Case that has the 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 record See **criminal history record information**.

prior restraint Restraint on speech or publication before it is spoken or published. Prohibited by the constitution unless defamatory or obscene or it creates a clear and present danger.

privileged communication Communication protected by law from publication. Includes certain communications between attorneys and clients, clergymen and confessors, doctors and patients, and husbands and wives as well as issues of national security and foreign policy and journalists protecting sources.

pro bono publico "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."

pro hac vice (pro hack VEE chay) "For this time only." Usually refers to an attorney who is not licensed in a particular jurisdiction who has been granted permission to try a particular case in that jurisdiction.

pro se (pro see) An individual who represents himself/herself in court. Also called "in propria persona" or "pro 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 the law governing estates.

probate court See **orphans' court**.

probation Alternative to imprisonment, allowing a person found guilty of an offense to stay in the community, usually under conditions and under the supervision of a probation officer.

procedural law Law which prescribes the method of enforcing rights or obtaining redress for the invasion of rights. Compare **substantive law**.

proceeding A legal action. Conducting **judicial** business before a court or judicial officer.

process Summons to appear in court or notification to a defendant that a suit has been filed against him/her.

promulgate To put (a law) into action or effect. To make known publicly.

prosecutor Attorney representing the government in a criminal case.

Protection from Abuse An order obtain from a judge protecting an individual from someone who has threatened or caused bodily injury or sexual assault. Usually filed by one spouse/partner against the other. Commonly abbreviated PFA.

protective custody Confinement of an individual by law enforcement officials to protect that individual from a dangerous person or situation.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary In Pennsylvania an officer elected or appointed to oversee court matters of a civil nature, including maintaining all official court documents and records. Compare **clerk of courts**.

proximate cause Act legally sufficient to result in liability. Also, 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 and who cannot afford to pay.

public domain Government-owned land. Also, publications, inventions, etc., not protected by **copyright**.

punishment Penalty, such as a fine, imprisonment or **probation**, imposed on one who has broken the law. See also **death penalty** and **cruel and unusual punishment**.

punitive damages See **damages**.

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 die) Principle or rule of law on which a court decision is based.

real estate See **real property**.

real evidence Physical evidence that plays a direct part in an 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 the crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises the qualities of attention, knowledge, intelligence and judgment. Used as a 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 the proceedings in a case.

recovery To obtain judgment in one’s favor. Also, to obtain damages or other relief in a lawsuit or other legal proceeding.

recusal Process by which a judge excuses himself/herself from hearing a case.

recusation Plea by which a defendant requests that the judge hearing his/her trial excuse himself/herself from case.

re-direct examination Opportunity to question a 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 a 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 a case by the same court in which a 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 the court where it was originally heard for further action. Also, to send an individual back into **custody** after a preliminary examination.

remedy Means by which a right or privilege is enforced or a violation of a right or privilege is prevented, redressed or compensated. Also called relief.

remit To send a case back to a lower court.

remittitur (reh MID ih dur) Judge’s reduction of **damages** awarded by a jury.

removal Transfer of a state case to federal court for trial.

replication Plaintiff's reply to the defendant's plea, answer or counterclaim.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to the defendant's argument, counterclaim or answer. Plaintiff's second pleading; followed by the defendant's rejoinder.

reprieve Temporary postponement of a sentence, particularly of a death sentence.

reprimand Disciplinary action against an attorney that declares his/her actions improper, but does not prevent him/her from practicing law. May be public or private.

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 the fee a client pays when retaining an attorney.

return Report to the judge of the action taken in executing a writ issued by the judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside a lower court's decision.

reversible error Error sufficiently harmful to justify reversing the judgment of a lower court. Also called prejudicial error. Compare **harmless error**.

revocable trust (REV uh cuh b'l) Trust that the grantor may change or revoke.

revoke To cancel or nullify a legal document.

right to counsel Guarantee in the Sixth Amendment of the U.S. Constitution of a criminal defendant's right to court-appointed counsel if the defendant cannot afford to hire counsel.

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 a rule, order or law.

scofflaw One who habitually ignores the law or does not answer court summonses.

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**.

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 the Fifth Amendment to the U.S. Constitution. Asserting the 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 since the witnesses executed an affidavit reflecting the proper execution of the will prior to the maker's death.

sentence Punishment inflicted on a person convicted of crime. See **concurrent sentences, consecutive sentences, death penalty, house arrest, indeterminate sentence, mandatory sentence and suspended sentence**.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. The federal government and several other states also use them.

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 the courtroom.

sequestration of witnesses Keeping all **witnesses** (except the **plaintiff** and **defendant**) out of the courtroom, except for their time on the stand to prevent them from hearing the testimony of other witnesses. Also called separation of witnesses.

service Delivery of a legal document, such as a **complaint**, **summons** or **subpoena**.

set aside To annul or negate a court order or judgment.

settlor See **trust**.

sidebar Conference between the judge and lawyers, usually in the courtroom, out of earshot of the jury and spectators. Also called bench conference.

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.

sole custody See **custody**.

sovereign immunity Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.

special courts See **limited jurisdiction**.

specific performance Remedy requiring a 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 the benefit of someone whom the grantor believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

spoliation The deliberate damage, destruction, alteration or concealment of a document so as to render it useless as **evidence**.

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 an 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 the 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 the 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 must be charged with a crime. Differs for different types of cases/crimes or in different states. Compare **laches**.

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 the time to **answer**, to adjourn a 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.

subpoena (suh PEE nuh) Court order compelling a **witness** to appear and testify. Also, the act of ordering 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**.

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.

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 a 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.

summary proceeding Nonjury proceeding that disposes of a case promptly and simply. Also called summary trial.

summation See **closing argument**.

summons Notice to a **defendant** that he/she has been sued and is required to appear in court. Also, notice requiring the person receiving it to report for jury duty or as a **witness** in a trial. As relates to potential jurors, also called **venire**.

sunset law Law that automatically expires at the end of a set period of time unless formally renewed.

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 an **appellate court** to preserve the status quo pending review of a **judgment** or pending other exercise of the court's jurisdiction.

support trust **Trust** that instructs a trustee to spend only as much as is needed for the beneficiary's support.

suppress To forbid the 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 a court to postpone pronouncement of sentence.

swindle To obtain money or property by fraud or deceit.

T

temporary restraining order Judge's order for-bidding certain actions until a full hearing can be held to determine whether an **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 the **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 A person who has made a **will**.

testimony **Evidence** given by a **witness** under oath at trial or via **affidavit** or **deposition**.

theft See **larceny**.

third party Person, business or government agency, etc., not a party to 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**.

tort Injury or wrong committed on a person or the 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 a **grand jury**. Notation on an **indictment** that a **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.

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.

undue prejudice Harmful bias that results when a judge or jury are exposed to convincing, but **inadmissible evidence** or evidence that so arouses emotions that clear, impartial consideration is lost.

unlawful detainer Detention of **real property** without the consent of the 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.

victimless crime Crime considered to have no direct victims, usually because it involves consenting adults, e.g., drug possession.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up a right.

waiver of immunity Means by which a **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. See also **bench warrant** and **search warrant**.

weight of evidence Persuasiveness of some **evidence** as compared to other.

white-collar crime Nonviolent crimes involving dishonest business practices, e.g., **fraud**, **embezzlement**, insider trading on the stock market.

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. See also **expert witness**, **hostile witness** and **turncoat witness**.

work release **Sentence** under which a **defendant** is imprisoned, but is released during the day to work at a job approved by the 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 a sheriff or other court officer to enforce a court **judgment** or **decree**.

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