

**Report of the
Administrative Office of
Pennsylvania Courts
2008**

Supreme Court of Pennsylvania

*Chief Ronald D. Castille
Justice Thomas G. Saylor
Justice J. Michael Eakin
Justice Max Baer
Justice Debra Todd
Justice Seamus P. McCaffery
Justice Jane Cutler Greenspan*

*'08 in Brief
(listed chronologically)*

*Ronald D. Castille
becomes Chief Justice
of Pennsylvania*

*Superior Court judges
Debra McCloskey Todd
and Seamus P.
McCaffery join the
Supreme Court after
having been elected in
November 2007*

*Supreme Court-
sponsored Sexual
Violence Bench Book
is published. Written
to help judges deal
with the criminal jus-
tice issues surrounding
sexual violence, its
principal author is
Superior Court Judge
Jack Panella.*

*Rewrite of the auto-
mated Magisterial
District Judge System
gets underway*

*Common Pleas Courts
begin detailed track-
ing of dependency
cases as part of state-
wide effort to make
Pennsylvania courts
more responsive to the
needs of children and
families and to reduce
the time abused and
neglected children
spend in foster homes.*

*Supreme Court and
National Council of
Juvenile and Family
Court Judges sponsor
National Forum on
Children, Families and
the Courts*

AOPC releases "Citizens Guide" video and companion brochure that explains courts' organization and why they are important to individual freedom in a democracy

Supreme Court expands scope of its long-standing policy governing open access to the state court system's financial records

Supreme Court launches initiative to expand use of video conferencing technology within Pennsylvania's magisterial district courts

Unified Judicial System's redesigned Web site is unveiled

Superior Court's successful appellate mediation program is expanded to the court's Western District

First ever statewide jury list compiled by the AOPC is released to the counties. The list was created after passage of a 2007 statute that enabled the AOPC to receive citizen information from the departments of Revenue, Transportation, Welfare and State

Supreme Court hosts its first-ever "Teacher Institute on the Judiciary" to promote civics education and foster a better understanding of the courts

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ACPC_black.EPS)
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To: The Honorable Chief Justice of Pennsylvania, and Honorable Justices of the Supreme Court of Pennsylvania, and to the Citizens of the Commonwealth

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts (AOPC) for 2008, outlining many of the programs and services that define the Commonwealth's state court system. This report highlights noteworthy accomplishments in the administration of justice that took place during what was both a very busy and productive year.

The year began with several changes on the Supreme Court of Pennsylvania, which oversees and supervises the operations of the Commonwealth's Unified Judicial System.

Supreme Court Changes

As the year began, Justice Ronald D. Castille became the new Chief Justice of Pennsylvania, succeeding the retired Chief Justice Ralph J. Cappy. Chief Justice Castille initially began his tenure on the Supreme Court in 1994 and was retained by voters for a second ten-year term on the Court in 2003.

In addition, justices Debra M. Todd and Seamus P. McCaffery began ten-year terms that voters had elected them to fill two months previously. A few months afterward, former Philadelphia Common Pleas Court Judge Jane Cutler Greenspan joined the Court following her confirmation by the state Senate to serve in an interim capacity.

Also, incumbent Justice Thomas Saylor began a new ten-year term after his successful statewide retention by Pennsylvania voters.

Automated Magisterial District Judge System

As part of an ongoing effort to continue to modernize court operations, the AOPC launched in 2008 a redesign of the much-heralded magisterial district judge automated case management

Preface from the Court Administrator

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from the
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continued

system, which, after nearly 20 years of operation, is used by more than 3,000 employees throughout the Commonwealth. Creating fast and efficient access to the most current court information regarding prior convictions, bail history, pending charges and outstanding warrants was among the stated goals for the so-called system “rewrite.” Another defined goal was to improve the ability of defendants to remit fees, fines and costs owed.

Judges, court administrators and AOPC Information Technology staff began a successful series of collaborative efforts aimed at developing the new system. When completed in 2011, approximately 26 million cases are expected to be transferred from the old to the newly revamped system.

Education and Information Outreach

Efforts to promote a better understanding of the importance of Pennsylvania’s judiciary continued in 2008 with the release of an informative 15-minute video called “Pennsylvania’s Unified Judicial System.” The project was designed to enhance public understanding of and trust in the Commonwealth’s justice system. The video—distributed to all judicial districts primarily for use in jury assembly rooms and accompanied by a companion brochure—describes the role of the courts in a democracy, how the Pennsylvania court system is structured and how various types of legal cases advance through the system. The video also is used at schools and at gatherings of civic groups and other organizations.

The video features jurists explaining the function of their levels of the court system. Those jurists include Chief Justice Castille, Superior Court President Judge Kate Ford Elliott, Commonwealth Court President Judge Bonnie Brigance Leadbetter, Allegheny County Common Pleas Judge Kim Berkeley Clark and Cumberland County Magisterial District Judge Charles A. Clement Jr.

Other public educational outreach efforts during the year included the release of a third consecutive annual overview of the Unified Judicial System—“State of the Commonwealth’s Courts for 2008.” The report highlighted Chief Justice Castille’s desire to continue modernization of the state court system, including the many judicial programs begun under former Chief Justice Cappy. Among the noteworthy innovations mentioned in the report was the development of a statewide jury information system in which more potential jurors than ever before were identified for inclusion and diversification of county jury pools.

The report also highlighted the use of bench books as a new tool for judges. Bench books are sophisticated guides that help judges

with questions that arise in rarely applied or complex areas of law or areas of law which are rapidly changing. Other report topics included overviews of problem-solving courts, the five-year strategic plan, judicial automation, court security and innovations in the appellate and county trial courts.

The Supreme Court also hosted a first-ever “Teacher Institute on the Judiciary” in its Harrisburg chambers in 2008 to promote civics education and foster a better understanding of the courts. Thirty-eight mid-state teachers attended this intensive and interactive day of learning and discussion about the state and federal courts and constitutions. The institute also was sponsored by the Pennsylvania Coalition for Representative Democracy (PennCORD), a partnership of the governor’s Office of the First Lady, the National Constitution Center, the state Department of Education and the Pennsylvania Bar Association and was supported by the Supreme Court’s Judicial Independence Commission.

Security-Related Technology

Growing use of new technology to enhance the safety of judges, lawyers, court staff and the public also was apparent in 2008. The Supreme Court launched a \$2.8 million initiative to expand the use of videoconferencing technology within the state’s magisterial district courts—often referred to as the “grass roots” level of the court system. For many Pennsylvanians the magisterial district courts are the first, and often the only, courts they will encounter.

Instead of having a constable, sheriff or police officer transport defendants to court, the technology allows magisterial district judges to arraign or hold hearings with defendants from secure locations within central booking centers, local police departments, jails, state police barracks and state and county correctional institutions.

The first of the two-phased project involved the installation of new videoconferencing equipment in the 155 district courts that did not have such technology. A second phase involved the replacement or repair of equipment already in district courts. The project was a direct result of successful collaboration among the judicial, legislative and executive branches. In addition to enhancing security in the courts, the videoconferencing technology also has proven to be a significant cost-saver for many counties.

The AOPC also worked with other branches of government during 2008 to enhance the versatility and use of the Pennsylvania Justice Network, or JNET, on two projects that promise to be important crime-fighting and case management tools: the Federated Warrant Search (FWS) and a state-of-the-art process for information-sharing between state and national agencies.

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continued

JNET's FWS, which required the AOPC to make computer programming changes, provides authorized officers access to Pennsylvania and out-of-state warrant information through just one search. In addition to the FWS, AOPC automation staff also assisted JNET in a pilot project to upgrade the information exchange process used by state and national agencies in sharing criminal data to the latest version of the National Information Exchange Model. The effort is designed to provide a uniform standard for the sharing of information between state and national agencies.

Accessibility and Accountability

Additional efforts to expand public trust and confidence in the court system during 2008 were evident with the Supreme Court's decision to expand the scope of its long-standing policy governing open access to the state court system's financial records similar to the revisions made in the state's Right-to-Know Law. As outlined in an order issued by the Court in June, the revisions amended the process for requesting and accessing financial records of the Unified Judicial System. As concerns the judiciary, the Right-to-Know Law pertains to financial records that historically have been regarded by the judiciary as publicly accessible—items such as budgets, expenditures, salaries and other uses of public funds. The longtime judicial policy was formalized on May 14, 2007, under a Supreme Court order that created Rule of Judicial Administration No. 509.

The revision of Pa. R. J. A. 509 promotes greater public access by

- requiring the AOPC to provide contract information on the Unified Judicial System's Web site for purchases of \$5,000 or more
- creating a procedure and timeframe for accessing copies of the financial records of a judicial district through a records manager designated by the president judge
- providing specific timeframes and an appeal procedure for judicial districts.

Among the more noticeable changes in 2008 was the unveiling of a redesigned Web site to help people more easily and efficiently find information they want and need from and about the courts. Launched in September, it marked the first significant makeover of the court system's pioneering Web site that went online more than a decade ago. With the newly designed site, the address also changed to the more user-friendly www.pacourts.us. Planning and coordinating the new look took more than two years.

Jury Pools

Administratively significant in 2008 was the development and implementation of a central statewide jury list compiled by the AOPC for all Pennsylvania counties. The statewide list, containing more than 11.5 million names, is designed to considerably expand existing county jury pools by identifying more citizens who are eligible to serve as jurors and, as a result, increases diversity of the pools.

The list was created after passage of a 2007 Pennsylvania law that enabled the AOPC to receive citizen information from the files of the Pennsylvania departments of Revenue, Transportation, Welfare and State. More than 24 million names of state taxpayers, drivers, voters and others were sent to the AOPC from those departments. The lists were “scrubbed” to eliminate as much duplication as possible and reduced to a master list. New lists will be provided to the counties by the AOPC each year.

Safe and Secure Courts

In 2007 and 2008, the AOPC, in concert with the University of Pittsburgh Center for Public Health Preparedness, completed a major security and emergency preparedness initiative by developing a model of continuity of operations (“COOP”) toolkit for Pennsylvania judicial districts. Based on a National Center for State Courts template, the toolkit was designed to assist Pennsylvania trial courts and the minor judiciary in preparing for and effectively responding to potentially crippling natural, manmade and public health emergencies. It will help enable these courts to stay open or promptly resume essential court operations during or immediately following an emergency. While each judicial district is required to develop its own COOP plan, the toolkit provides, among other things, uniform planning assumptions, identification and prioritization of essential court functions and a detailed list of all elements that must be included in each district’s plan.

Appellate Mediation

The Superior Court of Pennsylvania’s mediation program, which began in Philadelphia and the Eastern District in 2006, expanded to Pittsburgh and the Western District in 2008. The program is designed to concentrate on mediation of civil, family-related and orphans’ court appeals, and it is anticipated to expand to the Superior Court’s Middle District.

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Child Dependency

More than 300 judges and child and youth professionals attended three child dependency training sessions in 2008. The participants met for the purpose of enhancing child services and practices, including the implementation of Family Finding and three-month reviews for every child in the foster care system. Family Finding is a strategy aimed at finding lost or forgotten individuals willing to provide lifelong support for abused and neglected children.

In addition, counties began entering all dependency cases into the judiciary's computerized Common Pleas Case Management System Dependency Module—designed to track more than 30 performance measures recommended by the National Council for Juvenile and Family Court Judges, the National Center for State Courts and the American Bar Association Center on Children and the Law. The detailed computerized tracking of dependency cases promises to provide vital statistics for the courts' efforts to help children and families.

Nondiscrimination Policy

The Supreme Court implemented the UJS' Policy on Non-Discrimination and Equal Employment Opportunity effective January 1, 2008, to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful and nondiscriminatory manner. The policy formalized existing practices to promote fair and equal treatment of judicial officers, court personnel and court users at all levels of the Unified Judicial System. In addition to the policy, separate complaint procedures were developed for employees and non-employees in each UJS facility.

Mortgage Foreclosure Programs

In these austere, uncertain times, it is noteworthy that during the year a number of county courts undertook or were considering taking steps to help homeowners hold on to their homes and avoid mortgage foreclosures. The First Judicial District's (Philadelphia) program has been nationally recognized as a model.

The specialized programs aid victims of predatory lending schemes who obtained mortgages at high sub-prime interest rates and face sheriff's sales. They help preserve judicial resources in court-houses faced with overwhelming numbers of foreclosure filings. As part of court-ordered conciliation conferences, homeowners and lenders try to work out a renegotiation or some other solution to the

homeowners' arrearages. Viewed in the broadest terms, the effort is meant to help homeowners stay in their homes and stabilize the housing market and, by extension, help to bolster economic recovery.

Finally, it is important to note that many of the enhancements in the administration of justice in 2008 could not have taken place without significant cooperation from the executive and legislative branches of government, the dedication of judicial employees and support from judges, lawyers and members of the public whom the courts proudly serve.

Sincerely,

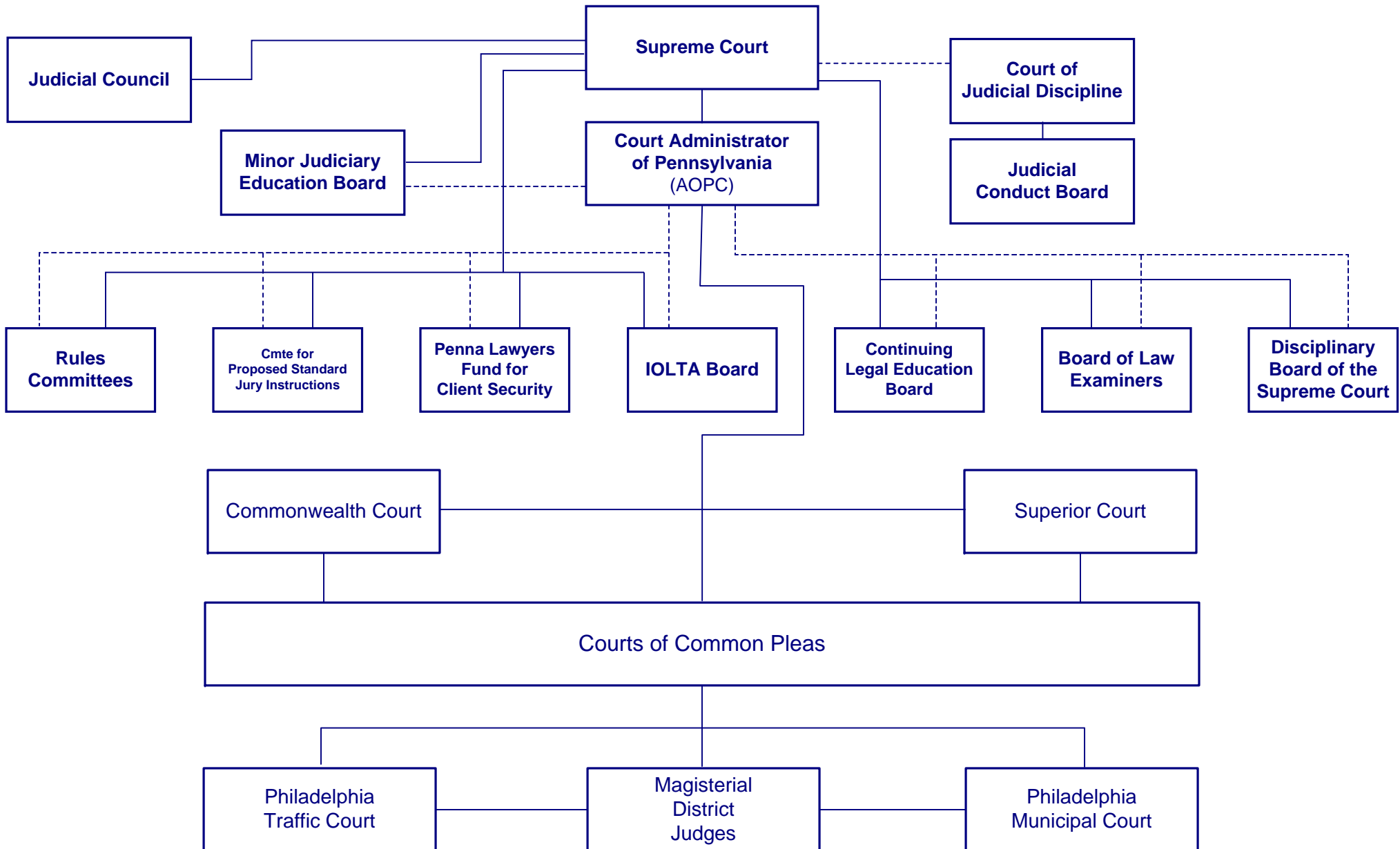


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Court Administrator of Pennsylvania

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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

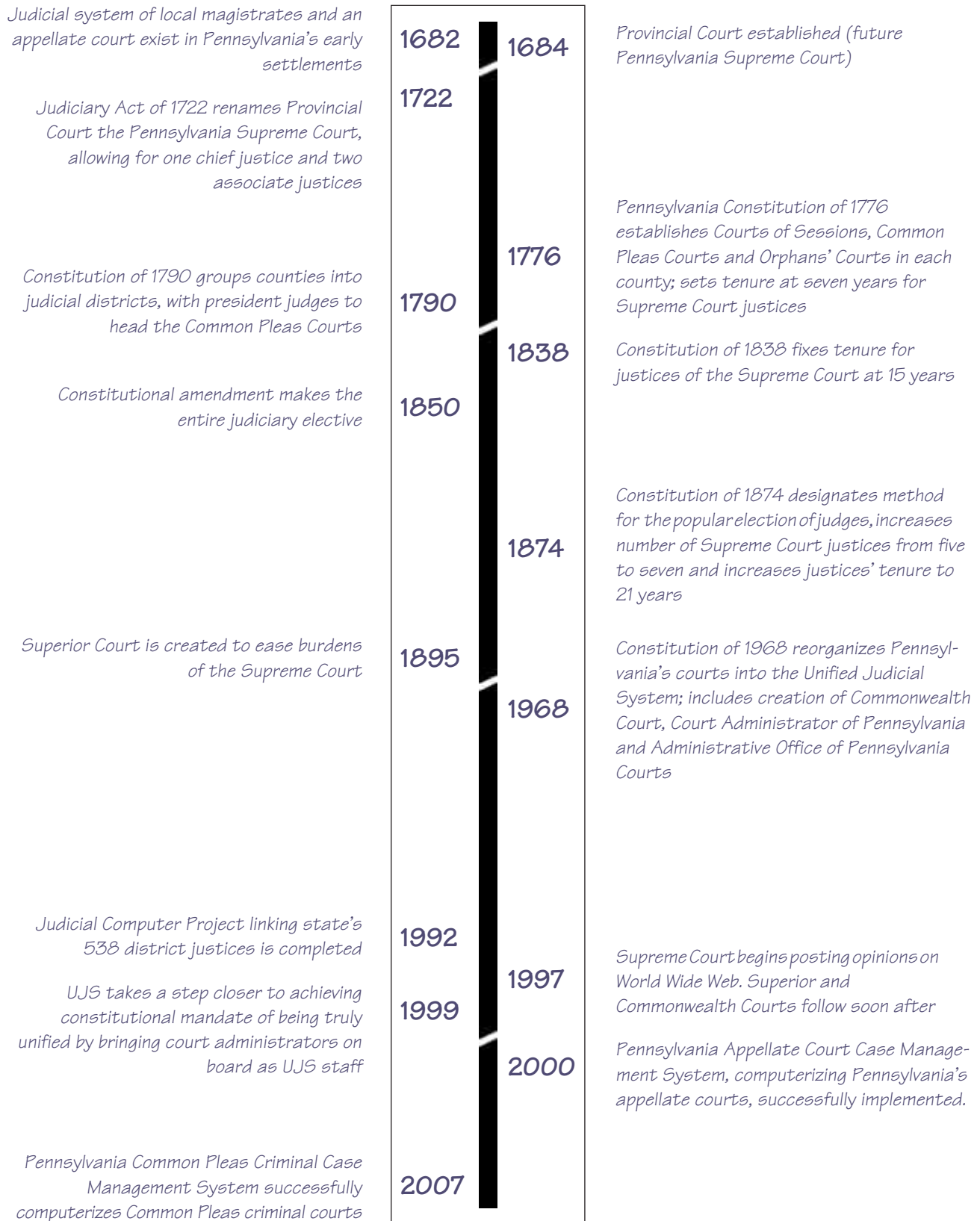


Chart 2.1.1

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. **AOPC**

**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:

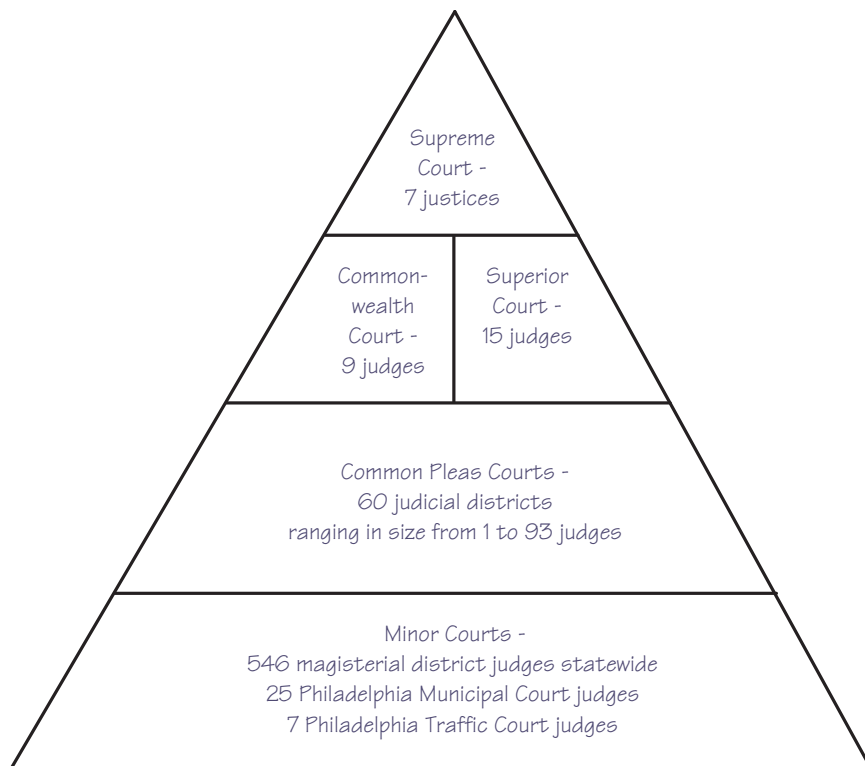


Figure 2.2.1

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 93.)

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 2008, beginning on page 117. **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 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. Effective November 20, 2007, senior jurists appointed on or after January 1, 1999, may serve until December 31 of the year in which they reach the age of 78. Effective December 27, 2007, senior jurists appointed after this date may serve a maximum of ten years, absent extraordinary circumstances as determined by the chief justice.

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 and Payroll. Also found in Mechanicsburg are the Finance, Human Resources, Judicial Automation, Judicial Education and Judicial Security 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.pacourts.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 available online
- a statewide assessment of court reporting and transcript operations in the Courts of Common Pleas. Support services were provided to the committee developing a new set of proposed rules of judicial administration governing the making of the court record
- research support and training to various judicial branch committees and associations such as the Pennsylvania Association of Court Management and the Mid-Atlantic Association of Court Management
- on-site support to 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 improvements to civil caseload data collection, including a statewide cover sheet that will accompany all trial court civil case filings to quantify the various types of actions, the tracking of civil cases from the commencement of the action and the inclusion of Pennsylvania data in national publications on caseload activity and trends
- statewide analysis of juror costs to assist with legislative analyses
- revision of Protection from Abuse (PFA) statistical reporting form and report manual to more fully and precisely capture caseload activity including temporary orders and local practices
- initiation of a "Going Green" campaign by eliminating paper reporting forms and collecting all statistical data electronically

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 2008 the department coordinated the following conferences:

- *Court Improvement Project Leadership Roundtables*
March 18; April 1-3, 17, 18
- *Court Interpreter Program*
April 5, 6; May 3, 4; June 21, 22; August 23, 24, September 13, 14
- *National Council of Juvenile and Family Court Judges National Forum*
April 29-May 2
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 1-3

- *Appellate Court Conference*
June 16-18
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 17-20
- *National Association of State Judicial Educators Annual Conference*
August 10-13
- *Leadership Roundtables*
September 10, 11, 22, 23, 25, 26; October 10
- *Court Interpreter Consortium*
October 19-22
- *Judicial Education Fall Symposia: Opinion-Writing/Evidence*
October 26-28
- *Pennsylvania Association of Court Management Conference*
November 2-4
- *Media and the Courts Conference*
November 14
- *Hard Core Drunk Driving Guide for Judges*
November 21

changes and reporting standards. This assistance includes:

- reviewing and assessing local court requests for state-level court administration personnel 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 requests, assignments for change of venue/venire and AOPC communication with judicial districts concerning president judge elections
- overseeing training, testing and certification of court interpreters
- assisting judicial districts in planning, implementing and maintaining problem-solving courts.

Judicial Programs

The mission of the Judicial Programs Department is twofold: to assist court administrators, judges and staff throughout Pennsylvania to ensure the efficient operation of Pennsylvania's minor and trial courts and to promote equitable access to and administration of justice.

In addition to providing support to judicial districts on issues related to their administrative functions, the department works closely with the Supreme Court and other departments within the AOPC to assist with implementation of policies, procedures, rule

In 2008 the department was involved in several noteworthy endeavors as follows.

Office of Children and Families in the Courts

In 2008 the Supreme Court's initiative to improve outcomes for abused and neglected children in the judicial system came to life in the operations of the Office of Children and Families in the Courts (OCFC). This effort, funded entirely through federal grants, operates under the stewardship of Supreme Court Justice Max Baer with the support of the Supreme Court and the AOPC.

The first task of the OCFC was the creation of an infrastructure in which all relevant judicial, child welfare and educational officials in each county could meet to share information, discuss common problems and collaborate in crafting solutions to improve the child welfare system of each county. At the same time, a great need has been identified that will enable counties throughout Pennsylvania to share information so that common problems can be better identified and solutions achieved.

The infrastructure is known as Pennsylvania's Roundtables for Children Initiative. At the base are local meetings in each judicial district, known as Children's Roundtables, that include child welfare professionals. Each Children's Roundtable sends two representatives to one of ten Leadership Roundtables where participants from counties of similar size discuss common problems and exchange ideas for solutions. At the top of the structure is the Statewide Roundtable where representatives from each Leadership Roundtable, along with representatives from state agencies and organizations that have an impact on child welfare, meet to discuss issues and problems from a statewide perspective.

The complete infrastructure results in collaboration among agencies and branches and among the various judicial districts around the state, a true network of sharing among all groups involved in child welfare. The first complete round of meetings occurred at all three levels.

With regard to the need for complete and reliable data concerning the operations of juvenile dependency courts in the state, the OCFC, along with the AOPC's Judicial Automation Department, completed an expansion of the Common Pleas Case Management System (CPCMS). The expansion enables judicial districts to use CPCMS to process and track child dependency cases and to produce statistics to monitor how well the court is meeting the goal of providing, in a timely manner, safe and permanent homes to children in care.

Two thousand eight also saw the beginning of Phase I of the Strength-Based Initiatives program, which provides training and technical assistance to counties implementing three internationally recognized programs designed to improve outcomes for children. Teams from 15 counties received training in Family Group Decision-Making, Family Finding and Family Development Credentialing.

Problem-Solving Courts

The Judicial Programs Department continued its efforts in 2008 to assist judicial districts in the creation, expansion or maintenance of problem-solving courts, such as drug courts, DUI courts and mental health courts, with 23 counties having such courts in operation and 13 more in planning.

In February the National Center for State Courts came to Philadelphia and met with a working group of problem-solving court professionals to hammer out a set of performance measures for adult drug and DUI courts in Pennsylvania. The measures developed would assess client performance as well as program performance, providing the AOPC with another tool to assist in quality assurance assessments. That report was completed in April 2008 and reviewed by the AOPC Drug Court Advisory Committee in July. The committee made some recommendations for minor modifications, which were adopted.

Court Interpreters

The Judicial Programs Department's Interpreter Certification Program in 2008 continued its mission, as mandated by Act 172 of 2006, of ensuring that foreign language and sign language interpreters working in the courts of the Commonwealth be certified by the AOPC.

In 2008 five orientation sessions were held at various locations around the state to provide interpreter certification candidates with

information about Pennsylvania's court system, the role of the court interpreter and Pennsylvania's certification program. One hundred seventy-eight individuals attended the sessions.

Those who complete the training session are eligible to take a three-part test necessary to be certified. Applicants first must pass a written examination that measures the candidate's general English language proficiency and usage, knowledge of court-related terms and familiarity with ethical and professional conduct. They then must pass a written exam that assesses their knowledge of the foreign language they speak. One hundred seventy-two candidates took the written examinations in 2008.

Candidates who pass both written exams must then take an oral performance exam that is a simulation of an actual courtroom interpretation. Those who complete this rigorous process become certified interpreters, able to work in any court in the Commonwealth. Those who do not pass have the opportunity for further training and retesting. They still may work as court interpreters under limited circumstances.

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)

PACMS is an integrated case management system designed for Pennsylvania's

appellate courts—Supreme, Superior and Commonwealth.

Efforts to upgrade PACMS continued with Joint Application Development (JAD) sessions held with end users to define requirements. User acceptance testing began, and training was provided for the new jurists in all three appellate courts as well as chambers and filing office staff.

A request for proposal for a document management system to be incorporated into the rewritten PACMS application was prepared, and contract negotiations with the selected vendor proceeded. In addition, a new security strategy, developed to allow for more flexibility in the assignment of security roles, will be implemented with the new system.

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 is used primarily by clerks of courts, court administration and judges and their staffs, more than 7,000 users.

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.

CPCMS continues to be used by all clerks of courts offices, court administration offices and criminal judges within the Commonwealth. Many regional training sessions and other ongoing training programs were held this year for both new and existing system-users. The training sessions focus on enhancements to the system as well as providing advanced training in complex areas such as accounting.

In 2008 Judicial Automation continued work on a dependency case module for CPCMS to generate local and statewide statistical information based on national performance measures that will allow the courts to assess their efficiency in handling dependency matters. Several enhancements were completed during this period, and by year's end, the module was implemented in all counties but Allegheny and Philadelphia.

Judicial Automation worked with Berks, Luzerne and York counties to set up CPCMS to interact with outside collection agencies and began working with Philadelphia to set up outside collection agency customization. This included setting up scripting of their existing 150,000 plus payment plans.

Snyder, Blair, Franklin, Cumberland, Dauphin and Lackawanna counties have been set up to begin using CDI Corporation's Prosecutorial Management Software applications for electronically filing of bills of information into CPCMS. Clinton, Cameron, Fayette and Sullivan counties began using the AOPC-developed DA Link for this function.

The CPCMS help desk resolved 33,181 queries in 2008.

Magisterial District Judge System (MDJS)

The Magisterial District Judge System provides case management and accounting functions to all magisterial district judges (MDJs) 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.

The MDJS rewrite project continued throughout this year. Joint Application Development sessions were completed and in-house development of the new MDJS began. Meetings were held throughout the year to review new screens and functionality. The system will be a modern Windows-based system and will be much more flexible and easier to use. The

rewrite is being well-received by the JAD participants.

A request for purchase for online payment services was issued as part of the new MDJS, and many design, testing and training sessions occurred on the MDJS rewrite project.

Several new modules were developed, including calendaring, warrants, case transfer, and service for other courts and global cross court history.

The JAD team identified functions that need to be added to the MDJS to better accommodate the needs of district court administrators in managing the MDJs in their districts.

Several training sessions were held in 2008, including sessions focused on the new criminal complaint and the warrant transfer process. Ten counties were using the new complaint form and the transfer process, and no major issues were reported. In addition, the migration team began creating migration rules, and changes to the existing MDJS to accommodate the new 72-hour warrant hold process were completed.

Trainers worked on help text documentation for the new MDJS while continuing to provide ongoing training for several topics at the MDJ continuing education program and in other forums.

The MDJS help desk resolved 35,567 queries in 2008.

Current (Legacy) MDJS

A new Notice of Appeal form for a summary criminal conviction was developed and posted on the UJS Web site. Staff also developed a new Undisbursed Funds Report to allow MDJs and court administrators to review case balance, jail compensation and community service compensation adjustments made by court staff.

Staff completed several legacy system projects to accommodate two rule change recommendations that were approved by the Supreme Court. They began work with the Pennsylvania Department of Transportation to eliminate paper copies of DL38s (License Suspension Notices) for out-of-state license suspensions.

E-Filing Initiatives

Staff supported the criminal complaint e-filing pilot initiative in Allegheny County, and several new screens were developed in the existing MDJS to accept the electronic data. President Judge Joseph M. James issued an administrative order to all police departments in the county, requiring them to use the court-developed system to generate criminal complaints. Paper complaints will continue to be accepted at least until the MDJS rewrite is complete. This initiative will become a model for other counties seeking to file electronic complaint data.

By the end of 2008, 66 counties were using the electronic warrant transfer process. Staff worked with the Philadelphia courts and the Criminal Procedural Rules Committee to try to develop a criminal complaint form that will enable the courts to participate in the project without a need for extensive programming to change the county system, which city police use to generate criminal complaints.

Staff continued working with both local police and the state police on traffic citation e-filing. Paper will not be required to be filed for this project, and the data exchange standards developed for this project will be used as a model for others who wish to begin filing citations electronically.

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 (Philadelphia). The system includes payroll, human resources and finance modules. The ASAP team also supports applications developed for the Board of Law Examiners.

Developers supporting this project continue to enhance the system and add new reports based on user requests. This year ASAP programmers have refined the judiciary's Web-based system for filing Statements of Financial Interest to allow judicial officers who retire or resign during the year to file their statements online. In addition, the Office of Administration kicked off its Financial Disclosure project, which was based on the software developed for the judiciary. The 2007 Financial Disclosure filing year opened on February 12, 2008, and by May 1, 52 percent of judicial officers had filed online.

The redesign of the Jen & Dave Program was completed. The new Web site was released and was receiving approximately 4,000 hits per week. The use of the public Web docket sheets to provide charge information has greatly simplified this program.

Two significant program enhancements were requested and completed, including a request from Finance to link all medical benefits payments to contracts.

Systems Support

The Systems Support team was focused on the following efforts during 2008:

- a Systems Support Operations Strategy Team was formed to assist in developing a five-year plan for Judicial Automation
- support of the MDJS Video Arraignment Project when technical assistance is needed by the vendor
- continued implementation of the UJSNET (a new wide area network) for the Courts of

Common Pleas and appellate courts. As of December 8, 2008, 43 sites had been installed. In conjunction with the new network, the AOPC has decided to take on the responsibility of network fault management in-house and is setting up a network operations center (NOC) concept to provide continuous monitoring of the network.

Web Team/Data Hub Team

Act 37 of 2007 provided a means by which the jury pools in the Commonwealth's counties could be expanded. It allows for the AOPC to receive citizen information from the files of the Pennsylvania departments of Welfare, Revenue, Transportation and State. Judicial Automation staff "scrub" the data to eliminate duplicate records when possible and send the information to the counties. By year's end, the first yearly list had been finalized and made available to the counties.

A change to Rule of Judicial Administration 509 in 2007 provided that effective January 1, 2009, court-related contract information would be published on the Unified Judicial System's Web site. The Data Hub Team worked on this project in 2008 for the AOPC, appellate courts, court-related boards and entities, and county courts.

The new UJS Web site at www.pacourts.us was unveiled in September after a two-year overhaul.

Web Portal Applications

An enhancement to the Pre-Sentence Summary Report (PSI), available on the UJS Portal at <http://ujsportal.pacourts.us>, was completed. The PSI is a comprehensive summary of a defendant's information compiled from available cases in CPCMS and his/her demographic information. It is designed to be used by probation officers in preparing PSIs on defendants.

The enhancement displays a list of any prior PSIs that were ordered or prepared in other counties. This enables the probation officer to contact the counties named, ultimately saving time for the probation officers.

Changes were made to the opinion posting section of the Web site to accommodate the Commonwealth Court's request to post its unpublished opinions indefinitely (they were previously only posted for 90 days). At the same time, a change was made to set the default order for listing opinions from newest to oldest, although users have the flexibility to look at the oldest first if they wish.

Work continued on the development of a database to index the Court of Judicial Discipline's opinions. In addition, the Criminal Procedural Rules Committee expressed interest in using the local rules page for posting local criminal rules. Putting local rules on this page would make up-to-date local rule information more accessible to practitioners statewide.

Public Access

The data hub team has completed 56 requests for county data and 65 requests for public access data to various state agencies, the media and others. The CPCMS docket sheets continue to average close to 1.1 million hits a month, and MDJ docket sheets are averaging 750 per month.

In 2008 approximately 16,500 cases a month were being transferred from the MDJS to CPCMS.

Deputy Court Administrator's Office

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
 - *Pennsylvania's Judicial System: A Citizen's Guide*, a brochure about Pennsylvania's courts
 - *Pennsylvania's Courts: A Video Introduction*, an educational video guide to Pennsylvania's Courts
 - *AOPCConnected*, the Administrative Office's quarterly newsletter
- develop other publications
- set up news 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 the magisterial district judge and Common Pleas courts, staff also monitor and report on legislation that may necessitate changes to the respective software programs.

Administrative Services

The Office of Administrative Services was established in 1993 in an effort to unify the administrative service functions between the AOPC's Philadelphia and Mechanicsburg offices. The department is responsible for a variety of administrative-related tasks, including procurement for the Administrative Office, issues relating to facility management, fixed asset control, mail and messenger services and fleet vehicle management.

A significant responsibility of the department over the past several years has been to act as the judiciary's representative in the building of the new Pennsylvania Judicial Center (PJC) in the Capitol Complex in Harrisburg and collaboratively with the Judicial Automation Department in renovations of its facilities. Staff have been involved with all aspects of both projects, including building design and layout; selection and placement of office furniture, workstations and office equipment; developing policies and procedures for building access, parking and security; budget and asset management system preparation and review of commercial leases.

The PJC is expected to be completed in the spring of 2009 and the automation department renovation in 2010.

Judicial Security

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

In 2008 the AOPC embarked on a comprehensive project to provide magisterial district courts with the ability to conduct preliminary arraignments via videoconferencing technology. The initiative is intended to reduce defendant transports from jails, prisons, state police barracks and booking centers to magisterial district courts, thereby minimizing the risk of incidents that cause injury or harm to participants in these judicial proceedings. In addition, cost savings are realized for participating counties and law enforcement agencies.

The AOPC began a project to reimburse counties for the purchase of firearm safety holsters for deputy sheriffs assigned to perform courthouse security duties. The holsters are designed to be grab resistant in order to prevent the removal of the firearm by in-custody

defendants who intend escape and otherwise jeopardize safety and security in courthouses.

Also in 2008 funds were appropriated to reimburse counties for the purchase of security cameras at entry points and other vulnerable locations in courthouses. The installation of these cameras in magisterial district courts demonstrated that certain security incidents were averted and others were captured for evidence in related law enforcement investigations. It is anticipated that security cameras will serve the same deterrence, detection and prevention functions in trial court facilities.

In the fall, a fourth round of regional workshops was conducted for all local court security committees throughout the Commonwealth. These committees, comprised primarily of president judges, sheriffs, court administrators and county executives, are encouraged to meet regularly in order to formulate and implement plans to respond to security incidents and emergency situations that occur in their courts. The fourth round of workshops focused on Continuity of Operations Planning.

Judicial Education

The Judicial Education Department was formed in 2005 to provide continuing education to Pennsylvania's jurists. The department works closely with various planning committees to design programs that address new and emerging areas of law and issues of import and interest to judges.

Supreme Court, Superior Court and Commonwealth Court

Since 2004 jurists on Pennsylvania's three appellate courts have attended an annual appellate courts conference. The conference addresses the needs specific to judges serving appellate duties. In addition to educational programs, members of each court hold administrative sessions at these conferences.

The conference featured these programs in 2008:

- United States Supreme Court Update
- Law and Economics
- Law and Literature
- UJS Non-Discrimination Policy

Courts of Common Pleas

During 2008 more than 85 percent of all trial judges in the Commonwealth attended state-sponsored continuing education programs. Primarily, these programs were held at conferences of the Pennsylvania Conference of State Trial Judges, which meets twice a year. Staff of the Judicial Education Department worked with the Education Committee of the conference to provide support for the conferences. The three-day conferences provided state-of-the-art educational programs and allowed judges to discuss issues of common interest and concern.

Among the programs at the conference's 2008 meetings were:

- The Orphans' Court and Foreign Adoptions
- Evidence: Nuts and Bolts
- Inside Interrogations: Why Innocent People Confess
- HIPAA: Fact and Fiction
- An Overview of E-Discovery: Technical Issues and Lessons from the Federal Rule
- Select Current Issues in Credit Litigation
- Opinion-Writing Tips for Judges
- The Judicial Response to the Incompetent Lawyer

- Creative Settlement Techniques: A Judicial Perspective
- Understanding Closed Head Injuries
- Uninsured/Underinsured Claims in the Post-*IFP v. Koken* Era
- Drug Primer
- Interstate Compact for Adult Offender Supervision
- Advanced Land Use Issues
- Cultural Considerations in Domestic Violence and Assault Cases
- Current Issues in Economics
- Handling Election Cases

Symposia

The Judicial Education Department also presents symposia across the Commonwealth. These two-day programs allow jurists the opportunity for in-depth examination of discrete areas of law in smaller, more intensive groups. Often these sessions are repeated in different regions of the state to maintain small group size and encourage open and critical discourse.

The department presented the following symposia in 2008:

- **Opinion-Writing Workshop**
The Judicial Education Department facilitated a two-day opinion writing workshop for trial judges led by national expert, Professor Emeritus James Raymond (University of Alabama).
- **Evidence for the New Trial Judge**
Several law professors team-taught a one-day evidence symposium geared toward the newer trial judge.

Special Programs

The Judicial Education Department facilitated several special programs during 2008.

- **2008 New Judge School**
Thirty-eight new judges attended the week-long program at State College. The program's faculty included 18 trial judges, two appellate judges, two law school professors and three practitioners. Many faculty members' presentations reflected principles taught during the New Judge School Faculty Development Workshop during Winter 2007. The overall program again received strong evaluations from attendees.
- **A National Forum on Children, Families and the Courts**
The Judicial Education Department facilitated a National Forum on Children, Families and the Courts in Philadelphia. The event attracted more than 300 participants, about one-third of whom came from outside the Commonwealth. The forum featured nationally recognized speakers in a multi-track, multi-disciplinary program. The curriculum had a strong emphasis on child dependency and on the science of child development. Two sessions—Family Group Decision-Making and the Statewide Family Roundtable Initiative—specifically addressed aspects of Justice Baer's work with the AOPC's Office of Children and Families in the Courts.
- **Villanova Sentencing Workshop**
Each year, the Judicial Education Department collaborates with Villanova Law School and the Pennsylvania Sentencing Commission to produce a sentencing workshop. The workshop combines third-year law students from Villanova and Common Pleas judges in an exercise to better understand and utilize sentencing guidelines. The program has been quite successful and garners high praise from judges who attend.
- **National Association of State Judicial Educators Annual Meeting**

The Judicial Education Department facilitated the annual meeting of the National Association of State Judicial Educators. The conference provided a multi-track curriculum focusing in two areas: transformational learning theory and technology in the classroom.

- Teachers Institute on the Judiciary
This one-day institute, geared toward junior high and high school teachers, was developed in collaboration with the Office of the First Lady and the Pennsylvania Coalition for Representative Democracy (PennCORD). The program centered on civics education with specific focus on the role of the judiciary in a democratic society. Prominent constitutional scholars provided lecture material that complimented the day's activities and offered teachers alternative methods of teaching about the courts. Judges described the function of their courts in the Pennsylvania system and facilitated mock Supreme Court arguments.

New Product Development

Several new products were developed during 2008 to enhance the educational experience of judges and to increase efficiency in the delivery of educational programs. In addition, department staff contributed to the development of educational materials to enhance civic education about the judiciary and its role in our democracy. Included in these products:

- Legislators' Guide to the Pennsylvania Judiciary
The Judicial Education Department collaborated with staff from the Supreme Court's Judicial Council and the AOPC's Office of Communications and Legislative Affairs to produce a guide to the Pennsylvania judiciary for new legislators. Included in the guide are descriptions of the overall court system, the roles of the various courts, the committees that support the judiciary's activities and the history of the Pennsylvania judiciary.

- Public Health Law CD
The department collaborated with the Pittsburgh School of Public Health to produce an electronic version of the Pennsylvania Public Health Law Bench Book. The CD includes the full text of the bench book as well as the full text of all cases and statutes referenced therein, hyperlinked from the text for convenience. The electronic version was distributed to all trial judges in the Commonwealth.

- Conference Materials on CD
Select conference materials are now being provided on CD rather than in hard copy. The protocol for this was developed by the Judicial Education Department staff and effectively demonstrated at the 2007 annual meeting of the Pennsylvania Conference of State Trial Judges. The CD, with a table of contents, included all written materials from the conference as well as supplemental and non-essential materials. The purpose was to make supplemental material easily accessible, to reduce the size of the conference binder and to reduce costs. The new format has become the standard for judicial education conferences throughout the state.

- Faculty Handbook
A faculty handbook was developed for distribution to conference speakers in advance of their arrivals at conferences. The handbook provides logistical information useful for an individual teaching at a judicial education conference. It also provides speakers with suggested presentation techniques and tips on developing effective PowerPoint presentations.

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 the budget, accounting and payroll systems 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 41 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 \$369.7 million in annual appropriations, including \$39.5 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 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

2008 Membership

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Dean R. Phillips, Esq., *Counsel*
D. Alicia Hickok, Esq., *Deputy Counsel*
Scot R. Withers, 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

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2008 Activities

The following recommendations were promulgated by the Supreme Court in 2008:

Amendment to **Pa.R.A.P. 1115 (Content of Petition for Allowance of Appeal)**: Adopted 9-25-08.

Amendments to **Pa.R.A.P. 102, 121, 122, 123, 124, 905, 909, 911, 1101, 1102, 1112, 1116, 1121, 1123, 1311, 1314, 1321, 1514, 1732, 1972, 2155, 2156, 2171, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309** relating to comprehensive **filing and service**. Adopted 9-10-08, effective 12-1-08.

Amendment to **Pa. R.A.P. 1921 (Composition of Record on Appeal)**. Adopted 8-14-08, effective immediately.

Amendments to **Pa.R.A.P. 2116 (Statement of Questions Involved)**. Adopted 7-11-08, effective 8-10-08.

Amendments to **Pa.R.A.P. 2111 (Brief of the Appellant)**. Adopted 6-5-08, effective 7-5-08.

2008-09 Projects

Recommendation 82: Pa.R.A.P. 512 (Joint Appeals).

Issues Related to **Timing of Appeals Where Following Entry of Judgment the Trial Court Enters Orders Ancillary to Judgment**: The committee is addressing these issues in concert with the Civil Procedural Rules Committee.

Recommendation 76: Pa.R.A.P. 1736 (Exemption of Security).

Recommendation 61: Pa. R.A.P. 311(a)(4) (Interlocutory Appeals as of Right: Injunctions).

Amendments to Pa.R.A.P. 1561 and 1701 and New Pa.R.A.P. 1765 to clarify the manner for

seeking **bail** during Post-Conviction Relief Act proceedings and appeals. These amendments are being developed in conjunction with the Criminal Procedural Rules Committee.

New Pa.R.A.P. 912: In *Commonwealth v. Bennett* (593 Pa. 382, 930 A.2d 1264 (2007)), the Supreme Court addressed the proper procedure for **determining whether counsel had abandoned a petitioner** during an initial PCRA appeal. In a footnote it recommended that the informal procedure be codified. The Criminal Procedural Rules Committee has worked with the committee to set forth the procedure in such circumstances.

Pa.R.A.P. 1925(b) (Errors Complained of on Appeal): The committee continues to monitor issues arising from the 2006 amendments to this rule.

Pro Hac Vice Admission: The committee's staff is working with other rules counsel to develop a comprehensive rule governing *pro hac vice* admission.

Pa.R.A.P. 342 (Orphans' Court Orders): The committee is working with the Orphans' Court Procedural Rules Committee on a proposed amendment that would expressly authorize appellate review of an orphans' court decision refusing to make a **determination of finality**.

Pa.R.A.P. 120 (Anders/McClendon and Turner/Finley Codification): Because **withdrawal of appearance** has special procedures in criminal and initial PCRA appeals and those procedures are distinct, the committee is working to identify the distinct requirements and amend Pa.R.A.P. 120 accordingly.

Contempt Orders: The committee is investigating the reasons for the low affirmance rate of **contempt orders** and whether procedural rules impediments are the cause.

Ford/Banks: In *Commonwealth v. Banks* (596 Pa. 297, 943 A.2d 230 (Pa. 2007)), the Supreme Court outlined the procedures to be followed

when a person subject to an **execution warrant** raises a federal constitution claim that he or she cannot be executed because of current incompetence. The Criminal Procedural Rules Committee is working with the committee to draft procedural rules for raising and appealing such a claim.

Decertification Orders: The committee has agreed to collaborate with the Juvenile Court Judges Commission and the criminal and juvenile rules committees to consider the

procedures for decertification and for release when a decertification issue has been raised.

Appellate Review of Intermediate Appellate Court Quashals: The committee has addressed the question of whether a petition for allowance of appeal under Chapter 11 or a petition for review under Chapter 15 of the Rules of Appellate Procedure is the appropriate vehicle for review of intermediate appellate court quashals.

AOPC

2008 Membership

Karen Engro, Esq., *Chair*
William R. Sasso, Esq., *Vice Chair*
Patti S. Bednarik, Esq.
Stewart W. Davidson, Esq.
Barbara W. Mather, Esq.
Robert C. Saidis, Esq.
Richard W. Stewart, 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 was held in Philadelphia and Pittsburgh. In July it was held in Philadelphia, Carlisle and Pittsburgh.

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.

Twenty-three hearings were held in 2008.

2008 Statistics

Statistics for 2008, including a comparison with 2007's figures, can be found in Table 3.2.1 on page 40. Chart 3.2.2 on page 41 details the percentage of those passing the bar since 1998 while Chart 3.2.3 on page 42 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.

2008 Activities

The board met eight times in 2008 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.

Filing Fees

The filing fees charged for processing applications in 2008 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

Bar Exam Statistics		
Admission applications		approx. 3,000
Sitting for the February Exam		652
Change from 2007	(72)	(9.94)%
Persons passing February exam		395
Persons failing February exam		257
Passing Percentage		60.58%
2007 Passing Percentage		55.52%
Sitting for July exam		1,911
Change from 2007	(93)	(4.64)%
Persons passing July exam		1,582
Persons failing July exam		329
Passing Percentage		82.78%
2007 Passing percentage		77.79%

Table 3.2.1

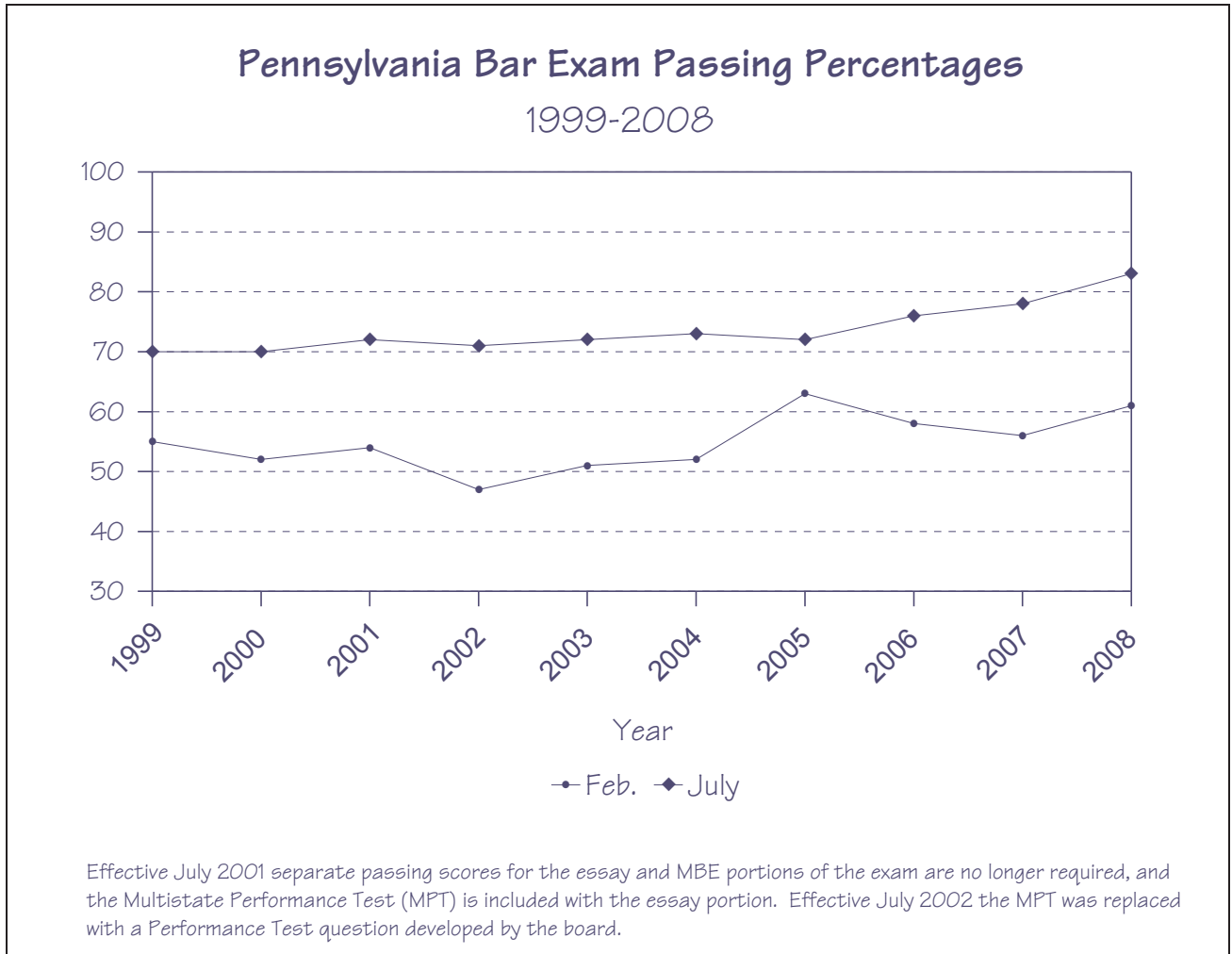
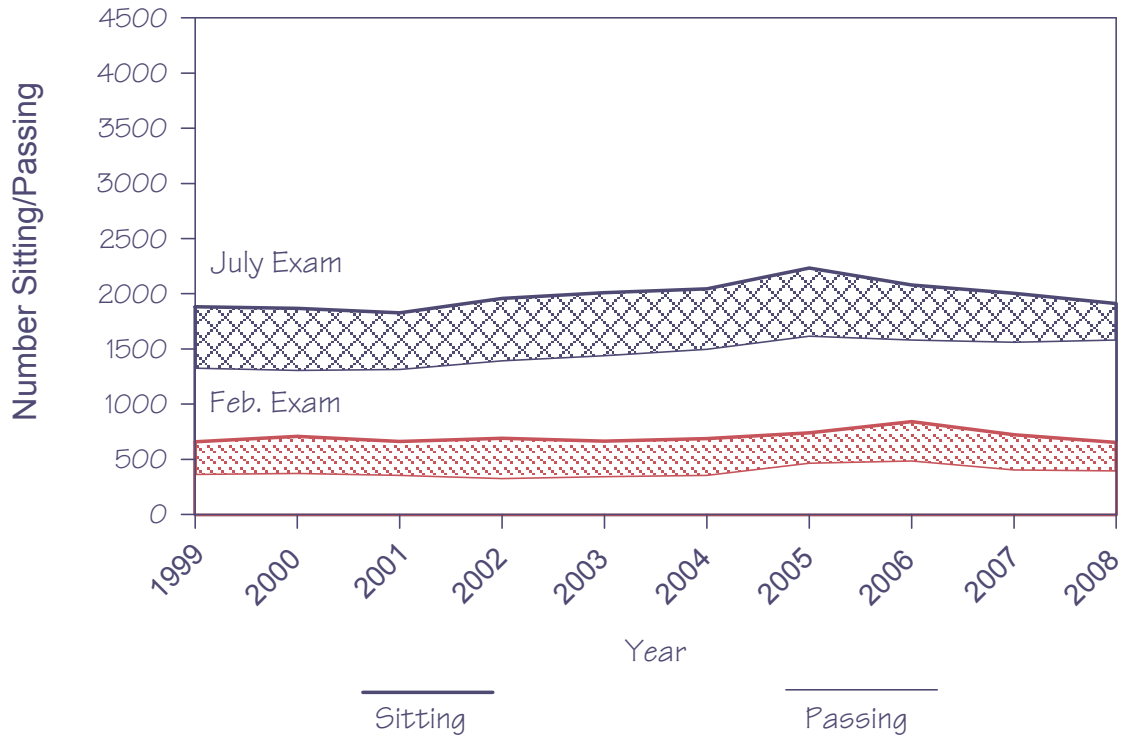


Table 3.2.2

Comparison of Applicants Sitting to Applicants Passing



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

2008 Membership

Honorable R. Stanton Wettick, Jr., *Chair* **
Honorable Stewart L. Kurtz, *Chair* +
Nancy H. Fullam, Esq., *Vice Chair* ++
Jerrold P. Anders, Esq.
C. Lee Anderson, Esq.
Harry S. Cohen, Esq. #
Robert C. Daniels, Esq.
Honorable Kevin A. Hess
Michael R. Kehs, Esq., *ex officio*
Robert O. Lampl, Esq.
Honorable William J. Manfredi
Howard F. Messer, Esq.
Diane W. Perer, Esq. ##
Leta V. Pittman, Esq.
Gary A. Rochestie, Esq. *
James R. Ronca, Esq.
Andrew J. Stern, Esq.
William F. Stewart, Esq. *
Jack M. Stover, Esq. #

Staff

Karla M. Shultz, Esq., *Research Assistant*
Elizabeth J. Knott, *Administrative Assistant*

- * Term expired 6-30-08
- ** Designated member emeritus 9-5-08
- + Designated chair 9-5-08
- ++ Designated vice chair 9-5-08
- # Effective 11-19-08
- ## Effective 12-4-08

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. continued...

Civil

Procedural

Rules

Committee

5035 Ritter Road,
Suite 700
Mechanicsburg, PA 17055
(717) 795-2110
e-mail civil.rules@pacourts.us

Committee members are appointed to three-year terms by the Court and each may serve a maximum of two full terms.

2008 Activities

The committee held three meetings in 2008 as follows:

March	Philadelphia
September	Pittsburgh
December	Philadelphia

2008 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 2007 with effective dates in 2008:

Recommendation No. 223: Lien of Award in Compulsory Arbitration Rescission of Rule 1307(b) to eliminate the creation of a lien on real estate when an award of arbitrators is entered by the prothonotary on the docket. If a defendant does not appeal the award, the plaintiff may enter judgment and obtain a lien. If the defendant appeals the award, a lien may attach upon verdict of a jury or decision of the court. Promulgated 11-2-07, effective 1-1-08.

Recommendation No. 224: Post-Trial Practice Amendments to Rule 227.4 (a)(1) and Rule 237 to remedy an omission to include a nonsuit by the court together with the verdict of a jury and the decision of a judge. Promulgated 11-2-07, effective 1-1-08.

The Supreme Court promulgated the following recommendations in 2008:

Recommendation No. 225: Voir Dire Addition of a note to Rule 220.1(a)(16) to provide an example of the type of information that may be sought from potential jurors to achieve a competent, fair, impartial jury in a particular case. Promulgated 3-11-08, effective 6-1-08.

Recommendation 226: Points for Charge Amendment to Rule 226 adding a note to resolve the problem of making points for charge part of the record for appellate review. Promulgated 7-10-08, effective 9-1-08.

Recommendation No. 227: Certificate of Merit Amendments to Rule 1042 pertaining to certificate of merit in professional liability actions as follows:

- Rule 1042.1 *et seq.* - clarification that the rule applies to claims by or on behalf of patients or clients against licensed professionals and includes actions against a partnership, unincorporated association, corporation or similar entity responsible for a licensed professional who deviates from an acceptable professional standard. Also, new subdivision (b) to make clear that a professional liability action against a health care provider includes a claim for lack of informed consent.
- Note to Rule 1042.2(b) - amendment to reflect new Rule 1042.6(6), which permits a plaintiff to file a motion seeking a determination by the court as to the necessity of filing a certificate of merit.
- Rules 1042.6 and 10-42.7 - new rules to permit the entry of a judgment of *non pros* where a plaintiff may believe that the rules governing certificates of merit do not apply and to provide for the entry of a judgment of *non pros* where there has been no notice of intent to enter such a judgment.

Promulgated 6-16-08, effective immediately.

Recommendation No. 228: Contention Interrogatories Addition of Civil Discovery Standard No. 8 of the American Bar Association (2004), a guideline for the use of contention interrogatories, as a note to Rule 4003.1(c) governing discovery of contention and opinions and as the second paragraph to the present note to Rule 4005(a) governing written interrogatories to a party. Promulgated 4-8-08, effective 7-1-08.

Recommendation 232: Confession of Judgment Rescission of Rule 2951 (a) so that all actions for confessing judgment must be commenced by filing a complaint. Rules 236, 2955, 2957, 2962 and 2963 were also amended in order to conform to the rescission of Rule 2951(a). Promulgated 12-29-08, effective immediately.

Recommendations Pending

The following recommendations remain pending before the Supreme Court:

Recommendation No. 230: In Forma Pauperis Proposed amendment to subdivision (j) of Rule 240 to require the party commencing an action by writ of summons and seeking to proceed *in forma pauperis* to file the complaint within 90 days of filing the petition. The court would not make a determination on the petition until the complaint is filed. If the complaint is not filed within the 90-day time period, the court may dismiss the action pursuant to procedures set forth in subdivision (j)(1).

Recommendation No. 231: Reinstatement of Claim Dismissed upon Affidavit of Noninvolvement New rule to set forth a procedure that requires the party seeking reinstatement to file a motion setting forth facts which show that statements made in the affidavit of noninvolvement were false or inaccurate. Virtually identical to Rule 1036.

Recommendation No. 233: Proceedings to Fix Fair Market Value of Real Property Sold

Proposed amendment to Rule 3283(a)(1) to permit a petition to fix fair market value to be served on a respondent who is a defendant in the judgment and who entered an appearance, via regular mail at the defendant's last known address only if there is an attorney of record. Also, proposed new subdivision (a) of Rule 3284 concerning determining the fair market value of the property to shift to the prothonotary the responsibility for entering judgment upon a *praecipe* of the petitioner, in which there is an averment that no answer to the petition has been filed within the required time.

The following recommendations were published during 2008 for comment and remain pending before the committee:

Recommendation No. 234: Frivolous Filings by Pro Se Plaintiffs Proposed new Rule 233.1 to provide relief to a defendant who has been subjected to harassment by *pro se* litigants who are abusing the legal system by filing large numbers of frivolous motions or by repeatedly filing new litigation raising the same claims against the same defendant even though the claims have been previously adjudicated, all of which is done for the purpose of harassing the defendant. The rule would also give the trial court discretion to bar the *pro se* litigant from filing further litigation against the same or related defendants raising the same or related claims without leave of court.

Recommendation No. 235: Issuance and Service of Subpoenas on a Witness Who is a Minor Proposed amendment to Rule 234.2 to provide procedure for the issuance and service of subpoena on a witness who is a minor.

Recommendation No. 236: Motions for Admission Pro Hac Vice Proposed amendments to Rule 1012.1 to aid the practitioner in satisfying the requirements for admission *pro hac vice* in civil cases.

Recommendation No. 237: Exemption from Levy and Attachment Proposed amendment to

subdivision (1) of Rule 3111.1 to provide that only the first \$10,000 held in an account may not be attached whenever the account includes any funds that are identified as being exempt from execution, levy or attachment. If an account holder believes the remainder is also exempt, he or she may petition the court for relief. Under new subdivision (2) any funds that exceed \$10,000 in an account may be attached unless all funds in the account are identified as exempt funds.

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
223	Rescission of Rule 1307(b) governing lien of award in compulsory arbitration	Promulgated 11-2-07, effective 1-1-08
224	Amendment of Rule 227.4 governing post trial practice	Promulgated 11-2-07, effective 1-1-08
225	Amendment of Note to Rule 220.1(a)(16) governing voir dire	Adopted 3-11-08, effective 6-1-08
226	Addition of note to Rule 226(a) governing points for charge	Adopted 7-10-08, effective 9-1-08
227	Amendment of Rule 1042.1 <i>et seq.</i> governing certificate of merit	Adopted 6-16-08, effective immediately
228	Addition of notes to Rules 4003.1 and 4005 governing interrogatories	Adopted 4-8-08, effective 7-1-08
230	Amendment of Rule 240 governing <i>in forma pauperis</i>	Pending with Court
231	New Rule 1036.1 governing reinstatement of claim dismissed upon affidavit of noninvolvement	Pending with Court
232	Rescission of Rule 2951(a) governing confession of judgment	Adopted 12-29-08, effective immediately
233	Amendment of Rule 3281 <i>et seq.</i> governing proceedings to fix fair market value of real property sold	Pending with Court
234	New Rule 233.1 governing frivolous filings by <i>pro se</i> plaintiffs	Pending with committee
235	Amendment of Rule 234.2 governing the issuance and service of subpoenas	Pending with committee
236	Amendment of Rule 1012.1 governing motions for admission <i>pro hac vice</i>	Pending with committee
237	Amendment of Rule 3111.1 <i>et seq.</i> governing exemption from levy and attachment	Pending with committee

Table 3.3.1

2008 Membership

Civil Jury Instructions Subcommittee

Lee C. Swartz, Esq., *Chair*
Honorable Jeannine Turgeon, *Vice Chair*
Barbara R. Axelrod, Esq., *Reporter*
Honorable Mark I. Bernstein
Barbara R. Binis, Esq.
Vanessa Browne-Barbour, Esq.
Gary S. Gildin, 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
Arthur Murphy, Esq., *emeritus member*
Honorable William H. Platt
Sandra Preuhs, Esq.
Bernard L. Siegel, Esq.
Stuart B. Suss, Esq.
Honorable Carolyn Engel Temin
James J. West, Esq.

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 2008 the Civil Jury Instructions Subcommittee continued its mission of updating the *Suggested Standard Civil Jury Instructions* included in the Third Edition (2005) by releasing a 2008 supplement. The supplement included the following new instructions:

- Computer-Generated Animation Evidence (2.21)
- Increased Risk of Harm (3.15A)
- Plaintiff's Negligence (Comparative/Contributory) (3.20)
- Contributory Negligence Verdict Sheet (3.22A)
- Damages in Cases of Disputed Negligence and Disputed Extent of Injury (To Be Used Only When Negligence is Contested) (6.02A)
- Comparative Negligence in Medical Malpractice Cases (11.10).

The supplement also introduces a derivation table, cross-referencing the former instruction numbers and titles with the revised. The table also includes a revision date column indicating the date of revision to instruction number, instruction title, the instruction and/or the Subcommittee Note. In addition, the supplement includes a revised Factual Cause instruction (3.15); updated Subcommittee Notes; updated searchable, companion CD; and an updated subject matter index.

The subcommittee continues to incorporate revisions based upon case law developments, new Rules of Civil Procedure and new legislation as well as comments from lawyers and judges. It also 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 2008 the subcommittee continued its mission of updating the Pennsylvania *Suggested Standard Criminal Jury Instructions* included in the Second Edition (2005) by releasing a 2008 supplement. The supplement included numerous revised instructions plus the following new instructions:

- Defenses—Assigning the Burden of Proof (2.10)
- Harassment (15.2709)
- Terrorism (15.2717)
- Trafficking of Persons (15.3001)
- Conduct Relating to Sex Offenders (15.3130)
- Defense to Certain Arson Offenses (15.3301F)
- Ecoterrorism (15.3311)
- Destruction of a Survey Monument (15.3312)
- Sale of Starter Pistols (15.6303)
- Sale or Transfer of Air Rifles (15.6304)
- Furnishing Alcohol to Minors (15.6310.1)
- Failure to Report Child Abuse (15.6319)
- Invasion of Privacy (15.7507.1)
- Commemorative Service Demonstration Activities (15.7517)
- Creating a Counterfeit Controlled Substance (16.13(a)(30)(A.1))
- Restrictions on Transport, Sale, Importation, or Release of Nonnative Injurious Fish (17.2508)

- Fleeing or Attempting to Elude a Police Officer (17.3733).

In addition, the supplement includes updated Subcommittee Notes; an updated searchable, companion CD; and an updated subject matter index.

This reference contains hundreds of criminal instructions keyed numerically to the Crimes Code, with many offering alternative language depending on the case facts.

The committee members continually monitor pertinent case law to update the Subcommittee Notes, which offer commentary explaining the appropriate instruction application, identifying relevant case law citations, and offering practical guidance. 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**

2008 Membership

Professor Sandra D. Jordan, *Chair*
Bridget E. Montgomery, Esq., *Vice Chair*
Syndi L. Guido, Esq.
Michael J. Manzo, Esq.
Deborah D. Olszewski, Esq.
Professor Leonard Packel, Esq., *Official Reporter*
Neil R. Rosen, Esq.
Kelly M. Sekula, Esq.
Honorable Clyde W. Waite
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

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.pacourts.us, under Supreme Court Committees tab. (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.

2008 Activities

The committee met three times in 2008.

Members continued in 2008 to participate in various programs and seminars about the evidence 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.

2008 Committee Action

Amendment to Pa.R.E. 408 and Comment to include language prohibiting the use of statements made in negotiations as inconsistent statements. Promulgated 9-18-08, effective 9-30-08.

Looking Ahead to 2009

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

2008 Membership

Robert C. Heim, Esq., *Chair*
Richard Antonelli, Esq., *Vice Chair*
Honorable Phyllis Beck
Samuel Tyrone Cooper III, Esq.
Leonard Dubin, Esq.
Martin Greitzer, Esq.
Abraham C. Reich, Esq.
Stuart Savett, Esq.
Kelly H. Shuster, 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,
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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 three members: Samuel T. Cooper, III, Esq.; 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 Robert C. Heim, Esq.; Richard Antonelli, 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.

2008 Board Actions and Operations Highlights

The board held three meetings in 2008.

Distance Learning Teleconference Pilot Project

In 2006 the board began a two-year pilot project to review and explore the accreditation of teleconferences as an additional form of distance learning. In 2008 the Supreme Court reviewed and approved the board's report and recommendation to continue accreditation of CLE in this manner. This type of class allows lawyers the option of earning credit through participation in preapproved 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.

Web Site Enhancements

The board's Web site underwent a comprehensive update in 2008, including a redesign and extensive expansion of online services to help lawyers meet their CLE requirements. The MyPACLE feature offers secure access for

lawyers to review and track their CLE transcripts online. This feature has been overhauled to more clearly display compliance status, credits needed and recently posted courses. Now with over 41,000 accounts created, MyPACLE continues to be one of the most popular services of the CLE Web site.

The searchable course feature was also updated with expanded criteria by which lawyers may locate approved upcoming CLE programs. Search options include specialized subject matter, geographical locations, difficulty levels, distance learning methods and more.

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 more than 250 accredited CLE providers. In 2008 82 percent of credit hours were reported electronically.

Online Payment Features

The board completed a major initiative in 2008 to develop and implement online credit card processing for lawyers. With the assistance of a third party payment processor, the Web site now offers lawyers the option of paying late fees quickly, easily and securely online.

The CLE board continued to utilize Automated Clearing House (ACH), an automated payment system, to receive payments from CLE providers. The number of participating providers increased from 72 to 90 in 2008.

Law Firm Services

The board also maintained an online CLE compliance tracking module for law firms. This program allows designated users online access to the compliance status of lawyers in their firm.

The service is updated daily and includes secure password controls. Eighty law firms now use this service.

CLEreg: National Organization for Continuing Legal Education Regulators

Pennsylvania maintained a strong and active presence in the Organization for Continuing Legal Education Regulators (CLEreg). Past president (2003) Dan Levering continued to serve on the Management and Technology committees. Office manager Katey Buggy served as president in 2008 and serves on the Membership Committee.

Two meetings were conducted in 2008.

Technology Update

Data back-up mechanisms were augmented from a tape-based system to a tapeless electronic transfer process. Data is now replicated and uploaded nightly to the board's disaster recovery site through a secure connection.

The board continued its licensing arrangement with the state of New Mexico's Minimum Continuing Legal Education Board for consolidated automated services.

Other Accomplishments

The annual providers conference was held in May 2008 and included a presentation on Operational Communications and a Bridge the Gap Program development workshop.

Pursuant to Criminal Procedure Rule 801, "Qualifications for Defense Counsel in Capital Cases," the board accredited 58 capital counsel training programs as well as maintained an online mechanism to identify lawyers who have the requisite credits that allow them to serve as counsel in capital cases.

Attorney Compliance

Lawyer compliance rates with the CLE requirement remain extremely positive. Chart 3.6.1 on page 59 indicates the high percentage of lawyers who meet the rule requirements.

Looking Ahead to 2009

The board will work or continue to work on the following in 2009:

- the production of an updated Bridge the Gap program will continue. The new program will include a modernized approach to the delivery of information and content. The target completion date is spring of 2009.

- a comprehensive upgrade of the board's telephone system to Voice over Internet Protocol (VOIP) technology that will be completed in 2009. This project will upgrade the telecommunication systems and provide compatibility for the upcoming move to the Pennsylvania Judicial Center (PJC).
- continuing preparations to ensure a smooth move of the board's data center and base of operations to the PJC in 2009.
- a continuing commitment to provide the highest levels of service to the Supreme Court and the lawyers licensed to practice law in the Commonwealth.

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
06-07	20,214	20,117	97	99.5
07-08	20,427	20,276	151	99.3
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
06-07	19,934	19,842	92	99.5
07-08	20,342	20,206	136	99.3
				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
06-07	20,231	20,107	124	99.4
07-08	20,605	20,491	114	99.4

Table 3.6.1, cont'd.

2008 Membership

Nicholas J. Nastasi, Esq., *Chair***
D. Peter Johnson, Esq., *Chair*+
Honorable Lester G. Nauhaus, *Vice Chair*++
Honorable Nancy L. Butts
John P. Delaney, Jr., Esq.
John L. Elash, Esq.**
Risa Vetri Ferman, Esq.
Philip B. Friedman, Esq.**
Daniel E. Fitzsimmons, Esq.
Michele A. Goldfarb, Esq.▲
Charles J. Grant, Esq.
Stanley A. Greenfield, Esq.
Paul S. Kuntz, Esq., *ex officio*
Phillip D. Lauer, Esq.
William F. Manifesto, Esq.*
Caroline M. Roberto, Esq.##
Honorable John T. Robinson**
Hon. Thomas P. Rogers#
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*

- * Appointed 6-12-08
- ** Term expired 11-1-08
- + Appointed chair 11-1-08
- ++ Appointed vice chair 11-1-08
- # Appointed 9-25-09
- ## Appointed 11-5-09
- ▲ Appointed 11-17-09

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

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.

2008 Activities

The committee held five full-committee meetings and several subcommittee meetings in 2008. The full-committee meetings were held in Mechanicsburg, Philadelphia, Pittsburgh and Selinsgrove.

In 2008 the committee continued its work on the following:

- changes necessitated by the Magisterial District Judges System (MDJS) and the Common Pleas Criminal Courts Case Management System (CPCMS), the statewide automation of the magisterial district courts and the criminal division of the Common Pleas Courts, respectively.
- review of the rules affecting proceedings before the minor judiciary, both in summary cases, Chapter 4, and in court cases, Chapter 5. Of particular concern were issues relating to:
 - summary guilty pleas
 - administrative termination of inactive summary cases
 - fingerprint orders
 - appointment of counsel in summary cases
 - remands from Common Pleas Court
 - Philadelphia non-traffic summary citation procedures.

Other areas of inquiry and study by the committee included:

- bail
- use of detainers
- continuances
- use of electronic returns for certified mail
- Rule 600
- written jury instructions
- competency to be executed
- delaying dissemination of arrest warrant and search warrant information
- uniform colloquies.

In addition, the committee continued to monitor local rules, particularly issues raised by the MDJS and CPCMS staff and responded to specific inquiries from the Supreme Court and to issues that arose in case law.

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. The staff continued in 2008 to make presentations to the bench, bar and others involved in the criminal justice system concerning recent changes in Pennsylvania's criminal procedures and the criminal rules generally.

2008 Committee Action

The Supreme Court adopted seven committee recommendations for rule changes in 2008. 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 65.

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.pacourts.us, under the Supreme Court Committees tab.

Recommendation No. 4, Criminal Rules 2007: Amendments to Rule 105 to require **pre-amendment approval** by committee of all local rules. Adopted 1-25-08, effective 2-1-09. See Final Report at 38 *Pa.B.* 746 (February 9, 2008), 939 *A.2d* No. 3 and 940 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 362.

Recommendation No. 5, Criminal Rules 2007: Amendments to require that **fingerprints orders** be sent with the summons in cases begun by summons. Adopted 7-10-08, effective 2-1-09. See Final Report at 38 *Pa.B.* 3975 (July 26, 2008), 949 *A.2d* No. 3 and 950 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 365.

Recommendation No. 1, Criminal Rules 2008: New Rule 212 establishing the procedure to delay the time of the **release of search warrant information** to the public until after the warrant is served. Adopted 6-23-08, effective 8-1-09. See Final Report at 38 *Pa.B.* 3652 (July 5, 2008), 948 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 364.

Recommendation No. 2, Criminal Rules 2008: Revision of the Comments of Rules 114, 430, 451, 509, 511, 536, 576, 907 and 908 to clarify that the U. S. Postal Service's electronic return receipt service may be used when a rule requires a **return receipt**. Adopted 9-18-08, effective 2-1-09. See Final Report at 38 *Pa.B.* 5428 (October 4, 2008), 955 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 368.

Recommendation No. 3, Criminal Rules 2008: Amendments to Rules 590, 803, and 804 to clarify that the Commonwealth may request a **jury** to decide the degree of guilt when a defendant pleads guilty to murder generally as articulated in *Commonwealth v. White*. Adopted 9-18-08, effective 11-1-08. See Final Report at 38 *Pa.B.* 5431 (October 4, 2008), 955 *A.2d* No. 1 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 369.

Recommendation No. 4, Criminal Rules 2008: Amendments to Rules 644 and 646 making the **juror note-taking** rule permanent and making correlative changes. Adopted 8-7-08, effective immediately. See Final Report at 38 *Pa.B.* 4606 (August 23, 2008), 954 *A.2d* No. 2 Advanced Sheets (Pennsylvania Reporter Series), and committee's Web page at Order No. 367.

Recommendation No. 5, Criminal Rules 2008: Amendments to Rule 462(F) to permit a **delay in sentencing** to allow time for determining eligibility for electronic monitoring. Adopted 12-16-08, effective 2-1-09. See Final Report at 39 *Pa.B.* 8 (January 3, 2009), 960 *A.2d* No. 3 Advanced Sheets (Pennsylvania Reporter

Series), and committee's Web page at Order No. 375.

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 staff of the automated Magisterial District Judge System (MDJS) and Common Pleas Case Management System (CPCMS) until the technology is in place to accommodate this change.)

Recommendation No. 6, Criminal Rules 2008: Proposed **new Rule 600**, amendments to Rules 106 and 542(D), revision of the Rule 312 Comment, clarifying the provisions of current Rule 600 and conforming to case law. Additional amendments providing that the **notice of the continuance** advise the defendant of the date, time and place of the continued hearing and changing the word "trial" in Rule 106 to "court

proceeding" to make it clear that Rule 106 applies to all court proceedings, not just trials.

Looking Ahead to 2009

The committee's efforts in 2009 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
- continued examination of detainer practices, written guilty plea colloquy forms, pretrial practices, public access issues, bail procedures, local rules procedures, post-conviction procedures and 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, 2007	Amendments to Rule 105 to require preamendment approval by committee of all local rules	Adopted 1-25-08, effective 2-1-09
5, 2007	Amendments to Rules 135, 504, 510, 543 and 547; revision of the Comments to Rules 109, 512 and 527 to require that fingerprint orders be sent with the summons in cases begun by summons	Adopted 7-10-08, effective 2-1-09
1, 2008	New Rule 212 establishing procedure to delay time of release of search warrant information to the public until after the warrant is served	Adopted 6-23-08 effective 8-1-09
2, 2008	Revision of the Comments of Rules 114, 430, 451, 509, 511, 536, 576, 907 and 908 to clarify that U. S. Postal Service's electronic return receipt service may be used when a rule requires a return receipt	Adopted 9-18-08, effective 2-1-09
3, 2008	Amendments to Rules 590, 803, and 804 to clarify that Commonwealth may request a jury to decide degree of guilt when a defendant pleads guilty to murder	Adopted 9-18-08, effective 11-1-08
4, 2008	Amendments to Rules 644 and 646 making juror note-taking rule permanent and making correlative changes	Adopted 8-7-08, effective immediately
5, 2008	Amendments to Rule 462(F) to permit delay in sentencing to allow time for determining eligibility for electronic monitoring	Adopted 12-16-08, effective 2-1-09
6, 2008	New Rule 600, amendments to Rules 106 and 542(D), revision of Rule 312 Comment clarifying the provisions of current Rule 600 and conforming to case law; amendments pertaining to notice of continuance; technical amendments	Submitted 9-22-08; pending with Court

Table 3.7.1

2008 Membership

Jonathan H. Newman, Esq., *Chair**
Smith Barton Gephart, Esq., *Chair***
William A. Pietragallo, Esq., *Vice Chair+*
Marc S. Baer
Gabriel L. Bevilacqua, Esq.
Laurence H. Brown, Esq.
Carl D. Buchholz, III, Esq.
Sal Cagnetti, Jr., Esq.
Stewart L. Cohen, Esq.
Robert E. J. Curran, Esq.++
Gary G. Gentile, Esq.
Charlotte S. Jefferies, Esq.
Gerald Lawrence, Jr., Esq.
David A. Nasatir, Esq.
Francis X. O'Connor, Esq.
Marc S. Raspanti, Esq.
Robert C. Saidis, Esq.#
Robert L. Storey##
Donald E. Wright, Jr., Esq.++

Staff

Joseph W. Farrell, *Executive Director*

- * Term as chair expired 4-1-08
- ** Appointed chair 4-1-08
- + Appointed vice chair 4-1-08
- ++ Term expired 4-1-08
- # Term expired 5-17-08
- ## Resigned 5-22-08

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).)

<i>2008 Statistics</i>	
Attorneys	60,531
Change from 2007	1.81%
Complaints filed with board	4,787
Change from 2007	1.14%
Pending at start of 2008	917
Complaints disposed of	4,943
Total complaints resulting in discipline	308
Total pending at end of 2008	1,092

Table 3.8.1

2008 Activities

Statistics for 2008 can be found in Table 3.8.1 above.

The board met six times in 2008. The results of the executive sessions can be found in

Table 3.8.2 on page 69. A tabulation of the disciplinary actions taken since the beginning of the board’s operations in 1972 is set forth on Table 3.8.4 on page 72. Comparisons of cumulative actions taken and actions taken in 2008 can be found in Chart 3.8.5 on page 74. Statistics for Joint Petitions for Discipline on Consent for 2008 can be found in Table 3.8.3 on page 70.

Rules Committee

The following rules changes were approved by the Supreme Court in 2008:

Pa.R.D.E. 219 and 502: Amendments to change the **annual fee allocation amounts** for the Disciplinary Board and the Pennsylvania Lawyers’ Fund for Client Security. Adopted 4-1-08, effective immediately.

Rules of Organization and Procedure of the Disciplinary Board: Amendments to reflect the adoption of amendments to Pa.R.D.E. 102, 217(j), 219 and 402, which were approved by the Supreme Court.

Pa.R.D.E. 221 and R.P.C. 1.15: Amendments to R.P.C. 1.15 to permit **attorneys acting as fiduciaries** to exercise appropriate fiduciary judgment, make prudent investments and administer fiduciary assets in accordance with law and accepted practice. The **definition of “financial institution”** was broadened to permit deposit or investment of IOLTA funds in various instrumentalities in addition to traditional banks and savings and loan associations. Adopted 9-4-08, effective 9-20-08.

Pa.R.D.E. 208, 215 and 402: Amendments to Pa.R.D.E. 208 to provide disciplinary counsel with the **authority to dismiss complaints** on the basis of board policy or the exercise of prosecutorial discretion without the need to have the recommended disposition reviewed by a member of a hearing committee. The amendments to Rules 214 and 402 make it clear that **resignation statements** submitted by attorneys

who have been placed on temporary suspension pursuant to either Rule 208(f)(1) or 214 are matters of public record. Adopted 12-12-08, effective immediately.

The following proposals were published for comment in 2008:

R.D.E. 321 through 329 relating to **conservators for interests of clients**.

R.D.E. 203, 214 and 216 relating to **attorneys convicted of crimes and reciprocal discipline**.

R.D.E. 102, 201, 204, 217, 218, 219, 502, and 531 relating to **administrative suspension, reinstatement and assessment of inactive fees**.

Education Committee

The Education Committee designed the program for the board’s retreat meeting in July 2008. The topics were “PA’s Lobbying Disclosure Law” and “A Wide Assortment of Rule Changes Recommended by the Office of Disciplinary Counsel (ODC).”

The lobbying disclosure law guest speaker was Dick Gmerek from Wolf Block Government Relations. The group discussed the law from the lawyer-lobbyists’ view and the board’s role in the enforcement of the law.

Regarding the rule changes, the group discussed a wide range of recommendations made by the ODC concerning attorneys convicted of crimes, reciprocal discipline, administrative suspensions, reinstatements and assessment of annual fees.

2008 Executive Session Results	
Action	Total
Adjudications involving formal charges	39
Board referrals to Supreme Court, including report and recommendation for public discipline	31
Private reprimands	4
Informal admonition	1
Dismissed by the board	3
Oral arguments before three-member panels of board members	10
Considerations by three-member panels of recommendations for summary private reprimands	12
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	23
Hearing before one board member on petition to revoke or modify probation	1
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	56

Table 3.8.2

The Education Committee also redesigned the program at the training session for new hearing committee members, held September 16, 2008, in Hershey. Justice J. Michael Eakin discussed the role of the Supreme Court in the disciplinary process. Mark Flaherty, Esq., co-chair of the Pennsylvania Bar Association (PBA) Lawyers’ Assistance Committee, discussed the role the committee plays in finding sobriety monitors for attorneys placed on substance abuse probation, and the difference between the role the committee plays and what Lawyers Concerned for Lawyers does.

Other program topics included a review of the Hearing Committees’ role in the discipline

Joint Petitions for Discipline on Consent	
Action	Total
Joint Petitions in Support of Discipline on Consent filed	40
Petitions filed prior to scheduled disciplinary hearings	22
Petitions approved	33
Private discipline	15
Public discipline	18
Petitions denied	3
Petitions not yet final as of 12-31-08	4

Table 3.8.3

process; explanations of how members are assigned to committees and hearings are scheduled; a review of the types of discipline and how to determine discipline; tips from senior and experienced Hearing Committee members on chairing committees, presiding at hearings on subpoena issues and conducting prehearing conferences. Board members and staff presented most of the program, along with guest speaker Ellen C. Brotman, who brought the perspective from respondents' counsel.

Hearings and Hearing Committees

Hearing committee members are ranked based on their experience. Senior members are those who have served either as a member of the Disciplinary Board or a three-year term on a hearing committee and on committees that have conducted at least two hearings into formal charges of misconduct. Experienced members are those who have completed at least one full year of service and who have conducted at least one hearing into formal charges of misconduct. New members are those who are either still in their first year of service 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, 2008, 103 senior members, 58 experienced members and 32 new members were serving on a *pro bono* basis to conduct hearings.

Disciplinary Board Video

In the fall of 2008, the board released an informational video to educate attorneys and consumers on the disciplinary system in Pennsylvania. The video provides a general overview of the system in a manner that is brief, interesting and easy to understand. The video is available for viewing on the Disciplinary Board's Web site at www.padisciplinaryboard.org, or a free DVD can be ordered through the board's administrative offices.

New Intake Procedures

In November 2008 the Office of Disciplinary Counsel instituted new intake procedures whereby one staff attorney has been delegated in each district office to handle intake. This individual is responsible for reviewing all new complaints received by his/her office and either disposing of the complaints by way of dismissal letters or marking them for further investigation and/or action by the district office. The deputy chief disciplinary counsel was appointed to oversee this new operation.

National Meetings

In January 2008 board member Laurence H. Brown attended the meeting of the Conference of Chief Justices in Dallas, Texas, at the Supreme Court's request. In February 2008, board member Francis X. O'Connor and board

secretary Elaine Bixler attended the fifth annual meeting of the National Council of Lawyer

Disciplinary Boards (NCLDB) in Los Angeles, California.

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 1993-2008

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Informal Admonition	85	75	74	70	106	88	48	45	40	54	58	106	109	77	85	90	3,284
Private Reprimand	30	41	48	31	46	43	26	29	35	32	36	34	26	22	16	25	848
Probation	5	5	7	3	8	5	7	3	10	8	8	20	24	11	6	15	157
Public Censure	0	1	6	3	3	7	4	0	2	2	1	1	2	4	3	5	109
Suspension	12	23	26	37	33	24	23	30	27	29	31	38	51	65	48	45*	781
Disbarment	20	32	35	41	40	33	29	32	31	42	38	37	37	39	25	38+	918
TOTAL	152	177	196	185	236	200	137	139	145	167	172	236	249	218	183	218	6,097

Reinstatement Cases	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
Petitions Granted	29	24	44	31	35	33	45	35	55	64	58	75	72	93	64	82#	1,191
Petitions Denied	1	0	1	0	2	1	4	2	3	4	4	2	1	1	2	1▲	55
TOTAL	30	24	45	31	37	34	49	37	58	68	62	79	73	94	66	83	1,246

* This figure includes 18 suspensions on consent (Rule 215 Pa.R.D.E.), but does not include six temporary suspensions (Rule 214 Pa.R.D.E.) or seven temporary suspensions (Rule 208(f) Pa.R.D.E.)

+ This figure includes 23 disbarments on consent (Rule 215 Pa.R.D.E.).

This figure includes reinstatement to active status of 66 attorneys who had been inactive three or more years, 1 reinstatement after disability inactive status, 13 reinstatements after suspensions and one reinstatement after disbarment.

▲ This figure includes one reinstatement request denied after the attorney had been suspended.

Disciplinary Board Actions Comparison

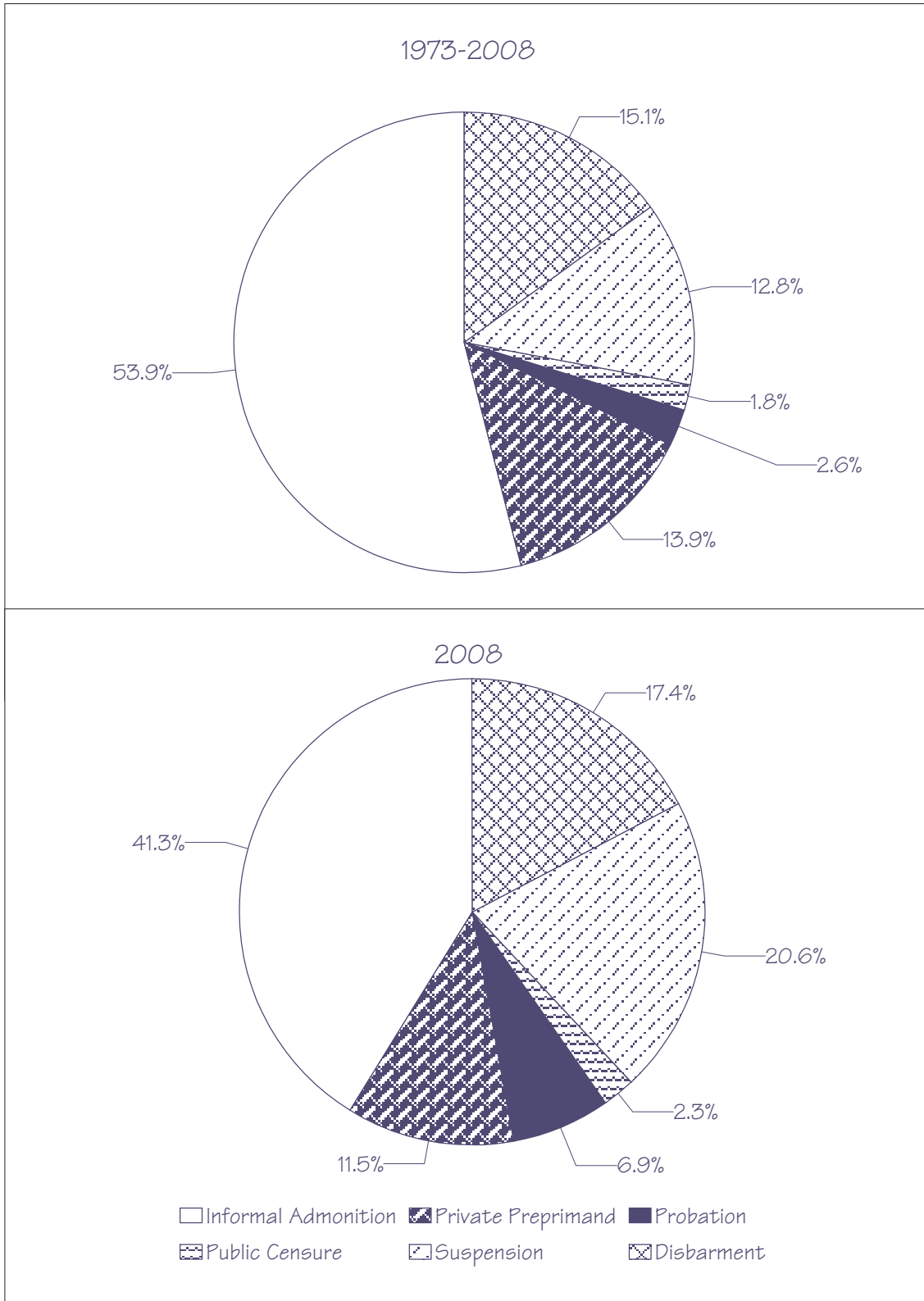


Table 3.8.5

2008 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.

* Term expired 9-1-08

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

2008 Activities

The committee met four times in 2008 as follows:

February	Blue Bell
May	State College
August	Fogelsville
October	Bedford

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. These guests provide input on local practice, proposed recommendations and issues for the committee's consideration.

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 2008 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, Pennsylvania Bar Institute programs, local bar association meetings, the Department of Public Welfare's Domestic Relations Directors' Conference and the Domestic Relations Association of Pennsylvania Conference.

2008 Recommendations

The following recommendations were promulgated by the Supreme Court or were pending with the Court or the committee in 2008. In general, internal numbers are assigned in the order in which each recommendation is submitted for publication. Beginning in 2007, recommendations are now renumbered when submitted to the Supreme Court.

Recommendation 1 of 2008 (Internal Recommendation 90). Amendment to Note to Rule 1915.4-1(c) to **list** which **custody procedures** (1915.4-2 or 1915.4-3) counties have certified are applied in their jurisdictions. Promulgated 4-8-08, effective immediately.

Recommendation 2 of 2008 (Internal Recommendation 90). Amendments to support rules necessitated by changes in federal regulations and state law that require every support order to include an order for **medical support**. Promulgated 8-13-08, effective 10-12-08.

Recommendation 3 of 2008 (Internal Recommendation 92). Amendments to the first page of the form petition, temporary order and final order in **protection from abuse** cases to conform to Project Passport, a multi-state program aimed at better enforcement of protection from abuse orders within the state and between other states. The Project Passport template required moving certain identifying information to the first page so that all orders look the same to facilitate a law enforcement officer's ability to find information. Promulgated 8-13-08, effective 11-11-08.

Recommendation 4 of 2008 (Internal Recommendation 94). Amendments to provide a 15-day grace period before **support** is considered overdue if the funds are withheld by an employer. Promulgated 8-13-08, effective immediately.

Recommendation 5 of 2008 (Internal Recommendation 96). **Technical amendments** to the **Note to Rule 1920.46** to change §520 to §521. Promulgated 8-13-08, effective immediately.

Recommendation 6 of 2008 (Internal Recommendation 95). Amendments to **custody rules** to address the repeal of the Uniform Child Custody Jurisdiction Act and the enactment of the Uniform Child Custody Jurisdiction and Enforcement Act. The changes were needed for consistency with statutory provisions. Promulgated 11-19-08, effective immediately.

Recommendation 91. Support Guidelines Review. In August 2007 the committee began the mandatory quadrennial review of the **support guidelines** as required by state and federal law. Published in July 2008. After review of the comments received, the recommendation was amended and republished in December 2008. It covers the following topics:

- basic support schedule
- increase in self-support reserve
- reductions for parenting time
- high-income child support
- high income spousal support and alimony *pendente lite*
- duration of award in all spousal support and alimony *pendente lite* awards
- income and earning capacity
- foster care payments
- mortgage adjustment
- priority of payments

- expense statements
- comments and examples

Recommendation 97. Amendments to several rules as follows:

- tax issues
- health insurance
- income withholding
- prompt disposition of custody cases
- bifurcation
- *praecipe* to transmit record

Published for comment in December 2008.

Looking Ahead to 2009

The committee plans to finalize its review of the support guidelines and submit recommendations to the Supreme Court in 2009. 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**

2008 Membership

Maureen P. Kelly, Esq., *Chair*
William P. Carlucci, Esq., *Vice Chair*
Hubert X. Gilroy, Esq.
William T. Hangle, Esq.
Penina Kessler Lieber, Esq.
Michael H. Reed, Esq.
James C. Schwartzman, Esq.
Andrew Susko, Esq.
Honorable Margherita Patti Worthington

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

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P. O. Box 1025
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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 2008-09 Statistics

Revenues for fiscal year 2008-09 were as follows:

IOLTA	\$5,283,264
Access to Justice Act	8,858,922
<i>Pro Bono</i> Contributions	35,711
Other	304,897

Grants totaling \$16,283,447 were awarded in fiscal year 2008-09 as follows:

Legal Service Organizations	\$14,581,900
Pennsylvania Law Schools	1,634,847
<i>Pro Bono</i> Grants	66,700

The largest grant, \$12,474,000, 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

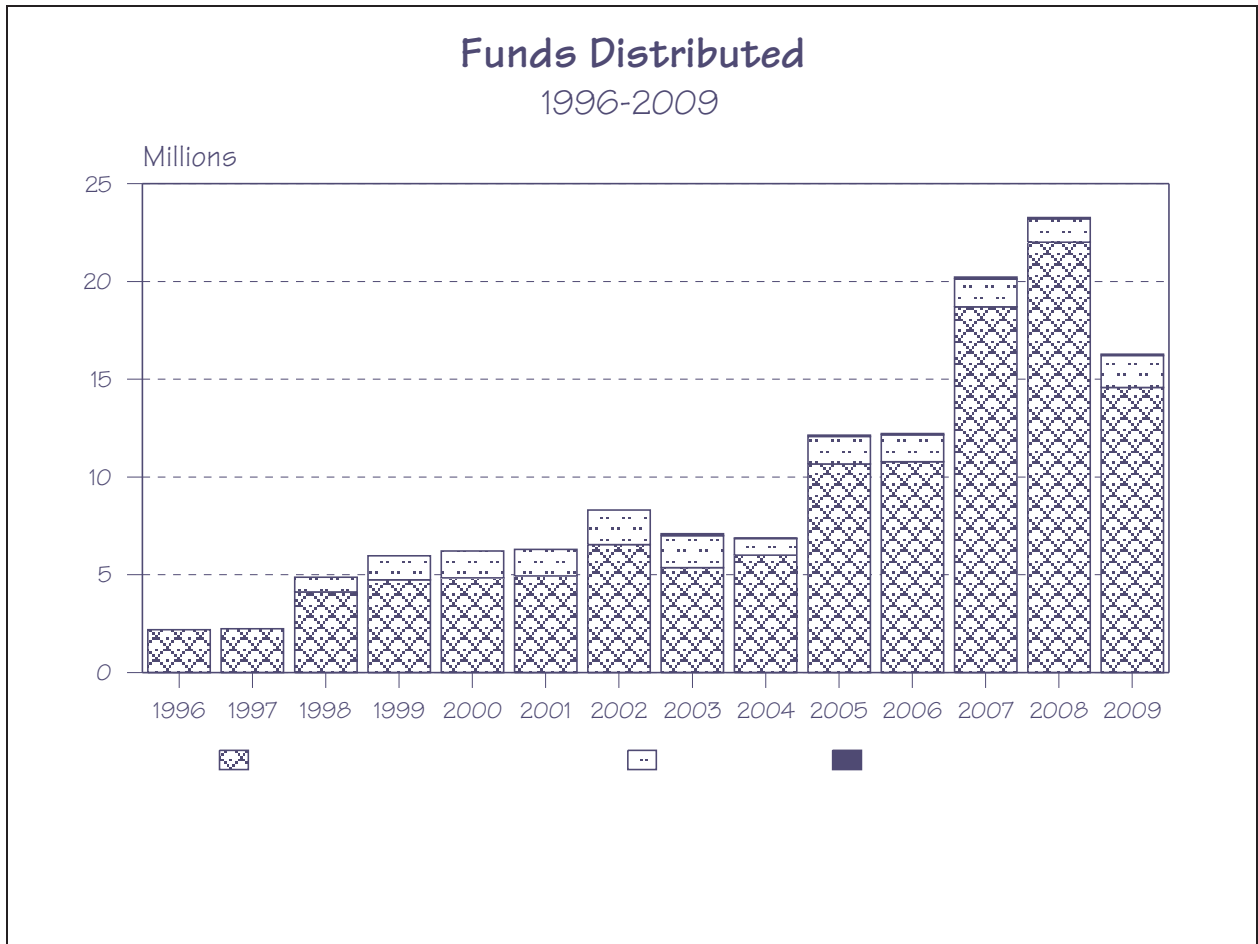


Table 3.10.1

2008 Membership

F. Barry McCarthy, *Chair*
Honorable Carol K. McGinley, *Vice Chair*
Frank P. Cervone, Esq.
Honorable John F. Cherry
Patricia J. Kennedy, Esq.
Sandra E. Moore, *ex officio*
George D. Mosee, Jr., Esq.
Lisa Siciliano, *ex officio*
Cynthia K. Stoltz, Esq.
Honorable Dwayne D. Woodruff
Mark R. Zimmer, Esq.

Staff

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

Legal Authorization

Pa. Constitution Article V, § 10(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

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.

2008 Activities

The committee's work included procedures for delinquency and dependency proceedings, including procedures for Commonwealth appeals; defining disposition; prompt dispositional hearings for non-detained juveniles; continuances; local rules; bench warrants; conflicts of law; termination of court supervision; contents of the written allegation; admissions, medical treatment and compelling cooperation; permanency hearings; fingerprinting notations and defining the official court record.

The committee continued to monitor local rules and work with the AOPC to develop statewide forms, including the written allegation and arrest warrant.

Recommendations Adopted by the Supreme Court

Recommendation No. 4, Juvenile Rules 2007: Amendments to Rules 613 (renumbered 631), 630 and 632 affecting termination or loss of **court supervision**. Adopted 2-26-08, effective 4-1-08.

Recommendation No. 5, Juvenile Rules 2007: Amendment of Rules 120, 123, 124, 360, 364,

and 800 and creation of new Rule 140 pertaining to procedures for **bench warrants** and **parental notification** of subpoenas and summonses. Adopted 2-26-08, effective 6-1-08.

Recommendation No. 1, Juvenile Rules 2008: Amendments to Rules 100, 123, 160, 200, 1100, 1123, 1151 and 1320 providing **clarification** to the rules. Adopted 5-12-08, effective immediately.

Recommendation No. 2, Juvenile Rules 2008: Amendment to Rule 510 adding a time limitation for a **dispositional hearing** for juveniles who are not detained. Adopted 5-30-08, effective 1-1-09.

Recommendation No. 3, Juvenile Rules 2007: Amendments to Rules 121 and 1121 requiring that all **local rules** shall be submitted to the committee prior to their adoption. Adopted 12-12-08, effective immediately.

Looking Ahead to 2009

The committee plans to submit recommendations on

- Commonwealth appeals
- defining disposition
- termination of court supervision
- permanency review hearings
- bench warrants for absconders
- copy of subpoena to parents
- fingerprinting notations
- defining official record
- submission of reports
- local rules
- informal adjustment admissions

It will also continue working to monitor local rules and require them to be placed on the Unified Judicial System Portal. **AOPC**

2008 Membership

Honorable M. Kay DuBree, *Chair*
Honorable Robert S. Blasi*
Aileen Bowers, Esq., *ex officio*
Honorable Mark A. Bruno
Honorable Martin R. Kane**
Honorable Blaise P. Larotonda
Honorable Thomas G. Miller
Honorable Mary P. Murray+
Honorable Thomas A. Placey
Honorable Henry J. Schireson*

Staff

Paula Knudsen Burke, Esq., *Counsel++*
Pamela S. Walker, Esq., *Counsel#*
Tricia D. Carbaugh, *Administrative Assistant*

- * Term expired 4-1-08
- ** Effective 4-7-08
- + Effective 5-21-08
- ++ Resigned 8-08
- # Hired 8-08

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

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.pacourts.us, under the Supreme Court Committees tab. 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.

2008 Activities

The committee held four meetings in 2008. At each it conferred with AOPC staff on

issues relating to the Magisterial District Judge System (MDJS), the statewide computer system that links all of Pennsylvania's district courts.

The committee reviewed and considered a number of issues in 2008, including:

- electronic signature of mail receipt
- advanced communication technology
- granting continuances to military personnel
- working with AOPC personnel on issues related to the MDJS rewrite

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

2008 Committee Action

The committee submitted ten recommendations for consideration to the Supreme Court in 2008. The Court approved nine recommendations and denied one. Two recommendations were pending at the end of the year. A chart indicating the status of the recommendations in 2008 follows this report.

Recommendations Adopted by the Supreme Court

Recommendation No. 2 of 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**. Adopted 6-9-08, effective 1-1-09.

Recommendation 1 of 2008: Amendments to Rules 1008 & 1013 to permit **indigent tenants'** appeals in residential housing cases. Adopted 4-15-08, effective 5-15-08.

Recommendation 2 of 2008: Amendments to the notes to Rules 341 and 342 to clarify who is responsible for payment of a request for **satisfaction of judgment**. Adopted 9-9-08, effective 10-1-08.

Recommendation 3 of 2008: Amendment to the note to Rule 506 to create a reference to **wage garnishment**. Adopted 6-2-08, effective 6-9-08.

Recommendation 6 of 2008: Amendment to the note to Rule 509 to remove "**trespass & assumpsit**." 6-9-08, effective immediately.

Recommendation 7 of 2008: Amendment to Rule 15 to **remove language** that was also removed from the canons. Adopted 7-22-08, effective immediately.

Recommendation 8 of 2008: Amendment to Rule 214 (**subpoenas**). Adopted 10-9-08, effective 5-1-09.

Recommendation 9 of 2008: Amendment to Rule 202 and creation of new Rule 215 to govern **advanced communication technology**. Adopted 10-9-08, effective 11-1-08.

Recommendation 10 of 2008: Amendment to Rule 209 to provide a reference to the **Service-members Civil Relief Act**. Adopted 9-9-08, effective 10-1-08.

Recommendations Pending with the Supreme Court

Recommendation No. 1 of 2007: Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of **scheduling hearing dates** and to further provide for **notice of intention to defend** in civil actions. Submitted to the Court 5-07.

Recommendation 5 of 2008: Amendment to Rule 13 and rescission of Rule 14 to clarify that attorneys who also are magisterial district judges may not serve as **arbitrators**. Submitted to the Court 5-08.

Looking Ahead to 2008

In 2008 the committee plans to work on the following:

- creating a "Rule of Reliance" for magisterial district judges seeking advisory ethics opinions
- amending service rules to permit courts to utilize the United States Postal Service's return receipt electronic option or any similar service that provides an electronic return receipt
- clarifying the use of documentary evidence in proceedings in the magisterial district courts.

AOPC

Status of Recommendations		
Recommendation	Subject	Status
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; adopted 6-9-08, effective 1-1-09
1, 2007	Amendments to Rules 209, 301, 303-305, 307, 313-315, 318-319, 501-504, and 506-508 to change the method of scheduling hearing dates and to further provide for notice of intention to defend in civil actions	Submitted 5-10-07; pending with Court
1, 2008	Amendments to Rules 1008 & 1013 to permit indigent tenants' appeals in residential housing cases	Submitted 1-22-08; adopted 4-15-08, effective 5-15-08
2, 2008	Amendments to the notes to Rules 341 and 342 to clarify who is responsible for payment of a request for satisfaction of judgment	Submitted 3-31-08; adopted 9-9-08, effective 10-1-08
3, 2008	Amendment of the note to Rule 506 to create a reference to wage garnishment	Submitted 3-31-08; adopted 6-2-08, effective 6-9-08
4, 2008	Amendment to Rule 110 to require bonding of appointed senior magisterial district judges	Submitted 4-8-08; denied by Court
5, 2008	Amendment to Rule 13, rescission of Rule 14 to clarify that attorneys who also are magisterial district judges may not serve as arbitrators	Submitted 5-13-08; pending with Court
6, 2008	Amendment to the Note to Rule 509 to remove "trespass & assumpsit"	Submitted 4-22-08; adopted 6-9-08, effective immediately
7, 2008	Amendment to Rule 15 to remove language that was also removed from canons	Submitted 6-10-08; adopted 7-22-08, effective immediately

continued...

Table 3.12.1

Status of Recommendations, continued		
Recommendation	Subject	Status
8, 2008	Amendment to Rule 214 (subpoenas)	Submitted 7-10-08; adopted 10-9-08, effective 5-1-09
9, 2008	Amendment to Rule 202, creation of new Rule 215 to govern advanced communication technology	Submitted 7-16-08; adopted 10-9-08, effective 11-1-08
10, 2008	Amendment to Rule 209 to provide a reference to the Servicemembers Civil Relief Act	Submitted 7-10-08; adopted 9-9-08, effec- tive 10-1-08

Table 3.12.1, cont'd.

2008 Membership

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

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 Board

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 arraignment court magistrates (formerly 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
www.mjeb.org

2008 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
- legal research techniques
- gangs
- municipal law update
- weigh station demonstration
- Oversize/Overweight Vehicles & Special Hauling Permits
- service members' Civil Relief Act
- teen violence and cyberbullying
- public access and MDJS rewrite
- dealing with difficult people
- benefits overview

Philadelphia Arraignment Court Magistrates

- district attorney's office update
- Rules of Evidence
- Oversize/Overweight Vehicles & Special Hauling Permits
- ethics
- Ethical Implications of Personal Health
- procedural audits
- search and seizure

- public defender's office update
- criminal law update
- Drug Recognition Evaluation Program
- Board of Pardons overview
- public access and right-to-know

Orientation Course for New Magisterial District Judges

- office administration
- audits and reports
- magisterial district judge practices
- AOPC Real Life Safety
- self-represented litigants
- mental health issues
- Protection from Abuse Law update
- Magisterial district judge and court administration panel session
- minor court rules update

Philadelphia Traffic Court Judges

- criminal rules and procedures update
- Rules of Evidence
- Oversize/Overweight Vehicles & Special Hauling Permits
- ethics
- Ethical Implications of Personal Health
- Understanding, Valuing and Managing Diversity
- vehicle code update
- Traffic Court administration
- Board of Pardons overview
- public access and right-to-know

Statistics

MJEB statistics for 2008 can be found in the chart on page 95.

Other Activities

In addition to conducting education courses at its facility in Harrisburg, the Minor

Judiciary Education Board provided staff assistance to the minor judiciary, court administrators, president judges and related court

agencies in answering questions pertaining to the board, the minor courts system and the board's courses of instruction. **AOPC**

2008 Educational Statistics	
Continuing education to magisterial district judges & sr. magisterial district judges	615
Continuing legal education to attorney magisterial district judges & sr. magisterial district judges	139
Magisterial district judge recertification	19
Certification classes to prospective magisterial district judges	109
Total certified	45
Certification of prospective Philadelphia arraignment court magistrates	0
Certification of prospective Philadelphia Traffic Court judges	4
Certification of prospective Philadelphia Traffic Court hearing officer	0

Table 3.13.1

2008 Membership

Honorable Calvin S. Drayer, Jr., *Chair*
Kristen M. Del Sole, Esq.
Neil E. Hendershot, Esq.
Honorable Anne E. Lazarus
Michael L. Mixell, Esq.
Honorable Paula Francisco Ott
Carolyn C. Thompson, Esq., *ex officio*
Margaret Gallagher Thompson, Esq.

Staff

Dean R. Phillips, Esq., *Chief Counsel*
Lisa M. Rhode, Esq., *Deputy Counsel*
James Mannion, 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 orphanrules@pacourts.us

2008 Activities

The committee worked on the following projects in 2008:

- amendment to Pa.O.C. Rule 15.8 to provide a comprehensive procedure for completing adoptions of foreign-born children where the adoptions could not be completed in the adoptees' native countries. The recommendation proposes to streamline the procedure for completing foreign adoptions that are not full and final and also will reduce costs to adopting parents. The committee also re-addressed issues pertaining to the proper venue(s) for filing a petition to complete a foreign adoption. In addition the committee is recommending that parents be permitted to change the names of their foreign-born adopted children as part of the registration process.

The committee anticipates submitting this as Recommendation 1 of 2009 in the spring of 2009.

- continued 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 make the orphans' court rules consistent with the Rules of Civil Procedure where possible and drafting rules that will provide for uniformity in orphans' court practice throughout the Commonwealth.
- continued monitoring of the use of the model forms. The committee plans to submit a recommendation in the near future making nonsubstantive, technical and grammatical revisions to four forms. It is also developing a list of frequently asked questions to assist practitioners in answering specific questions on the Petitions for Adjudication.

- address of concerns regarding the application and enforcement of O.C. Rule 5.6, which governs notice to estate beneficiaries and intestate heirs when letters testamentary or letters of administration are granted.
- amendment to O.C. Rule 7.1 governing exceptions so that it cross-references recently-adopted Pa. R.A.P. 311(a)(8), thereby permitting exceptions to be filed to an order determining the validity or invalidity of a will or trust. The committee is also addressing whether an appeal following the adjudication of exceptions under Pa.O.C. Rule 7.1 is an appeal from the exceptions order or of the underlying adjudication and whether additional comments should be added to the Note to clarify any ambiguity.
- continued examination with the Appellate Procedural Rules Committee on whether Pa.R.A.P. 342 (Appealable Orphans' Court Orders) should be amended to provide a procedure for petitioning the orphans' court judge for a determination of finality similar to that provided in Pa.R.A.P 341(c).
- possible amendments to O.C. Rules 15.1–15.7 concerning domestic adoptions that would conform those rules to the current Adoption Code.
- continued exploration of possible rules of procedure governing practice before the registers of wills.
- continued exploration of orphans' court mediation.
- continued consideration of model physician interrogatories for allegedly incapacitated persons in uncontested incapacity hearings.
- monitoring the statewide e-filing rules and the Philadelphia pilot project. **AOPC**

2008 Membership

James M. Mead, *Board Chair*
Eric N. Anderson, Esq., *Board Vice Chair*
Edwin H. Beachler III, Esq.
Honorable Robert A. Graci
Robert K. Reitzel
Robert A. Rovner, Esq.
Grace R. Schuyler, 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 (\$35 for 2008-09) 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

2008 Claims Statistics

Statistics for the 2008-09 fiscal year can be found in Table 3.15.1. Chart 3.15.2 on page 101 is a breakdown of amounts claimed by category. Chart 3.15.3 on page 102 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.15.4 on page 103 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 2008-09.

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 2008-09 cost the fund \$1,774,003, 67.81 percent of its total award dollars, settling 59 claims. Of this amount, \$431,856 went to 14 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 \$635,907 to 25 claimants in this category were made in 2008-09, 24.31 percent of the total dollars awarded. Of this, \$284,951 were paid to 14 former clients of one attorney.

Nonperformance* - The acceptance of unearned fees or retainers represented the third highest payment category in 2008-09 with awards to 49 claimants totaling \$117,024, 4.47 percent of the total dollars awarded. Of this \$18,521 went to 16 clients of one attorney.

*Since the fund does not arbitrate fee disputes, for an award to be considered when the attorney performed any services of value, the claimant typically must first file a complaint

Claims	No.	Amount
Received	195 *	\$6,343,362
*19 in excess of \$75,000 limit		
Awarded	129	2,615,968
Rejected	76	3,269,746
Discontinued	14	594,222
Total	219	\$6,479,936
Pending	105+	\$53,756,399
+One pending claim alleges a loss of \$50,000,000.		

Table 3.15.1

with the local bar association's fee dispute committee. If the committee determines that all or a portion of the fees or retainer paid were not earned, and the attorney does not return the fee, the board will consider this type of claim and categorize the award as nonperformance by the attorney.

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

2008 Activities

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

Restitution and Subrogation Efforts

The fund received \$113,241 in restitution payments during FY 2008-09.

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 2008-09 the fund received 221 overdraft notices. Fifteen notices were pending.

Of the 236 notices, 180 were reviewed and dismissed, and 49 were referred to the Office of Disciplinary Counsel. Seven 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 2008 and 2009 the fund met with Allegheny, Chester, 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 2008-09 \$289,523 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

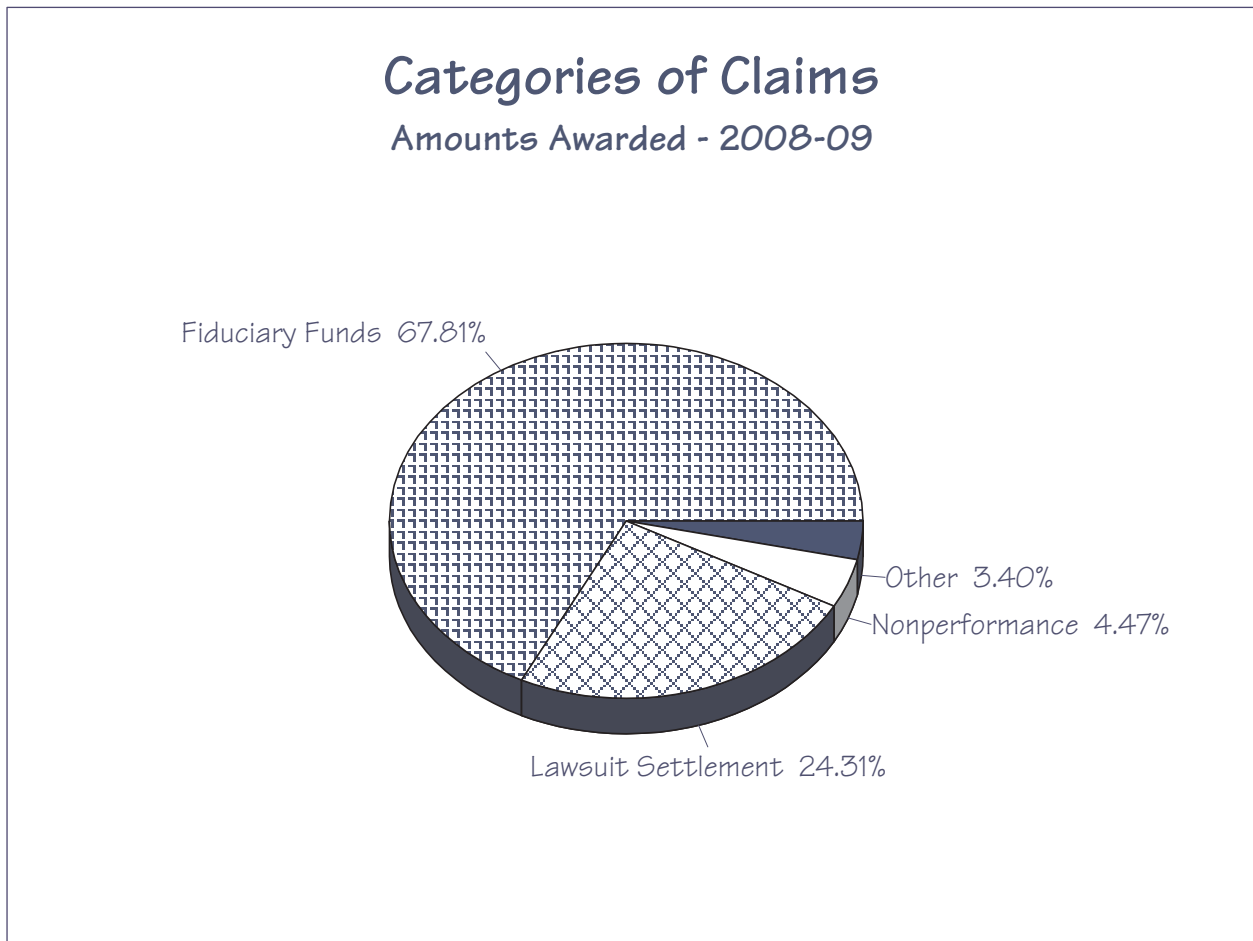
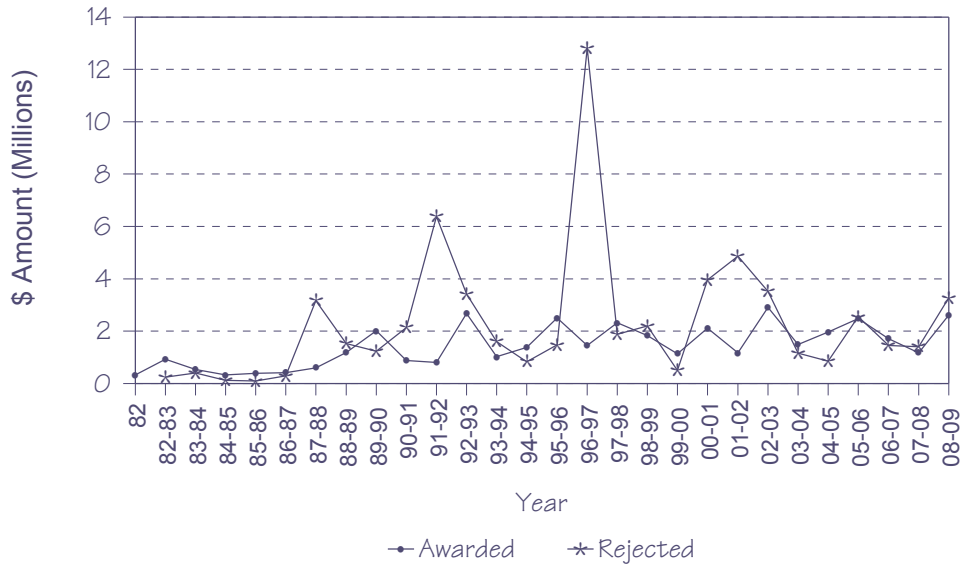


Table 3.15.2

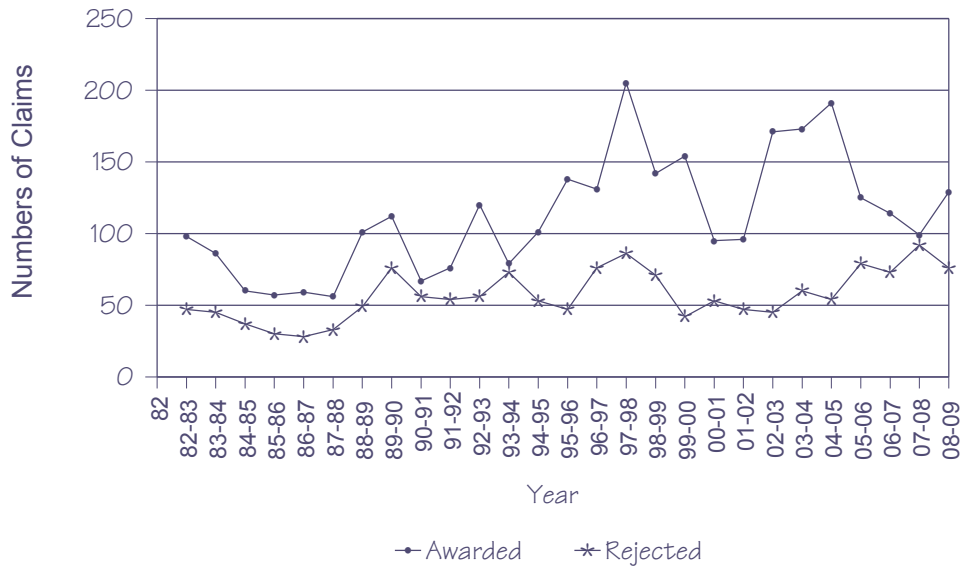
Claim Awards v. Rejections

1982-2009



Claims Awarded v. Rejections

1982-2009

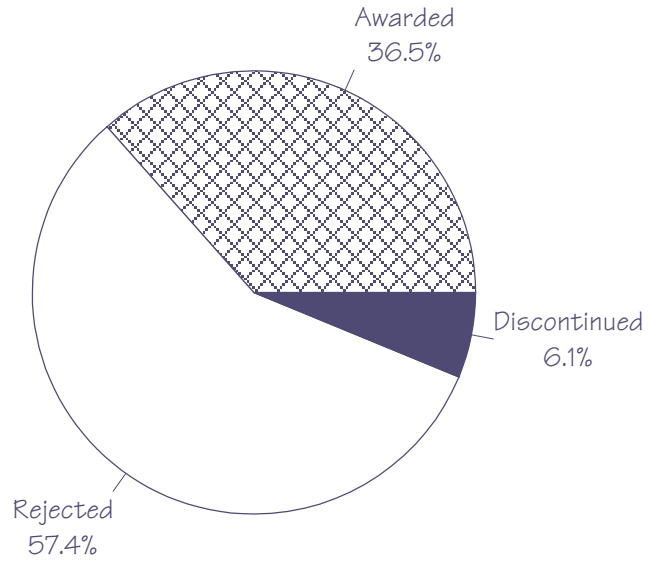


Effective 7-1-00, the maximum reimbursable amount was raised from \$50,000 to \$75,000.

Table 3.15.3

Comparison of Claim Dispositions

Cumulative



2009

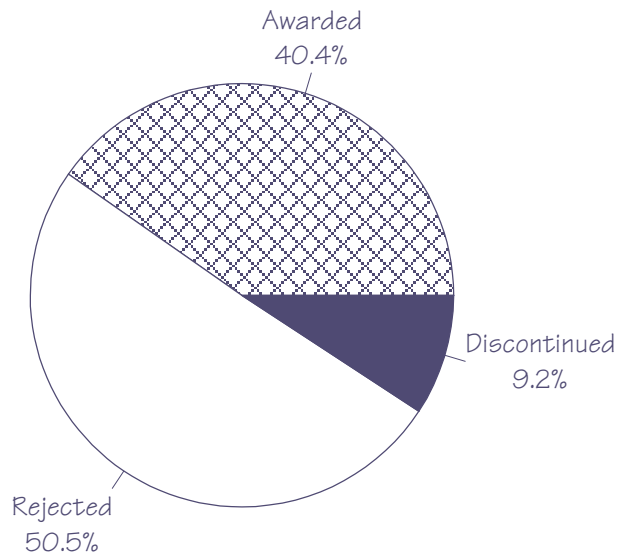


Table 3.15.4

Of the total state government expenditures for fiscal year 2008-09, administrative costs for the judiciary amounted to approximately one-half of one percent. Table 4.1 on page 107 shows the distribution of expenditures across the three branches of government. (With the county reimbursement grants 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 108 provides a breakdown of the state appropriations for fiscal year 2008-09.

In fiscal year 2008-09, the Judiciary saved a total of more than \$3.5 million through a variety of measures, including the suspension of staff merit increments, the establishment of a reserve within the JCS Augmentation Account to fund the FY 2008-09 and future deficits, and attrition.

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, which, in the case of insufficient funding, may be reduced in order to adjust to the appropriated amount.

Court
Finances -
Fiscal
Year
2008-2009

The General Assembly also requires that counties spend an amount at least equal to the flat reimbursement rate per judge, which was \$69,092 for FY 2008–09.

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 initial enabling legislation for the Senior Judge Support Reimbursement Grant and was succeeded by Act 37 of 2007. This grant has been provided each year since its inception in FY 2001–02.

Table 4.3 on page 111 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 2008–09.

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 has been provided annually to Allegheny County, beginning in FY 2005–06, to assist with consolidation costs arising from the merger in January 2005 of the Pittsburgh Magistrates Court into the magisterial district judge system within the county.

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 115, 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 2008-09		
<i>General, Special Federal & Other Funds Expenditures</i>		
Branch	\$ Amount (Millions)	Percent of Total
Executive	60,810,258	98.85
Legislative	333,703	0.54
Judicial	332,085	0.54
Judicial - County Reimbursement for Courts	39,549	0.06
Total	61,515,595	
<i>Totals shown exclude capital budget.</i>		
<i>Note: The governor's budget showed FY 2008-09 funds available to the judiciary as \$370,798. Actual total available funds, less \$5 for PCCD grant federal funds, plus \$955 in net transfers from the JCS Augmentation Account were \$332,085. The state total operating expenditures shown here were adjusted to reflect this difference..</i>		
<small>Source: FY 2009-10 Governor's Recommended Budget</small>		

Table 4.1

Appropriations	
Appropriation	2008-09 (thousands)
Supreme Court	\$14,875
Justices' Expenses	128
Civil Procedural Rules Committee	364
Criminal Procedural Rules Committee	469
Domestic Relations Procedural Rules Committee	211
Judicial Council	152
Interbranch Commission	437
Juvenile Court Procedural Rules Committee	211
Appellate Court/Orphans' Court Procedural Rules Committees	187
Committee on Rules of Evidence	197
Minor Court Rules Committee	174
Superior Court	28,520
Judges' Expenses	197
Commonwealth Court	17,649
Judges' Expenses	141
Court Administrator	10,708
Court Improvement Program* (F)	1,370
Drug Court Training** (F)	66
Pennsylvania Judicial Center	1,394
District Court Administrators	18,587
Court Management Education	89
Unified Judicial System Security+	2,121
Statewide Judicial Computer System++ (R)	61,074
Integrated Criminal Justice System	2,552
Courts of Common Pleas#	87,695
Common Pleas Senior Judges#	3,997
Common Pleas Judicial Education	1,224
Ethics Committee of the Pennsylvania Conference of State Trial Judges	58
Magisterial District Judges#	65,366
Magisterial District Judge Education	721
Philadelphia Traffic Court#	1,011
Philadelphia Municipal Court	6,146
	continued...

Table 4.2

Appropriations, continued

Appropriation	2008-09 (thousands)
Philadelphia Law Clerks	39
Domestic Violence	232
County Court Reimbursement	33,505
Philadelphia Gun Court Reimbursement Grant##	1,357
Senior Judge Support Reimbursement	1,480
Juror Cost Reimbursement	1,154
Court Accounts (Court Consolidation)	2,053
Judicial Conduct Board	1,257
Court of Judicial Discipline	483
State Funds	307,141
(F) Federal Funds	1,436
(R) Restricted Receipts	61,074
Total	\$369,651

* 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 were first made available in FY 2007-08, with unspent amounts rolled into each succeeding fiscal year. The Pennsylvania Commission on Crime and Delinquency made the \$66,000 unspent balance of the grant available in FY 2008-09.

+ The FY 2008-09 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 appropriation process. An additional \$134,100 was derived from fees charged to users for information generated by the Magisterial District Judge System;

continued...

Table 4.2, cont'd.

Appropriations, continued

and \$69,900 was derived from augmentations as mandated by Act 119 of 1996 (Jen & Dave's Law). The total amount available to the Judicial Computer System in FY 2008-09 was \$61,278,000.

In addition to the amounts shown, transfers were made from the JCS Augmentation Account to Common Pleas (\$306,000), Common Pleas Senior Judges (\$187,000), Magisterial District Judges (\$451,000) and Philadelphia Traffic Court (\$11,000) in order to close deficits in these appropriations.

The FY 2008-09 Philadelphia Gun Court Reimbursement Grant is a two-year continuing appropriation, expiring June 30, 2010.

Table 4.2, cont'd.

**County Reimbursements for Courts
FY 2008-09**

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Adams	\$1,219.40	\$207,276.00	\$4,696.00	\$0.00	\$0.00	\$213,191.40
Allegheny	86,923.77	2,970,955.00	181,964.00	0.00	2,053,000.00	5,292,842.77
Armstrong	587.04	138,184.00	4,790.00	0.00	0.00	143,561.04
Beaver	10,154.72	483,644.00	34,300.00	0.00	0.00	528,098.72
Bedford	11,267.53	138,184.00	0.00	0.00	0.00	149,451.53
Berks	18,767.59	898,196.00	137,440.00	0.00	0.00	1,054,403.59
Blair	3,790.00	345,460.00	10,368.00	0.00	0.00	359,618.00
Bradford	0.00	138,184.00	4,706.00	0.00	0.00	142,890.00
Bucks	36,778.69	898,196.00	3,018.00	0.00	0.00	937,992.69
Butler	2,681.92	414,552.00	534.00	0.00	0.00	417,767.92
Cambria	11,503.31	345,460.00	16,560.00	0.00	0.00	373,523.31
Cameron	0.00	10,364.00	0.00	0.00	0.00	10,364.00
Carbon	309.65	138,184.00	2,522.00	0.00	0.00	141,015.65
Centre	2,255.18	276,368.00	5,504.00	0.00	0.00	284,127.18
Chester	22,851.94	898,196.00	12,096.00	0.00	0.00	933,143.94
Clarion	749.28	69,092.00	6,964.00	0.00	0.00	76,805.28
Clearfield	3,672.91	138,184.00	3,356.00	0.00	0.00	145,212.91
Clinton	391.69	138,184.00	236.00	0.00	0.00	138,811.69
Columbia	0.00	107,784.00	0.00	0.00	0.00	107,784.00
Crawford	292.63	207,276.00	1,988.00	0.00	0.00	209,556.63
Cumberland	6,306.13	345,460.00	0.00	0.00	0.00	351,766.13
Dauphin	27,434.66	552,736.00	3,120.00	0.00	0.00	583,290.66
Delaware	27,049.98	1,312,747.00	174,416.00	0.00	0.00	1,514,212.98
Elk	0.00	58,728.00	1,158.00	0.00	0.00	59,886.00

continued...

County Reimbursements for Courts, continued
FY 2008-09

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Erie	\$8,603.89	\$621,828.00	\$0.00	\$0.00	\$0.00	\$630,431.89
Fayette	5,628.99	345,460.00	0.00	0.00	0.00	351,088.99
Forest	0.00	13,818.00	3,672.00	0.00	0.00	17,490.00
Franklin	944.42	248,731.00	0.00	0.00	0.00	249,675.42
Fulton	0.00	27,637.00	0.00	0.00	0.00	27,637.00
Greene	9,117.06	138,184.00	0.00	0.00	0.00	147,301.06
Huntingdon	0.00	69,092.00	0.00	0.00	0.00	69,092.00
Indiana	2,255.42	207,276.00	198.00	0.00	0.00	209,729.42
Jefferson	4,297.26	69,092.00	3,830.00	0.00	0.00	77,219.26
Juniata	0.00	46,983.00	2,394.00	0.00	0.00	49,377.00
Lackawanna	20,831.75	552,736.00	118,968.00	0.00	0.00	692,535.75
Lancaster	11,331.04	898,196.00	10,560.00	0.00	0.00	920,087.04
Lawrence	4,450.33	276,368.00	9,212.00	0.00	0.00	290,030.33
Lebanon	4,852.58	276,368.00	0.00	0.00	0.00	281,220.58
Lehigh	36,697.67	690,920.00	14,316.00	0.00	0.00	741,933.67
Luzerne	9,738.64	621,828.00	138,604.00	0.00	0.00	770,170.64
Lycoming	5,092.40	345,460.00	1,548.00	0.00	0.00	352,100.40
McKean	345.55	138,184.00	7,640.00	0.00	0.00	146,169.55
Mercer	2,106.26	276,368.00	1,210.00	0.00	0.00	279,684.26
Mifflin	0.00	138,184.00	30.00	0.00	0.00	138,214.00
Monroe	3,864.62	414,552.00	2,368.00	0.00	0.00	420,784.62
Montgomery	37,091.19	1,450,931.00	4,680.00	0.00	0.00	1,492,702.19
Montour	0.00	30,400.00	0.00	0.00	0.00	30,400.00
Northampton	16,252.74	552,736.00	32,840.00	0.00	0.00	601,828.74

continued...

County Reimbursements for Courts, continued
FY 2008-09

County	Juror Cost	County Court	Senior Judge	Philadelphia Gun Court	Court Accounts	Total
Northumberland	\$1,077.65	\$207,276.00	\$2,580.00	\$0.00	\$0.00	\$210,933.65
Perry	306.38	91,201.00	6,988.00	0.00	0.00	98,495.38
Philadelphia	610,587.36	9,944,633.00	296,000.00	1,357,000.00	0.00	12,208,220.36
Pike	0.00	69,092.00	0.00	0.00	0.00	69,092.00
Potter	532.75	69,092.00	0.00	0.00	0.00	69,624.75
Schuylkill	936.96	414,552.00	1,644.00	0.00	0.00	417,132.96
Snyder	934.79	64,946.00	0.00	0.00	0.00	65,880.79
Somerset	1,481.40	207,276.00	370.00	0.00	0.00	209,127.40
Sullivan	0.00	13,127.00	0.00	0.00	0.00	13,127.00
Susquehanna	2,876.93	69,092.00	0.00	0.00	0.00	71,968.93
Tioga	0.00	69,092.00	1,190.00	0.00	0.00	70,282.00
Union	1,208.38	73,238.00	0.00	0.00	0.00	74,446.38
Venango	10,488.00	138,184.00	11,612.00	0.00	0.00	160,284.00
Warren	2,440.85	124,366.00	3,536.00	0.00	0.00	130,342.85
Washington	9,953.91	414,552.00	1,314.00	0.00	0.00	425,819.91
Wayne	1,575.24	69,092.00	0.00	0.00	0.00	70,667.24
Westmoreland	13,860.91	760,011.00	3,768.00	0.00	0.00	777,639.91
Wyoming	0.00	55,965.00	0.00	0.00	0.00	55,965.00
York	31,717.97	967,287.00	0.00	0.00	0.00	999,004.97
Transfer	0.00	0.00	189,000.00	0.00	0.00	189,000.00
Lapse	5,530.69	0.00	192.00	0.00	0.00	5,722.69
Total	1,154,000.00	33,505,000.00	1,480,000.00	1,357,000.00	2,053,000.00	39,549,000.00

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 2008-09

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 2008-09, the reimbursement was paid at a rate of \$69,092 per authorized Common Pleas position, whether filled or vacant. This represents the proportional reduction made to each county's grant as authorized by Act 37 of 2007 in order to adjust to insufficient funding to pay at the traditional \$70,000 reimbursement rate. In order for counties to receive the full reimbursement offered by the grant, they must provide a level of support at least equal to the reimbursement paid. Except when required by Act 37 in the case of insufficient funding, 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 2008-09, the grant was paid based on requests for reimbursement submitted by counties for costs incurred during calendar year 2008.

Philadelphia Gun Court Reimbursement Grant - The grant provides reimbursement to the City of Philadelphia primarily for personnel costs associated with the operation of the Philadelphia gun court. Because the FY 2008-09 appropriation is a two-year continuing appropriation extending through June 30, 2010, the funds are being paid out over the two-year period. As of June 30, 2009, \$774,558 was paid.

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	2008-09 (thousands)
Supreme Court	\$389
Pa. Board of Law Examiners	1,919
Judicial Computer System*	204
Superior Court	217
Commonwealth Court	157
Magisterial District Judge Education	19
Court Management Education	1
Court Administrator	41
Total	\$2,947
<p>*Includes revenues collected under Act 119 of 1996 (Jen & Dave's Law). These collections provided \$69,900 to support the "Jen/Dave" functions during FY 2008-09. The remainder was derived from public access fees levied on nongovernmental users of information captured by the Magisterial District Judge System.</p>	

Table 4.4

Supreme Court Justices

Complement 7

Castille, Ronald D.
Chief Justice

Saylor, Thomas G.
Eakin, J. Michael
Baer, Max

Todd, Debra
McCaffery, Seamus P.
Greenspan, Jane Cutler*

* Appointed 6-30-08

Superior Court Judges

Complement 15

Ford Elliott, Kate
President Judge

Stevens, Correale F.
Musmanno, John L.
Orie Melvin, Joan
Lally-Green, Maureen
Klein, Richard B.

Gantman, Susan Peikes
Panella, Jack A.
Donohue, Christine L.
Shogan, Jacqueline O.
Allen, Cheryl Lynn

Bender, John T.
Bowes, Mary Jane

Freedberg, Robert A.*
Cleland, John M.*

* Appointed 6-30-08

Commonwealth Court Judges

Complement 9

Vacancy 1

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
Butler, Johnny J.*

* Appointed 6-30-08

** Retired 12-31-08

Appellate

Court

Jurists

(As of 6-30-09)

**Senior
Appellate
Court
Judges**

**Superior Court
Senior Judges**

Colville, Robert E.*
Fitzgerald, James J., III
Hudock, Joseph A.+
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
- ** Retired 12-31-08
- + Serving in Common Pleas Court effective 1-1-09

**Commonwealth
Court Senior Judges**

Colins, James Gardner++
Feudale, Barry F.**
Flaherty, James J.
Friedman, Rochelle S.#
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
- ++ Resigned 6-20-08
- # Effective 1-1-09

(As of 6-30-09)

ADAMS COUNTY (51)

Complement 3

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

ALLEGHENY COUNTY (05)

Complement 43
Vacancy 1

James, Joseph M.+
McDaniel, Donna Jo++

Administrative Judges

Clark, Kim Berkeley
Lucchino, Frank J.
Manning, Jeffrey A.#
Strassburger, Eugene B., III

Bigley, Kelly Eileen
Borkowski, Edward J.
Bubash, Cathleen Cawood
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.
Hens-Greco, Kathryn M.
Hertzberg, Alan David
Horgos, Robert P.##

Kelly, Robert A.
Lazzara, Beth A.
Lutty, Paul F., Jr.
Machen, Donald E.
Mariani, Anthony M.

Mazur, Lee J.
McCarthy, Michael E.
McVay, John T., Jr.
Mulligan, Kathleen R.
Nauhaus, Lester G.

O'Brien, W. Terrence
O'Reilly, Timothy Patrick
O'Toole, Lawrence J.
Olson, Judith F.**
Rangos, Jill E.

Sasinoski, Kevin G.
Scanlon, Eugene F., Jr.*
Todd, Randal B.
Ward, Christine A.
Wecht, David N.

Williams, Joseph K., III**
Woodruff, Dwayne D.
Zottola, John A.

- * Resigned 7-6-08
- ** Appointed 10-7-08
- + President judge term expired 12-23-08
- ++ Elected president judge effective 12-24-08
- # Appointed administrative judge effective 1-23-09
- ## Resigned 5-1-09

ARMSTRONG COUNTY (33)

Complement 2

Valasek, Kenneth G.
Panchik, James J.

BEAVER COUNTY (36)

Complement 7

McBride, John D.
Dohanich, John P.
Knafelc, Harry E.
Kunselman, Deborah A.
Kwidis, C. Gus

Mancini, Richard
Tesla, Kim

BEDFORD COUNTY (57)

Complement 2

Howsare, Daniel L.
Ling, Thomas S.

Common

Pleas

Court

Judges

(As of 6-30-09)

(Judicial district listed in parentheses)

(Italics denotes president judge)

BERKS COUNTY (23)

Complement 13

Schmehl, Jeffrey L.
Boccabella, John A.
Bucci, James M.
Campbell, Mary Ann
Keller, Scott D.

Lash, Scott E.
Lieberman, Stephen B.
Ludgate, Linda K.M.
Parisi, Thomas G.
Rowley, Timothy J.

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.
Beirne, Maureen T.*

* Appointed 10-7-08

BUCKS COUNTY (07)

Complement 13
Vacancy 1

Heckler, David W.+
Scott, Susan Devlin++
Baldi, Robert O.#
Bateman, Wallace H., Jr.*
Boylan, Rea Behney
Cepparulo, Albert J.
Finley, Jeffrey L.

Fritsch, C. Theodore, Jr.
Gibbons, Diane E.
Goldberg, Mitchell S.**

Mellon, Robert J.
Rubenstein, Alan M.
Rufe, John J.
Waite, Clyde W.

* Appointed 10-7-08
** Resigned 10-30-08;
appointed to U.S. District
Court
+ Resigned 2-10-09
++ Elected president judge
effective 2-11-09
Appointed 6-30-09

BUTLER COUNTY (50)

Complement 6

Doerr, Thomas J.
Horan, Marilyn J.
McCune, Timothy F.
Shaffer, William R.
Streib, Kelley T. D.
Yeager, S. Michael

CAMBRIA COUNTY (47)

Complement 5
Vacancy 1

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

* Retired 12-31-08

CARBON COUNTY (56)

Complement 2

Nanovic, Roger N.
Addy, David W.

CENTRE COUNTY (49)

Complement 4

Grine, David E.
Kistler, Thomas King
Lunsford, Bradley P.
Ruest, Pamela A.

CHESTER COUNTY (15)

Complement 14

Ott, Paula Francisco
Bortner, David F.
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

Williamson, J. Michael
Miller, Craig P.

**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.
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
Vacancy 2

Cronin, Joseph P., Jr.
Bradley, James P.
Brennan, Mary Alice
Burr, Charles B., II
*Clouse, Kenneth A.***

Coll, Michael F.X.
Dozor, Barry C.
Durham, Kathrynann W.
Fitzpatrick, Maureen F.
Hazel, Frank T.

Jenkins, Patricia H.
Kelly, Kevin F.
Kenney, Chad F., Sr.
Mallon, Gregory M.
Nilon, James F., Jr.

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

* Resigned 1-4-09
** Died 1-21-09

**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
Vacancy 1

*Walker, John R.**
*Herman, Douglas W.***
Van Horn, Carol L.
Walsh, Richard J.

* Resigned 1-2-09
** Appointed president judge
effective 1-3-09

GREENE COUNTY (13)

Complement 2

*Grimes, H. Terry**
*Nalitz, William R.***
Toothman, Farley D.+

* Resigned 1-4-09
** Appointed president judge
effective 1-5-09
+ Appointed 6-30-09

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 15

Farina, Louis J.
Ashworth, David L.
Cullen, James P.
Gorbey, Leslie
Hackman, Christopher A.

Hoberg, Jay J.
Kenderdine, Henry S., Jr.
Knisely, Howard F.
Madenspacher, Joseph C.
Miller, Margaret C.

Reich, Jeffrey J.
Reinaker, Dennis E.
Totaro, Donald R.
Workman, Daniel R.
Wright, Jeffrey D.

LAWRENCE COUNTY (53)

Complement 4

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

LEBANON COUNTY (52)

Complement 4
Vacancy 1

*Eby, Robert J.**
*Tylwalk, John C.***

Charles, Bradford H.
Kline, Samuel A.

* Resigned 1-2-09
** Appointed president judge effective 1-3-09

LEHIGH COUNTY (31)

Complement 10

Platt, William H.
Anthony, James T.
Banach, Kelly L.
Dantos, Maria L.
Ford, William E.

Johnson, J. Brian
McGinley, Carol K.
Reibman, Edward D.
Steinberg, Robert L.
Varricchio, Michele A.

LUZERNE COUNTY (11)

Complement 10
Vacancy 2

Ciavarella, Mark A., Jr.++
Muroski, Chester B.#
Augello, Joseph M.
Burke, Thomas F., Jr.
Conahan, Michael T.*

Lokuta, Ann H.+
Lupas, David W.
Mundy, Hugh F.
Musto, Joseph J.**
Olszewski, Peter Paul, Jr.

Toole, Michael T.

* Resigned 1-14-08
** Appointed 10-7-08
+ Removed from office 12-9-08
++ Resigned 3-16-09
Elected president judge effective 3-17-09

LYCOMING COUNTY (29)

Complement 5
Vacancy 1

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

* Resigned 1-2-09

MCKEAN COUNTY (48)

Complement 2

*Cleland, John M.**
*Yoder, John H.***
Pavlock, John H.+

* Appointed to the Superior Court 6-30-08
** Appointed president judge 7-4-08
+ Appointed 6-30-09

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

**MONROE COUNTY,
continued**

Miller, Linda Wallach
Worthington,
Margherita Patti
Zulick, Arthur L.

**MONTGOMERY
COUNTY (38)**

Complement 21
Vacancy 2

Hodgson, Richard J.
Albright, Kent H.
Barrett, R. Stephen
Bertin, Emanuel A.
Branca, Thomas C.

Carpenter, William R.
Corso, S. Gerald
Daniele, Rhonda Lee
DelRicci, Thomas M.
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.

* Retired 12-31-08

**NORTHAMPTON
COUNTY (03)**

Complement 8

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

Moran, William F.
Roscioli, Paula A.
Smith, Edward G.
Zito, Leonard N.+

* Appointed to the Superior
Court 6-30-08
** Elected president judge
effective 7-11-08
+ Appointed 10-7-08

**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.***
Mummah, Kenneth A.+

* Resigned 8-31-08
** Appointed president judge
effective 9-1-08
+ Appointed 6-30-09

**PHILADELPHIA
COUNTY (01)**

Complement 93
Vacancy 2

Jones, C. Darnell, II++
Dembe, Pamela Pryor#

Administrative Judges
Dougherty, Kevin M.
Keogh, D. Webster
O'Keefe, Joseph D.

Abramson, Howland W.
Allen, Jacqueline F.
Anders, Daniel J.

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.
Carpenter, Linda A.
Carrafiello, Matthew D.
Ceisler, Ellen H.
Chen, Ida K.

Clark, Tama Myers
Cohen, Denis P.
Cooperman, Amanda
Cunningham,
Charles J., III
DeFino-Nastasi, Rose Marie

Dempsey, Thomas E.
Di Vito, Gary F.
DiNubile, Victor J., Jr.##
Djerassi, Ramy I.
Dubow, Alice B.

Dumas Brooks, Lori A.
Dych, Joseph A.
Erdos, Michael E.
Eubanks, Joyce O.+
Fleisher, Leslie

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

Gordon, Richard J., Jr.
Gordon, Roger F.▲▲
Greenspan, Jane Cutler*
Herron, John W.
Hill, Glynnis D.

Hughes, Renee Cardwell
Jackson, Elizabeth
Johnson, Joel S.
Joseph, Barbara A.
Kane, Harold M.

**PHILADELPHIA COUNTY,
continued**

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

Manfredi, William J.
Massiah-Jackson,
Frederica A.
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.
Roca, Angeles+
Rogers, Peter F.

Sarmina, M. Teresa
Schulman, Susan I.
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.
Wright Padilla, Nina N.
Younge, John Milton

- * Appointed to the Supreme Court 6-30-08
- ** Resigned 8-4-08
- + Appointed 10-7-08
- ++ Resigned 10-29-08; appointed to U.S. District Court
- # Elected president judge effective 10-3-08
- ## Retired 12-31-08
- ▲ Resigned 1-4-09
- ▲▲ Appointed 6-30-09

PIKE COUNTY (60)
Complement 2

Kameen, Joseph F.
Chelak, Gregory H.

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

Lobaugh, Oliver J.
Boyer, Robert L.

**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

Hamill Raymond L.

**WESTMORELAND
COUNTY (10)**

Complement 11

Blahovec, John E.
Ackerman, Daniel J.
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.

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 14

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

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

ALLEGHENY COUNTY

Bigley, Gerard M.
Gallo, Robert C.
Kaplan, Lawrence W.*
Wettick, R. Stanton, Jr.

* Retired 12-31-08

ARMSTRONG COUNTY

Nickleach, Joseph A.

BEAVER COUNTY

James, George E.
Kunselman, Robert E.
Reed, Robert C.
Steege, Peter O.

BERKS COUNTY

Ehrlich, Elizabeth G.*
Eshelman, Thomas J.
Grim, Arthur E.
Stallone Albert A.

* Retired 12-31-08

BLAIR COUNTY

Peoples, Thomas G., Jr.

BUCKS COUNTY

Kane, Michael J.
McAndrews, R. Barry
Rufe, William H., III

BUTLER COUNTY

Brydon, John H.

CAMBRIA COUNTY

Leahey, Francis J.*
Swope, Thomas A., Jr.

* Effective 1-1-09

CARBON COUNTY

Webb, Richard W.

CENTER COUNTY

Brown, Charles C., Jr.

CHESTER COUNTY

Smith, Charles B.

CLEARFIELD COUNTY

Reilly, John K., Jr.

CLINTON COUNTY

Brown, Carson V.
Saxton, Richard N., Jr.

DELAWARE COUNTY

Bradley, Harry J.*
Keeler, Charles C.
Koudelis, George
Toal, William R., Jr.
Zetusky, Edward J., Jr.

* Died 9-10-08

(As of 6-30-09)

ERIE COUNTY

Anthony, Fred P.

FRANKLIN-FULTON COUNTIES

Walker, John R.*

* Effective 1-3-09

GREENE COUNTY

Grimes, H. Terry*

* Effective 1-5-09

JEFFERSON COUNTY

Henry, William L.*

* Resigned 5-15-09

LACKAWANNA COUNTY

O'Malley, Carlon M., Jr.

LANCASTER COUNTY

Hummer, Wayne G., Jr.
Perezous, Michael J.

LAWRENCE COUNTY

Pratt, Ralph D.

LEBANON COUNTY

Eby, Robert J.*

* Effective 1-3-09

LEHIGH COUNTY

Black, Alan M.
Brenner, Lawrence J.

LUZERNE COUNTY

Conahan, Michael T.*
Toole, Patrick J., Jr.

* Effective 1-15-08; removed by
Supreme Court order 1-28-09

LYCOMING COUNTY

Kieser, William S.*
Smith, Clinton W.

* Effective 1-3-09

MERCER COUNTY

Wherry, Michael J.

MONROE COUNTY

O'Brien, Peter J.

MONTGOMERY COUNTY

Nicholas, William T.*

* Effective 1-1-09

NORTHAMPTON COUNTY

Franciosa, Michael V.

NORTHUMBERLAND COUNTY

Feudale, Barry F.*
Ranck, Samuel C.**

* Sits on occasion in
Commonwealth Court
** Retired 12-31-08

PERRY-JUNIATA COUNTIES

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

* Sits on occasion in
Commonwealth Court
** Effective 9-1-08

PHILADELPHIA COUNTY

Ackerman, Norman
Colins Mary D.+
DiBona, Alfred J., Jr.
DiNubile, Victor J., Jr.**
Ivanoski, Leonard A.*

Jackson, Ricardo C.
Jelin, Sheldon C.
Levin, Stephen E.
Maier, Eugene Edward J.
Matthews, Robert J.

Mazzola, William J.*
O'Grady, John J., Jr.
Poserina, John J., Jr.
Reynolds, Abram Frank
Russell, Edward E.

Sheppard, Albert W., Jr.
Temin, Carolyn Engel

* Retired 12-31-08
** Effective 1-1-09
+ Effective 2-4-09

PIKE COUNTY

Thomson, Harold A., Jr.

SOMERSET COUNTY

Fike, Eugene E., II

VENANGO COUNTY

White, H. William, Jr.

**WARREN-FOREST
COUNTIES**

Millin, Paul H.

WASHINGTON COUNTY

Bell, John F.
Gladden, Thomas D.

WAYNE COUNTY

Conway, Robert J.

WESTMORELAND COUNTY

Hudock, Joseph A.*
Loughran, Charles H.
Marker, Charles E.

* Effective 1-1-09

**Philadelphia
Municipal Court
Judges**

Complement 25
Vacancy 1

Prezenza, Louis J.++
Neifield, Marsha H.#
Brady, Frank T.
Conway, Gwendolyn A.
Daher, Georganne V.

DeLeon, James M.
Deni, Teresa Carr
Dugan, Patrick F.
Frazier-Lyde, Jacquelyn M.
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.
Nocella, Thomas**

O'Neill, Joseph J.
Pew, Wendy L.
Powell, Kenneth J., Jr.##
Robbins, Harvey W.
Shuter, David C.

Simmons, Karen Y.
Washington, Craig M.
Waters, Joseph, C., Jr.##

* Removed from office 5-6-08
** Appointed 11-20-08
+ Retired 12-31-08
++ Resigned 5-6-09
Elected president judge effective
5-7-09
Appointed 6-30-09

**Philadelphia
Traffic Court
Judges**

Complement 7

Tynes, Thomasine

Administrative Judge
DeAngelis, Bernice A.

Green, Earlene
Lowry, Michael
Mulgrew, Robert
Singletary, Willie F.
Sullivan, Michael J.

Philadelphia

Special

Courts

Judges

(As of 6-30-09)

*(Italics denotes
president judge)*

Philadelphia

Special

Courts

Senior

Judges

**Philadelphia
Municipal Court
Senior Judges**

Blasi, Robert S.
Cosgrove, Francis P.
Krase, Morton
Merriweather, Ronald B.*
Stack, Felice Rowley

* Effective 1-1-09

**Philadelphia
Traffic Court
Senior Judges**

Adams, Willie J.
Cermele, Dominic M.*
Perri, Fortunato N., Sr.

* Effective 2-4-09

(As of 6-30-09)

ADAMS COUNTY (51)

Complement 4

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

ALLEGHENY COUNTY (05)Complement 48
Vacancy 2

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

Capolupo, Pat A.
Cercone, Mary Ann
Cioppa, Ross C.
Cooper, Kevin E.
Costa, Ronald N., Sr.

Dzvonick, Robert P.
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.
Martin, Armand A.**
Martini, Randy C.
McGraw, Elaine M.*

McLaughlin, Charles A., Jr.
Miller, Thomas G., Jr.
Mills, Beth S.
Murray, Mary P.
Olasz, Richard D., Jr.

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

Ravenstahl, Robert P., Jr.
Riazzi, Eugene F.
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.

* Retired 12-31-08
** Appointed 6-30-09

ARMSTRONG COUNTY (33)

Complement 4

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

BEAVER COUNTY (36)Complement 9
Vacancy 1

DiBenedetto, James F.
Finn, Tim
Howe, Edward C.
Livingston, William R., II
Loughner, C. Douglas

Nicholson, Dale F.
Schafer, Joseph L.
Swihart, Janet M.

Magisterial**District****Judges**

(As of 6-30-09)

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.
Jackson, Steven D.
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 20

Baranoski, Daniel E.
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.
Snow, Maggie
Vislosky, Jan
Wagner, Robert L., Jr.

BUTLER COUNTY (50)

Complement 7

Vacancy 2

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

Woessner, Clifford J.*

* Resigned 3-31-09

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

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

CHESTER COUNTY (15)

Complement 19

Vacancy 3

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.
Kraut, William D.
Maisano, Daniel J.

Martin, Thomas E., Jr.**
Michaels, Theodore P., Jr.
Scott, Stanley
Smith, Larry E.
Tartaglio, Thomas W.+

* Resigned 5-31-08
** Resigned 8-31-08
+ Appointed 11-20-08
++ Retired 12-31-08

CLARION COUNTY (18)
Complement 4

Kadunce, Nancy M.
Long, Amy L.
Miller, Jeffrey C.
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.
Sanders, Joseph L., III

**COLUMBIA-MONTOUR
COUNTIES (26)**

Complement 5
Vacancy 1

Cashman, Richard P.
Coombe, Donna J.*
Long, Craig W.
Shrawder, Marvin K.
Stackhouse, Ola E.

* Resigned 1-2-09

**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
Vacancy 1

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.

* Resigned 2-28-09

DAUPHIN COUNTY (12)

Complement 16
Vacancy 3

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.

* Retired 12-31-08
** Resigned 1-2-09

**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.
Gallagher, Vincent D., Jr.
Gannon, Edward J., Jr.
Griffin, David R.

Hunter, Leon, III
Karapalides, Harry J.
Klein, Stephanie H.
Lacianca, Elisa C.
Lang, David Hamilton

Lippart, Jack D.
Lippincott, Nicholas S.
Mattox, Christopher R.
McCray, C. Walter, III
McKeon, Laurence J.

Micozzie-Aguirre, Kelly A.
Murphy, David J.
Perfetti, John J.

**DELAWARE COUNTY,
continued**

Puppio, Andrea E.
Sandone, Steven A.

Scanlon, Anthony D.
Seaton, Spencer B., Jr.
Strohl, Walter A.
Tenaglia, Leonard V.
Tolliver, Elkin A.

Tozer, Peter P.
Tuten, John C.
Vann, Dawn L.

**ELK-CAMERON
COUNTIES (59)**

Complement 3

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

ERIE COUNTY (06)

Complement 15

Alonge, Gerard J.
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.
Strohmeyer, Susan D.
Stuck-Lewis, Denise M.
Urbaniak, Paul G.

FAYETTE COUNTY (14)

Complement 8
Vacancy 1

Abraham, Randy S.
Cramer, Jesse J.
Defino, Michael J., Jr.
Dennis, Wendy D.
George, Joseph M., Jr.

Haggerty, Ronald J., Sr.
Shaner, Dwight K.

**FRANKLIN-FULTON
COUNTIES (39)**

Complement 10
Vacancy 1

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.

* Resigned 1-18-08

GREENE COUNTY (13)

Complement 3

Bates, D. Glenn
Dayich, Louis M.
Watson, Leroy W.

**HUNTINGDON
COUNTY (20)**

Complement 4

Colyer, Michael M.
Gummo, Douglas L.
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 Murphy, Laura M.

LANCASTER COUNTY (02)

Complement 20

Ballentine, Kelly S.
Brian, David E.
Commins, B. Denise
Duncan, Jayne F.
Eckert, Leo H., Jr.

Fee, Thomas J.
Garrett, Daniel B.
Hamill, Nancy G.
Hamilton, Maynard A., Jr.
Hartman, Cheryl N.

LANCASTER COUNTY,
continued

Hartman, Rodney H.
Herman, Robert A., Jr.
Jiminez, Janice
Miller, David P.
Mylin, Stuart J.

Reuter, William G.
Roth, Bruce A.
Sponaugle, Mary Mongiovi
Stoltzfus, Isaac H.
Willwerth, Jene A.

LAWRENCE COUNTY (53)
Complement 5

Amodie, Melissa A.
Cartwright, Jerry G., Jr.
McGrath, Scott
Nicholson, Jennifer L.
Rishel, David B.

LEBANON COUNTY (52)
Complement 6

Capello, Thomas M.
Dissinger, Maria 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.
Halal, Robert C.
Hammond, Jacob E.

Harding, David B.
Leh, David G.

Maura, Wayne
Merlo, Maryesther S.
Rapp, Anthony G., Jr.

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
Vacancy 1

Antos, Ronald E.
Arthur, Brian R.++
Fagley, William L.+
Hinch, Lorinda L.
McEwen, Daniel Neil++

McMahon, James E.*
Silvis, Lawrence T.**

* Resigned 10-6-08
** Resigned 10-14-08
+ Resigned 10-31-08
++ Appointed 6-30-09

MIFFLIN COUNTY (58)
Complement 3

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

MONROE COUNTY (43)
Complement 10

Anzini, Kristina
Claypool, Richard S.
Fluegel, Anthony D.
Germano, Brian R.
Krawitz, JoLana

Muth, Michael R.
Olsen, Thomas E.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

**MONTGOMERY
COUNTY (38)**
Complement 30

Augustine, Albert J.
Bernhardt, Francis J., III
Borek, Harold D.

MONTGOMERY COUNTY, continued

Casillo, Ester J.
Cerski, Christopher J.

Crahalla, Benjamin R.
Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Friedenberg, Jay S.

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.

Saylor, Maurice H.
Schireson, Henry J.
Valentine, Katleen M.
Zaffarano, Patricia A.
Zucker, Karen Eisner

NORTHAMPTON COUNTY (03)

Complement 15
Vacancy 1

Barner, Joseph K.
Capobianco, John
Corpora, Daniel G.
Elwell, Gay L.
Koury, Michael J., Jr.

Litzenberger, Ralph W.
Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Narlesky, James J.

Repyneck, Diane S.*
Romig-Passaro, Patricia A.
Stocklas, James F.
Strohe, Todd M.
Zaun, William F.

* Resigned 1-4-09

NORTHUMBERLAND COUNTY (08)

Complement 5
Vacancy 1

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

* Resigned 4-30-09

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

Cooper, Alan B.
Fischer, Deborah
McBride, Stephen A.
Rose, Jay R.

POTTER COUNTY (55)

Complement 3

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

SCHUYLKILL COUNTY (21)

Complement 8

Bayer, Stephen J.
Ferrier, James R.
Kilker, Anthony J.*
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.
Plachko, David A.
Reiley, James K.

* Appointed 7-2-08

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

Brainard, Suzanne M.
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

Dinberg, Douglas I.
Fish, Andrew F.
Gerwick, Douglas B.
Snyder, Michael D.*

* Appointed 6-30-09

WARREN-FOREST COUNTIES (37)

Complement 4

Bauer, Laura S.
Gregory, George F.
Lindemuth, Cynthia K.
Zerbe, Arthur W.

WASHINGTON COUNTY (27)

Complement 11
Vacancy 2

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

Kanalis, Joshua P.
Mark, David W.
Spence, J. Albert*
Thompson, Curtis L.
Weller, Jay H.

Wilson, Mark A.

* Resigned 6-30-08
** Retired 12-31-08

WAYNE COUNTY (22)

Complement 4
Vacancy 1

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

* Resigned 3-31-08

WESTMORELAND COUNTY (10)

Complement 18
Vacancy 1

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.

* Resigned 6-30-08

WYOMING-SULLIVAN COUNTIES (44)

Complement 4
Vacancy 1

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

* Resigned 1-2-09

YORK COUNTY (19)

Complement 19

Bloss, Barry L., Jr.+
Dubs, Dwayne
Edie, Nancy L.
Fishel, John H.+
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

* Resigned 4-6-08
** Resigned 6-7-08
+ Appointed 6-30-09

Senior

Magisterial

District

Judges

ALLEGHENY COUNTY

Burnett, Edward
Devlin, Mark B.
Longo, Nancy L.
McGraw, Elaine M.*
Peglow, Lee G.

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

* Effective 1-1-09

BEAVER COUNTY

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

BERKS COUNTY

Dougherty, John F.*
Mest, Ronald C.

* Resigned 2-26-08

BLAIR COUNTY

Jones, Patrick T.*

* Effective 1-7-08

BUCKS COUNTY

Dietrich, Ruth C.
Hogeland, H. Warren

BUTLER COUNTY

O'Donnell, Joseph D., Jr.

CARBON COUNTY

Hadzick, Paul J.

CENTRE COUNTY

Horner, Ronald J.
Shoff, Robert A.*

* Resigned 12-31-08

CHESTER COUNTY

Anthony, John F.*
Charley, James J., Jr.+
Davis, Robert L.**
Welsh, Susann E.
Winther, J. Peter

* Effective 6-1-08

** Effective 1-1-09

+ Effective 1-14-09

CLARION COUNTY

George, Daniel P.*

* Effective 1-7-08

COLUMBIA COUNTY

Coombe, Donna J.*

* Effective 1-3-09

DAUPHIN COUNTY

Bridges, Roy C.*
Magaro, Samuel J.**
Semic, Steven M.++

(As of 6-30-09)

**DAUPHIN COUNTY,
condinued**

Shugars, Raymond F.+
Yanich, Bernard B.#

* Effective 1-7-08
** Effective 2-27-08
+ Effective 1-1-09
++ Effective 1-3-09
Died 4-25-09

DELAWARE COUNTY

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

Quinn, Joseph T. F.
Shaffer, Robert M.*
Videon, David T.

* Retired 12-31-08

ERIE COUNTY

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

* Removed from list 1-31-08
** Retired 12-31-08

FAYETTE COUNTY

Breakiron, Robert W.*
Cavalcante, Brenda K.
Rubish, Michael

* Effective 1-7-08

**FRANKLIN-FULTON
COUNTIES**

Knepper, Brenda M.

GREENE COUNTY

Canan, Neil M.*

* Resigned 3-30-09

INDIANA COUNTY

Steffee, Michael K.

LANCASTER COUNTY

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

* Effective 1-7-08
** Died 3-6-08

LEBANON COUNTY

Arnold, John F.*
Shultz, Jo Ann
Swisher, Hazel V.

* Effective 1-7-08

LEHIGH COUNTY

Dugan, John E.
Gatti, Richard A.
Hausman, Joan K.**
Murphy, Thomas P.
Snyder, Joan L.

Warmkessel, Patricia E.*

* Effective 1-31-08
** Resigned 2-8-08

LUZERNE COUNTY

Barilla, Andrew, Jr.

LYCOMING COUNTY

McGee, Gerald A.*

* Removed from list 6-3-09

MERCER COUNTY

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

* Effective 10-7-08
** Effective 10-7-08; resigned
12-31-08
+ Effective 1-1-09

MONROE COUNTY

Eyer, Charles P.
Mangan, Anthony J.*

* Resigned 5-5-08

MONTGOMERY COUNTY

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

NORTHAMPTON COUNTY

Frey, Elmo L., Jr.
Grigg, Sherwood R.
Repyneck, Diane S.**

Romig, Elizabeth A.
Zemgulis, Sandra J.*

- * Effective 6-25-08; resigned
12-31-08
- ** Effective 1-5-09; resigned
4-10-09

**NORTHUMBERLAND
COUNTY**

Mychak, Michael F.*

- * Effective 5-1-09

PIKE COUNTY

Lieberman, Charles F.

SUSQUEHANNA COUNTY

Dayton, Watson J.
Franklin, Gene A.*

- * Effective 1-7-08

VENANGO COUNTY

Fish, David L.*
Martin, William G.**

- * Effective 6-27-08
- ** Removed from list 8-4-08

**WARREN-FOREST
COUNTIES**

Carlson, Glenn S.*
Fedora, Michael L.*

- * Effective 1-7-08

WASHINGTON COUNTY

Dutton, Jay H.*
Teagarden, Marjorie Lee

- * Effective 1-1-09

WAYNE COUNTY

Laabs, Dorothy C.*

- * Removed from list 1-31-08

WESTMORELAND COUNTY

DelBene, Frank, Jr.
DiClaudio, Mary S.**
McCutcheon Bernice A.*
Medich, Martha
Scott, Robert E.

- * Effective 7-1-08
- ** Died 12-3-08

**WYOMING-SULLIVAN
COUNTIES**

Baumunk, Linda M.*

- * Effective 1-3-09

YORK COUNTY

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

Meisenhelter, Douglas F.*

- * Effective 6-9-08

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.
Calvanelli, Melissa H.

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

Burkholder, Neil E.
Szoyka, 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.

vacant

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

Burkholder, Neil E.
Szoyka, Audrey
Higgins, Deborah J.
Kuhar, Michael J.
Ellis, Patricia C.

Doherty, James A., Jr., Esq.
Weaver, Thomas N., Esq.
Occhibone, Michael A.
Fillak, Leslie A.
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 6-30-09)

**Court
Administrators,
continued**

**District Court
Administrators**

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

Kratzer, Charlotte N.
Cober, Brad
Hawley, Cathy E.
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.

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

Kratzer, Charlotte N.
Cober, Brad
Hawley, Cathy E.
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
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*Administrator, Office of
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Osvaldo R. Avilés
*Interpreter Program
Administrator*

Richard J. Pierce
Amy Y. Kehner
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*Judicial Programs
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Diane Bowser
*Judicial Assignemnt
Administrator*

Judicial Services

Nicholene DiPasquale
*Judicial Services
Administrator*

Policy & Research

Donald J. Harris, Ph.D.
Director of Policy & Research

Kim E. Nieves, Ph.D.
*Assistant Director of Policy &
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

A. Taylor Williams, Esq.
Deputy Counsel—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

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215-560-6300

(As of 6-30-09)

**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 Relations*

Arthur J. Heinz
*Communications/
Legislative Coordinator*

Steve Schell
Communications Coordinator

Gina L. Earle
Communications Assistant

William L. Hollenbach
*Manager of Administrative
Services*

Judicial Security

Frank P. Lalley
*Judicial Security
Administrator*

Mary Beth Marschik
*Assistant Judicial Security
Administrator*

Finance

Deborah B. McDivitt
Director of Finance

Mary M. Gillette
*Assistant Director of
Finance*

Kenneth R. Crump
Budget Administrator

R. Dean Stitler
Accounting Administrator

Janice C. Evans
Acting Payroll Administrator

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David W. Kutz
Director of Human Resources

Margaret A. Arris
*Assistant Director of
Human Resources*

Denise Parise
*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
Senior Projects Director

E. Christine Patton
IT User Support Manager

James E. Tulio
Systems Support Manager

Barbara Holmes
*Common Pleas Software
Development Manager/
PACMS Project Manager*

Daniel M. Hyde
*Senior IT Development
Analyst*

Ami B. Levin
Data Hub Project Manager

Russel Montchal
*Senior IT Development
Analyst*

Mark E. Rothermel
MDJS Project Manager

Judy K. Souleret
ASAP Project Manager

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