



SUPERIOR COURT
OF PENNSYLVANIA

ANNUAL REPORT 2004



JUDGE JAMES R. CAVANAUGH

JUDGE OF THE PENNSYLVANIA SUPERIOR COURT (1979-2004)

JUDGE OF THE PHILADELPHIA COMMON PLEAS COURT (1968-1979)



Our esteemed colleague and dear friend died suddenly on August 13, 2004. All knew Jimmy as gentle, wry, amused, amusing, witty, clever, thoughtful, kind, intelligent, perceptive, attentive, and loyal.

Those people who knew Jimmy as a Judge marveled at his swift, penetrating, comprehensive mind which was always grasping at the root of every question...for his eye ranged far ahead of the obvious...and he was always hunting in the field beyond. While admired for his intellect, he was saluted for his gentle, tolerant spirit, since Jim was on the side of the angels, whatever their gender or their color, and, while wary of those who considered themselves elite, he blessed those who were heart-warm, compassionate, generous, and gentle — and even those who would have been, if they had not been so long deprived.

But legions more knew him as a friend, and for Jimmy, friendship was a faith, and, as with family, to care and to nourish is to cause to flourish. 2000 years ago, Virgil declared: *Amicitia Est Beatus Sol*, and Jimmy's four, five and even six decades-long friendships exemplify that lesson of Virgil, namely: Friendship is the warmest, richest sunshine.

Jim's greatest personal strength, his deep resolve, flowed from the gift of faith in God and in the teachings of the Catholic Church and served as both inspiration and as aspiration. Attendant that deep Catholic faith was an unswerving commitment to the Natural Law and its principles of morality, standards which are subject to neither shift nor shade. It was of just such resolute of individuals that John Henry Cardinal Newman counseled:

While the applause and recognition accorded the enlightened fades quite quickly, the rich respect accorded the resolute is as marble. Literature and history lesson the need for the steadfast, for while the clever inspire respect, the steadfast are inspiration.

And Jim Cavanaugh was certainly every bit of that.

Requiescat in pace et gloria.

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SUPERIOR COURT OF PENNSYLVANIA



CHAMBERS OF PRESIDENT JUDGE
2000 OXFORD DRIVE, SUITE 470
BETHEL PARK, PA 15102

JOSEPH A. DEL SOLE
PRESIDENT JUDGE

To the Citizens of Pennsylvania:

On behalf of the judges and staff of the Superior Court, I am pleased to present the 2004 Annual Report which we dedicate to three outstanding jurists who died this past year. Senior Judge James R. Cavanaugh, President Judge Emeritus James E. Rowley, and former Senior Judge John P. Hester, had over sixty-three years of combined service on the Superior Court. Their friendship and wisdom are deeply missed.

For one of a few times in the history of the court, the number of appeals filed decreased slightly from the previous year, while the number of filed decisions increased. As a result, the median time for disposition measured from the receipt of the record decreased. In addition, the number of petitions filed seeking judicial action increased by more than 500. As this report demonstrates, the Court is committed to maintaining its service to the Commonwealth by continuing to be one of the most current appellate courts in the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph A. Del Sole".

Joseph A. Del Sole
PRESIDENT JUDGE



2004
THE YEAR
IN REVIEW

Judge Justin M. Johnson was commissioned a Senior Judge on January 1, 2004. Susan Peikes Gantman, Esq., Judge Seamus P. McCaffery, and Judge Jack A. Panella began their terms as judges of the Court following their election in November 2003, and Judge Robert A. Graci completed his service as a judge of the Court.

Judge Debra M. Todd completed an intensive two year program at the University Of Virginia School Of Law and received her Master of Laws in the Judicial Process Degree in May of 2004.

This year the Court's annual June educational conference was, at the request of the Supreme Court, expanded to include all three appellate courts of Pennsylvania. The Justices of the Supreme Court and the Judges of the Superior and Commonwealth Courts engaged in a three day session of wide ranging programs. Professor Ken Gormley of Duquesne University School of Law presented the attendees with a copy of his book, *The Pennsylvania Constitution: A Treatise on Rights and Liberties*. Professor Seth Kreimer of the University of Pennsylvania Law School presented a program on Freedom of Expression under the First Amendment.

Professors G. Alan Tarr, Director, and Robert F. Williams, Associate Director, Center for State Constitutional Studies, Rutgers University Law School, discussed *The Pennsylvania Constitution-History and Interpretations*. The Supreme and Superior Courts attended a lecture by Professor Pam Karlan of Stanford University Law School on *The United States Supreme Court's 2003 Term*. The Commonwealth Court held a session moderated by President Judge James Colins titled *Insurance Company Liquidations and Rehabilitations: Overview and Discussion of the Ongoing Litigation Involving Reliance, Legion and Fidelity Insurance*.

Professor Karlan presented a program to the Supreme and Commonwealth Courts titled *Courts and the Political Thicket: Judicial Regulation of the Election Process*.





Professor James Strazzella of the Temple University Law School and Professor Bruce Antkowiak of the Duquesne University School of Law presented a program to the Superior Court Legal Déjà Vu: Jeopardy Implications for the Courts. Each court devoted the final day to an administrative session. The keynote speaker for the conference was Dennis W. Archer, Esquire, President of the American Bar Association.

The court continued its practice to “ride the circuit” holding sessions in Butler, Chester, Jefferson and Carbon counties and at Penn and Temple Law Schools. Pennsylvania Cable Network continued its gavel-to-gavel broadcasts of the court’s En Banc sessions. These two programs are a vital part of the court’s commitment to inform and educate the citizens of our state on the workings of the appellate process.

The renovations at the Penn Mutual Building were completed, with the location of a judicial chambers and opening of the historical rooms. The portraits of the President Judges, which have been in storage, are now on public display and efforts are under way to collect, catalog and display other historical documents detailing the court’s contribution to our Commonwealth.

We expanded our use of technology, providing wireless and remote access to our data bases and chambers. This is an on going effort to further reduce the time of disposition of cases.

In cooperation with the National Park Service and the Constitutional Center, the court held an En Banc session at historic Independence Hall in Philadelphia. Four cases were argued before a panel of nine judges and it was the first time in over 130 years that a nonceremonial session of a court was held at that historic landmark.

In December, a combined session with the Court of Common Pleas of Beaver County was held in memory of President Judge Emeritus James E. Rowley. It recounted his service to the people of Pennsylvania and culminated with an unveiling of his portrait which will be permanently displayed in Philadelphia.

2004 ANNUAL REPORT STATISTICS

APPEALS PENDING, FILED AND CONCLUDED

	TOTAL	CIVIL	CRIMINAL
Appeals Pending 01/01/2004	6315	2423	3892
New Appeals Filed in 2004	7773	3370	4403
Appeals Concluded in 2004	8103	3597	4506
Appeals Pending 01/01/2005	5985	2196	3789

APPEALS, PETITIONS AND WIRETAPS FILED, BY DISTRICT

	TOTAL	EAST	MIDDLE	WEST
Appeals Filed	7773	3484	2039	2250
Petitions Filed	9772	5533	1580	2659
Misc. Dkt Filings	363	178	53	132
Wiretaps	47	36	-	11

REARGUMENT/RECONSIDERATION

Petitions Filed:	506
Petitions Granted:	36
PERCENT GRANTED:	7.1%

APPEALS BY COUNTY OF ORIGIN

Adams	48	Lackawanna	107
Allegheny	872	Lancaster	178
Armstrong	17	Lawrence	54
Beaver	48	Lebanon	72
Bedford	23	Lehigh	187
Berks	261	Luzerne	159
Blair	64	Lycoming	61
Bradford	53	McKean	23
Bucks	226	Mercer	82
Butler	83	Mifflin	29
Cambria	53	Monroe	105
Cameron	1	Montgomery	227
Carbon	30	Montour	7
Centre	93	Northampton	95
Chester	205	Northumberland	60
Clarion	10	Perry	18
Clearfield	49	Philadelphia	2064
Clinton	22	Pike	43
Columbia	27	Potter	18
Crawford	49	Schuylkill	65
Cumberland	84	Snyder	34
Dauphin	210	Somerset	36
Delaware	280	Sullivan	6
Elk	15	Susquehanna	31
Erie	270	Tioga	16
Fayette	91	Union	25
Forest	1	Venango	38
Franklin	49	Warren	15
Fulton	4	Washington	80
Greene	47	Wayne	22
Huntingdon	22	Westmoreland	117
Indiana	22	Wyoming	21
Jefferson	72	York	272
Juniata	5	TOTAL	7773

APPEALS BY TYPE OF CASE

Adoption	33	Driving Under the Influence	216	Protection from Abuse	48
Aggravated Assault	477	Ejectment	25	Rape	208
Arbitration	45	Equity	144	Receiving Stolen Property	50
Arson	21	Escape	27	Recklessly Endanger Another Person	33
Assault	21	Estate/Probate/Wills/Intestate	82	Robbery	286
Assumpsit	74	Forgery	39	Simple Assault	79
Burglary	196	Harassment	48	Spousal Support	24
Child Support	186	Homicide	141	Summary Offense/Conviction	93
Civil Action Law	853	Indecent Assault	85	Termination of Parental Rights	58
Civil Contempt	23	Involuntary Deviate Sexual Conduct	67	Terroristic Threats	45
Contract	115	Involuntary Termination of		Theft	109
Controlled Substance	527	Parental Rights	147	Theft by Unlawful Taking	31
Corruption of Minors	52	Landlord/Tenant	22	Tort	29
Criminal	221	Medical Malpractice	146	Trespass	160
Criminal Conspiracy	126	Mortgage Foreclosure	53	Uniform Firearms Act	66
Criminal Contempt	24	Motor Vehicle Accident	72	Vehicle Violation	68
Criminal Mischief	21	Murder	166	Other Civil*	250
Criminal Trespass	20	Murder 1	122	Other Criminal*	450
Custody/Visitation	230	Murder 3	63	TOTAL	7773
Declaratory Judgment	63	Open/Strike Judgment, Petition to	24		
Dependency	121	Possession of an Instrument of Crime	31		
Disorderly Conduct	40	Possession with Intent to Deliver	140		
Divorce	309	Premises Liability - Slip/Fall	28		

*Includes appeals originally classified as "other" as well as appeals originally classified in categories with fewer than 20 appeals filed in 2004.

OPINIONS FILED

	TOTAL	CIVIL	CRIMINAL
Published Opinions 2004	493	261	232
Non-Published Opinions 2004	4855	1709	3146
TOTAL 2004	5348	1970	3378

DISPOSITIONS BY TYPE

	TOTAL	CIVIL	CRIMINAL
By Filed Decision	5675	2189	3486
By Order or Discontinuance	2428	1408	1020
TOTAL 2004	8103	3597	4506

2004 ANNUAL REPORT STATISTICS

SUPERIOR COURT TREATMENT OF CASES FROM COURTS OF COMMON PLEAS

	TOTAL ALL CASES	CASES DECIDED BY PUBLISHED OPINIONS		CASES DECIDED BY UNPUBLISHED OPINIONS		
		%	%	%	%	
Affirmed	4351	76.7	304	55.8	4047	78.9
Reversed	788	13.9	170	31.2	618	12.0
Affirmed in Part, Reversed in Part	248	4.4	49	9.0	199	3.9
Quashed, Dismissed, Transferred	266	4.7	20	3.7	246	4.8
Other	22	0.4	2	0.3	20	0.4
TOTAL	5675		545		5130	

MEDIAN NUMBER OF DAYS TO DISPOSITION FOR APPEALS CONCLUDED IN 2004

From Superior Court docket date for all appeals	279
From Superior Court docket date for appeals disposed by order or discontinuance	74
From Superior Court docket date for appeals disposed by filed decision	328
From original record filing date for appeals disposed by filed decision	254

SUPREME COURT TREATMENT OF SUPERIOR COURT CASES

ALLOCATURS: PETITIONS FILED & CONCLUDED IN 2004

Total Allocatur Petitions Filed In 2004	
from Superior Court Decisions	1872
Number Granted	104
Number Denied	1729
Number Voided	6
Other Disposition	33
Open	1061

DISPOSITIONS OF APPEALS FROM SUPERIOR COURT CASES

Reversed	25
Affirmed	20
Other*	25
Total	70

*Includes affirmed/reversed, dismissed, improvidently granted, vacated and withdrawn.



BIOGRAPHIES

PRESIDENT JUDGE JOSEPH A. DEL SOLE



President Judge Joseph A. Del Sole was born on November 16, 1940, in Pittsburgh.

Judge Del Sole has a Bachelor of Science degree in Mechanical Engineering from Carnegie Institute of Technology (now Carnegie

Mellon University); an LL.B. from Duquesne University School of Law; and a L.L.M. from the University of Virginia School of Law. He is a member of the Century Club of Distinguished Alumni of Duquesne University and received the 1988 President's Award from the Pennsylvania Trial Lawyers Association.

Judge Del Sole co-authored "*The Demise of Fair Trade in Pennsylvania*" which appeared in the Duquesne University Law Review and is the author of "Appellate Review in a Sentencing Guidelines Jurisdiction: The Pennsylvania Experience." 31 Duq. L. Rev. 479 (1993). He is a member of the Supreme Court Statewide Steering Committee on Computer Automation and was instrumental in spearheading the Superior Court's computerization and statistical development programs. He was a member of the former Judicial Inquiry and Review Board and was the first Chairman of the Judicial Conduct

Board. He is an Adjunct Professor of Law at Duquesne University Law School.

He was appointed to the Allegheny County Court of Common Pleas in 1978 and elected to a full term in 1979. He was elected to the Superior Court in 1983, and retained for a third term in 2003. He is now the President Judge of the Superior Court of Pennsylvania.

He and his wife, Karen, have three children. Their son Joseph M. Del Sole, is a police officer and his wife, Lynne, is a pilot with Piedmont Airlines. Their daughter, Kristen, is an attorney at Kirkpatrick & Lockhart and is married to Tod Eberle, an Assistant United States Attorney; they have two children, Grace and Charles. Their son, Stephen, is in private practice at Del Sole Cavanaugh, LLC, and is married to Christine Astorino, a landscape architect at LD Astorino, Inc.; they have two children, Sophia and Jack.



JUDGE JOSEPH A. HUDOCK



Judge Joseph A. Hudock was born in Greensburg, Pennsylvania on November 21, 1937. He was educated at St. Vincent College (B.A.) and Duquesne University School of Law (J.D.). He served in the United States Navy Judge Advocate Generals Corps from

1963 to 1967, and then practiced law in Greensburg for 11 years.

He was elected to the Court of Common Pleas of Westmoreland County and served for 12 years before being elected to the Superior Court in November, 1989. He was retained for another term in 1999.

He has been actively involved for many years with the Advisory Board of the Salvation Army, Rotary Club, Boy Scouts, Community Nursing Service, and the United Way of Central Westmoreland, serving at one time as campaign manager and president of the latter.

He has been a member of the Regional Planning Council of the Governor's Justice Commission, the Latrobe Area Task Force of the Diocese of Greensburg, and the Alumni Council of St. Vincent College. In 1987, he was awarded the St. Vincent College "Alumnus of Distinction Award". He was a member of the Editorial Board of "The Practical Litigator" for ten years.

He was a founding member and past president of the Westmoreland American Inn of Court. He is presently Chairman of the Supreme Court Appellate Procedural Rules Committee.

Judge Hudock is married to the former Rita Giegerich, and they have four children, Joseph, Jr., Ann, Daniel and Mary. His chambers are in Greensburg.



JUDGE KATE FORD ELLIOTT



Judge Kate Ford Elliott was born June 8, 1949, in Pittsburgh, the daughter of Dr. John M. and Loretto O'Toole Ford. She attended the University of Pittsburgh, where, in 1971, she earned a B.A. in Education (cum laude); Duquesne University, M.S. in Education, 1973; Duquesne University School of Law, Evening Division, J.D. 1978.

A member of the Allegheny County, Pennsylvania and American Bar Associations, Judge Ford Elliott is also Past Chairperson, Allegheny County Appellate Practice Committee, a member of the ABA Judicial Administration Division, Vice Chair of the Pennsylvania Futures Commission on Justice in the 21st Century established by the Pennsylvania Supreme Court, and is a member of the PBA Commission on Justice Initiatives.

She is a Fellow of the American Bar Foundation, a member of the National Association of Women Judges, the Women's Bar Association of Western Pennsylvania, and the American Judicature Society. She has served on Executive Board of ABA Committee of Appellate Staff Attorneys and is a frequent lecturer on issues of Appellate Practice and Procedure. She was elected Judge of the Superior Court of Pennsylvania in November, 1989.



JUDGE MICHAEL T. JOYCE



Judge Michael T. Joyce was born Feb. 24, 1949, in Pittsburgh. He received his B.A. from the Pennsylvania State University in 1973 and was awarded a J.D. from the Franklin Pierce Law Center in 1977. From 1967 to 1970 Judge Joyce served in the U.S. Army.

After graduating from Army Intelligence School, he attended the Defense Language Institute from January 1968 to January 1969 where he learned to read, write and speak the three main dialects of Vietnamese. Judge Joyce served 13 months in Vietnam with the 25th Infantry Division. He attained the rank of Staff Sergeant at the age of 20 and was awarded the Bronze Star medal and two Army Commendation Medals. He was a Presidential Law Clerk in The White House in 1975, and maintained a private practice from 1977-85. He was appointed judge, Erie County Court of Common Pleas in July 1985 after winning both the Republican and Democratic primaries. He was then elected to a ten-year term in November 1985, and retained for an additional term in November 1995. He was elected a judge of the Superior Court in November 1997. Judge Joyce is a member of the Pennsylvania Trial Judges Association, American Judicature Society, American Judges Association,

Pennsylvania Bar Association, Erie County Bar Association, Penn State Alumni Association, the Domestic Relations Association of Pennsylvania, Vietnam Veterans of America, Veterans of Foreign Wars, Vietnam Veterans of Pennsylvania, American Legion, Millcreek Youth Athletic Association and served as an Explorer leader, Boy Scouts of America. Judge Joyce is a licensed SCUBA diving instructor certified by both the Professional Association of Dive Instructors (PADI) and the National Association of Dive Instructors (NAUI) and a member of the Erie County Sheriff's Scuba Rescue and Recovery Dive Team. He is also a private pilot and a member of the Airplane Owners and Pilots Association (AOPA).



JUDGE CORREALE F. STEVENS



Judge Correale F. Stevens was born in Hazleton. Judge Stevens graduated from Pennsylvania State University with a Bachelor of Arts degree and from Dickinson School of Law with a J.D. While in law school, he was an associate

editor of the Dickinson Law Review.

Judge Stevens was engaged in the private practice of law, served as Hazleton City Solicitor and Hazleton City Authority Solicitor. He was named Outstanding Young Pennsylvanian by the state Jaycee organization and served on the executive board of the Wilkes-Barre Law and Library Association.

In 1980, Judge Stevens was elected to the Pennsylvania House of Representatives, and was re-elected in 1982, 1984 and 1986. In 1987 he was elected District Attorney of Luzerne County, and in 1991 he was appointed to the Court of Common Pleas of Luzerne County and elected to a full term that same year. In November 1997, Judge Stevens was elected to the Superior Court.



JUDGE JOHN L. MUSMANNO



Judge John L. Musmanno was born in McKees Rocks, Pa. He received a Bachelor of Arts degree from Washington & Jefferson College in 1963, graduating magna cum laude and Phi Beta Kappa, and a Juris Doctor from Vanderbilt University School of Law in

1966, where he was an assistant editor of the Vanderbilt Law Review.

Judge Musmanno is a member of the American, Pennsylvania and Allegheny County Bar Associations.

He received the President's Award, Pennsylvania Trial Lawyers Association in 1991, and the Academy of Trial Lawyers of Allegheny County award in 1993.

He maintained a private law practice, 1966-81, was elected district justice, 1970-81; elected judge, Allegheny County Court of Common Pleas, 1981 and re-elected in 1991; and was the administrative judge, civil division, Allegheny County Court of Common Pleas, 1990-97. In November 1997, he was elected to the Superior Court.



JUDGE JOAN ORIE MELVIN



Judge Joan Orié Melvin was born in Pittsburgh. She attended the University of Notre Dame, where she received a B.A. in Economics in 1978, and Duquesne University School of Law, where she was awarded a J.D. in 1981. From 1981 to 1985

Judge Orié Melvin served as corporate counsel and was engaged in a private law practice, concentrating in civil litigation before she was appointed Magistrate City of Pittsburgh Municipal Courts, in 1985. She was then named Chief Magistrate in 1987 for the City of Pittsburgh Municipal Courts. In this position Judge Orié Melvin established Pennsylvania's first Domestic Violence Court.

In 1990, Judge Orié Melvin was appointed Judge to a vacancy on the Allegheny County Court of Common Pleas and later was elected to a full term in 1991. There, she served in the civil, criminal and family divisions.

Judge Orié Melvin is a member of the American Bar Association, the Pennsylvania Bar Association and the Allegheny County Bar Association. She is also a member of the American Judicature Society, the International Association of Women Judges and the Federal Circuit Bar Association.

She is a member of Executive Women's Council of Greater Pittsburgh and a past member of the Pittsburgh Chapter of the American Inns of Court and the Allegheny County Mental Health/Mental Retardation Advisory Board. She is past President of the Allegheny County Prison Board. She has also served as a member of the Board of Directors of the Vincentian Home and as a member of the United Way Community Problem Solving Troubled Youth Committee and STOP Violence Task Force.

Judge Orié Melvin was the recipient of Carlow College's Woman of Spirit Award; Duquesne University School of Law Women's Law Association Woman of the Year; the YMCA of Greater Pittsburgh – A Tribute to Women Leadership Award in Government/Public & Civic Service; and Anne B. Anstine Excellence in Public Service Award – 2004.

She was elected to the Superior Court in November 1997.



JUDGE MAUREEN LALLY-GREEN



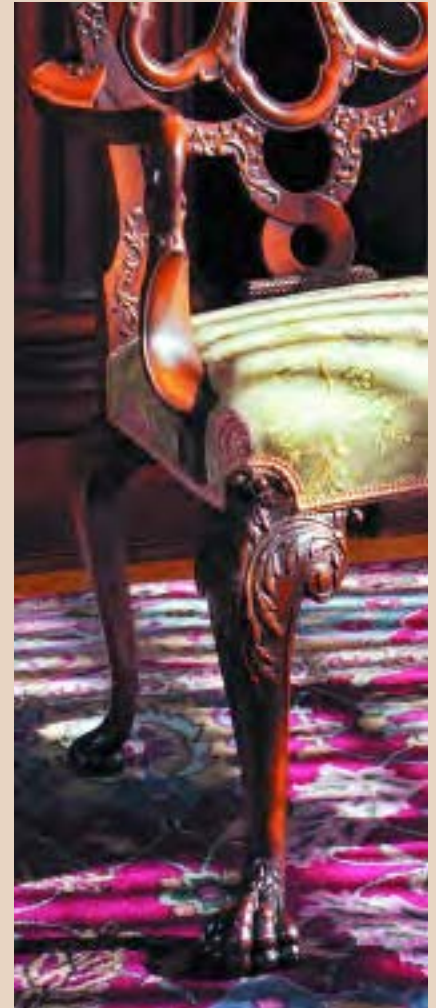
Judge Maureen E. Lally-Green was born in Sharpsville, Mercer County. She graduated from Duquesne University with a B.S. in Secondary Education, Mathematics (1971) and its School of Law (1974).

In 1998, her appointment by Governor Tom Ridge to the Superior Court was confirmed by the State Senate and, in 1999, was elected for a term of ten years. Judge Lally-Green has been an associate with a private law firm in Pittsburgh (1974-75), counsel to Commodity Futures Trading Commission (Washington, D.C.) (1975-78) and the former Westinghouse Electric Corporation (1978-83), a consultant to Justices of the Pennsylvania Supreme Court (1985-87; 1988-98), and a Professor of Law at Duquesne University's School of Law (1983-98).

The Judge is, among other things, a member of: the Intergovernmental Commission on Race and Gender Fairness; the Board of Trustees of Auberle House, McKeesport, Pa.; the Board of Regents of St. Vincent Seminary, Latrobe, Pa.; the Board of Directors of the St. Thomas More Society; the Board of Directors of Saint Francis University, Loretto, PA; the National and International Association of Women Judges; and

the Executive Committee of the Pennsylvania Bar Association's Commission on Women in the Profession. She has also served as former Chair of: the Supreme Court's Gender Fairness Implementation Committee; the PBA's Quality of Work Life Committee; the Board of the Allegheny County Bar Association (1992-1999); and the Zoning Hearing Board of Cranberry Township (1986-1998). She continues as an adjunct professor of law at Duquesne's Law School and annually teaches in various law-related programs. She is published in various law reviews. In the past, she has served the Supreme Court, Butler County, and the Pittsburgh Diocese in various capacities.

She has been recognized for her achievements: St. Thomas More Award, St. Thomas More Society (2002); Duquesne University Law School Distinguished Alumna Award (2001); Chatham College's Presidents Medal (2000); Who's Who in the World; Who's Who in America; Who's Who in American Law; Who's Who Among American Women; Who's Who in Emerging Leaders; Who's Who in Executives and Professionals; Woman of the Year (Duquesne Women Law Students); and, Fellow in International Development, Kellogg Foundation.



JUDGE DEBRA TODD



Judge Debra McCloskey Todd was born in Ellwood City, Pennsylvania on October 15, 1957, the daughter of the late Harry and Blanche McCloskey. She is a 1979 Honors graduate of Chatham College and a 1982 Law Review graduate of the University of

Pittsburgh School of Law. In 2004, Judge Todd was awarded the LL.M. Degree in the Judicial Process from the University of Virginia School of Law.

From 1982 through 1987, Judge Todd was an in-house litigation attorney for U.S. Steel Corporation.

She maintained a trial practice in the City of Pittsburgh from 1987 through 1999 with an emphasis in complex civil litigation. Judge Todd is an elected member of the Academy of Trial Lawyers of Allegheny County and an alumna and former board member of the Leadership Pittsburgh Program. She is a member of the Allegheny, Pennsylvania and American Bar Associations, and is a fellow of the Allegheny County Bar Association Foundation.

Judge Todd has been a lecturer and panelist for continuing legal education programs on trial and appellate practice and procedure. From 1989 through 1999, she served as a Court-Appointed Special

Master for the Allegheny County Court of Common Pleas. The Judge presently serves as a board member of the Finnegan Foundation, a foundation established to provide internships in Pennsylvania government to outstanding accredited college and university students. She is a member of the American Judicature Society, the National Association of Women Judges, the International Association of Women Judges, and the Women's Bar Association of Western Pennsylvania.

Judge Todd was elected to the Superior Court in November 1999, and commenced service on the Superior Court in January 2000. Her chambers are in Pittsburgh.



JUDGE RICHARD B. KLEIN



Judge Richard B. Klein was born in Philadelphia, the son of the late Philadelphia Orphans' Court Judge Charles Klein and Rosalie Benson Klein. He received his BA from Amherst College in 1961, graduating Phi Beta Kappa and Magna Cum Laude. He graduated with honors from Harvard Law School in 1964.

Judge Klein served for 28 years as a trial judge in the Court of Common Pleas of Philadelphia County until his election to the Superior Court in 2001. He was the youngest judge in the history of Pennsylvania when he first assumed the bench. Prior to assuming the bench, he was in private practice and served as a Special Assistant Attorney General.

He has been active in numerous education and justice improvement projects. He serves as vice-chair of the Pennsylvania Futures Commission on Justice in the Twenty-First Century. He served as an adjunct Lecturer in Law at the Temple University School of Law for fifteen years, teaching Trial Advocacy and Legal Writing. Judge Klein founded and co-chairs the Pennsylvania Bar Association "Plain English" committee. He serves in the House of Delegates of the Pennsylvania Bar and is on its ADR

committee. He formed and was the initial chair of "LUG-PC" of the Philadelphia Bar Association, the Lawyers User Group for Personal Computing. He remains active on the Philadelphia Bar Alternative Dispute Resolution Committee and its State Civil Committee. At the American Bar Association level, he served on the Ad Hoc Committee for State Justice Initiatives and chaired the Futures and Technology Committees of the National Conference of State Trial Judges. He chaired the Jury Selection Committee of the Philadelphia Common Pleas Court.

Judge Klein is co-author of the West Book, *Trial Communication Skills*, written with Julius Fast, author of the original *Body Language* book. He has written and lectured widely, on topics such as Mediation, Technology, Trial Techniques, Legal Writing, Ethics, etc.

Judge Klein is also known for his avocation as a jazz drummer and bandleader.



JUDGE JOHN T. BENDER



Judge John T. Bender received a Bachelor of Arts degree from the School of Journalism of the Pennsylvania State University. He later attended the Institute for Paralegal Training in Philadelphia and worked as a paralegal at the Pittsburgh law firm of Reed Smith Shaw & McClay. In 1976, he was awarded a J.D. degree from Duquesne University Law School.

Judge Bender served as a law clerk to President Judge Emeritus William F. Cercone while attending law school. He later was employed as a law clerk to former Justice Rolf Larson. Judge Bender also served as an Allegheny County Assistant District Attorney before entering into the private practice of law as a sole practitioner and as a partner in a small law firm. For over 25 years Judge Bender primarily represented individuals in criminal and civil proceedings. In 1997, Judge Bender was elected to the position of District Justice in Magisterial District 05-2-04. He was then elected to a ten-year term on the Superior Court of Pennsylvania in November 2001. In the Summer of 2003 Judge Bender completed the Appellate Judges Seminar at New York University.

He is a member of the Allegheny County, Pennsylvania and American Bar Associations. His chambers are located in Pittsburgh.



JUDGE MARY JANE BOWES



Judge Mary Jane Bowes was born on July 18, 1954, in Pittsburgh, Pennsylvania. She received her Bachelor of Arts degree from Georgetown University in 1976 and her J.D. from the University of Pittsburgh School of Law in 1979.

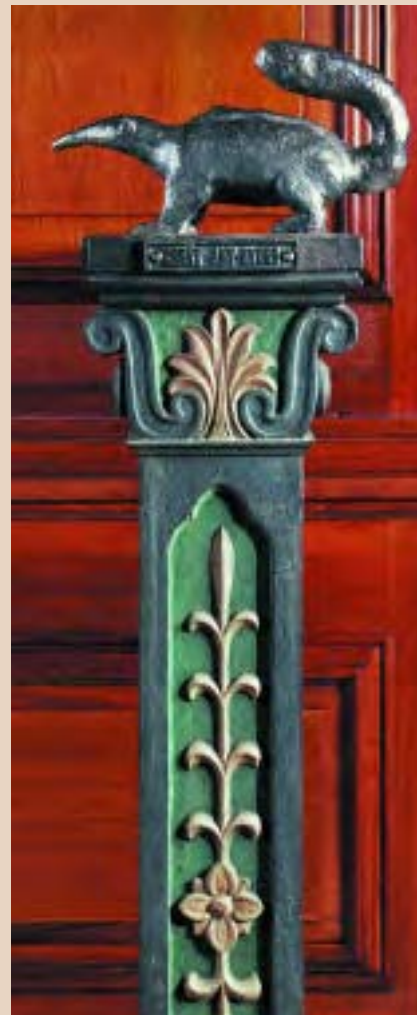
After graduation from law school, she served as Judicial Law Clerk to Chief Justice Henry X. O'Brien of the Supreme Court of Pennsylvania and to Judges Harry Montgomery and John P. Hester, both of the Superior Court of Pennsylvania. From 1986 to 1998, she was engaged in the private practice of law. In 1994, Judge Bowes founded her own firm, specializing in construction and commercial litigation. She joined an environmental remediation company as corporate counsel in 1998.

Judge Bowes served on the Professional Ethics Committee of the Allegheny County Bar Association, for four years, and is currently a member of the Appellate Practice Committee. She also serves on the Post-Trial and Appellate Practice Committee of the Pennsylvania Bar Association. She is a former Board member of the Allegheny County Finance and Development Commission, which comprises four separate municipal authorities. She was elected to

membership in the Academy of Trial Lawyers of Allegheny County in 1996. Judge Bowes has served as arbitrator in numerous matters in both federal and state court arbitration programs as well as in private arbitrations.

Judge Bowes is a member of the Board of Trustees of Duquesne University, the Allegheny County Medical Society Foundation, the St. Thomas More Society, St. Anthony School Programs, and the Pittsburgh Civic Light Opera. She is a member of the National Association of Women Judges, co-chair of the Judiciary Committee of the Women's Bar Association of Western Pennsylvania and on the Advisory Board of Angel's Place. Judge Bowes is a past member of the Board of Trustees of St. Clair Memorial Hospital and the DePaul Institute for hearing-impaired children, and Past President of the Board of the Parental Stress Center for neglected and abused children, the St. Thomas More Society, and the Georgetown University Alumni Club of Pittsburgh. She was honored by Governor Tom Ridge with Pennsylvania's Best 50 Women in Business Award in 1997.

Judge Bowes was elected to a ten-year term on the Superior Court of Pennsylvania in November, 2001.



JUDGE ROBERT A. GRACI



Judge Robert A. Graci was born in Philadelphia on August 12, 1952, to Paul and Anne Frances Graci, the second of three sons. He grew up in Havertown, Delaware County. After graduating from Msgr. Bonner High School, he attended West Chester State

College, graduating with a Bachelor's degree in Political Science in three and one-half years. He took the first step in realizing a life long dream of becoming a lawyer when he enrolled in the University of Miami School of Law, where he was awarded his Juris Doctor with honors in 1977.

Though he has experience on a corporate legal staff and a small private firm, Judge Graci spent most of his career in public service. He has served as a staff attorney for state and federal law enforcement agencies, an assistant district attorney, special counsel to a legislative committee, and a deputy attorney general. He headed the Attorney General's criminal appeals section from 1984 until 2002. In 1997, he was promoted from Chief Deputy Attorney General to the newly created position of Assistant Executive Deputy Attorney General of the Criminal Law Division for Law and Appeals. As a deputy attorney general, Judge Graci argued cases in all of the State and federal appellate

courts of the Commonwealth, including the Supreme Court of the United States.

Judge Graci was twice appointed by the Pennsylvania Supreme Court to the Criminal Procedural Rules Committee. He is a member of the American, Pennsylvania and Florida Bar Associations, as well as the Pennsylvania District Attorneys Association and the Association of Government Attorneys in Capital Litigation. He co-authored a treatise on death penalty litigation – "Prosecution of a Death Penalty Case in Pennsylvania" – that is used by prosecutors, defense lawyers, and judges throughout the state and country. He also co-authored articles on the state's wiretapping and corrupt organizations. He is a regular lecturer for law-related groups, including the Pennsylvania Bar Institute, the Pennsylvania District Attorneys Institute, and the State Conference of Trial Judges. Three Attorneys General have commended him "for outstanding service to the people of the Commonwealth." In 2002, he received a special achievement award from the Pennsylvania Bar Association for his service as Chair of the Association's Criminal Law Section, a position he currently holds.

In 2001, the PBA gave Judge Graci its "Highly Recommended" rating for a position on the Superior Court. Governor Mark

Schweiker appointed him to a vacancy on the Superior Court on March 11, 2002. On June 28, 2002, the Pennsylvania Senate unanimously confirmed his appointment. He was sworn in on July 19, 2002.

After his first year in law school, Bob married his high school sweetheart, Shawn Montgomery, a secondary school mathematics teacher. They have two daughters, Petra, 22, and Caitlin, 19. They reside in Cumberland County.



JUDGE SUSAN PEIKES GANTMAN



Judge Susan Peikes Gantman was born in Norristown, PA. She is a cum laude graduate of the University of Pennsylvania, where she received her Bachelor of Arts and Masters of Arts degrees in 1974. Judge Gantman graduated from the

Villanova School of Law in 1977. Following graduation from law school, Judge Gantman served as law clerk to the Honorable Richard S. Lowe, of the Montgomery County Court of Common Pleas. Judge Gantman has also served as Solicitor for the Montgomery County Office of Children and Youth and the Montgomery County Housing and Community Development. Her career includes additional public service as an Assistant District Attorney for Montgomery County, where she worked in the major felony-homicide unit.

In 1981, Judge Gantman entered private practice. Her extensive legal experience includes litigation, domestic law, juvenile law, Orphans' Court actions, and broad appellate practice. In 1991, Judge Gantman joined the law firm of Sherr, Joffe & Zuckerman, P.C. as Partner and Chair of the Domestic Relations Section. In 1998, she became a senior member and served as Co-chair of the Family Law

Section of the law firm of Cozen O'Connor.

Throughout her career, Judge Gantman has been a tireless advocate on behalf of children and other victims of abuse. During her years in practice, Judge Gantman appeared as a frequent lecturer and instructor, conducting numerous classes and seminars for the Pennsylvania State Police Academy, the Pennsylvania Bar Institute, the Montgomery County Bar Association, and the Department of Public Welfare. She has also served on the Board of Directors for Women's Philanthropy, the Federation of Allied Jewish Appeal, and Women of Vision. Judge Gantman has been recognized by the Montgomery County Office of Children and Youth for her achievements and outstanding service. Other honors include the Bond of Faith and the Juvenile Advisory Association Award.

Judge Gantman's election to a ten-year term on the Superior Court was confirmed in January 2004. Her Chambers are located in Montgomery County.



JUDGE SEAMUS P. MCCAFFERY



Judge Seamus P. McCaffery was born in Belfast, Northern Ireland, on June 3, 1950, the second of seven children born to Seamus and Rita McCaffery. As an immigrant, Seamus' life became the fulfillment of the American dream.

When he graduated from Cardinal Dougherty High School in 1968, he joined the United States Marine Corps as a private. After completion of his active duty service, he continued to serve his country in the Marine Corps Reserve, rising to the rank of Captain. In 1985, Seamus transferred into the United States Air Force Reserve, where he took over as the commanding Officer of the 913th Security Police Squadron. He continued to serve in the Air Force Reserve, rising to the rank of Colonel. During his assignment to Air Combat Command Headquarters at Langley Air Force Base, Virginia, he was mobilized in support of Operation Noble Eagle after the World Trade Center/Pentagon attack. In his current assignment, he serves as the Emergency Preparedness Liaison Officer for Homeland Defense to the Commonwealth of Pennsylvania.

In 1970, Seamus joined the Philadelphia Police Department, where he distinguished himself during his 20 years of service, and retired as a highly-decorated veteran. He served as a patrolman, a plainclothes Vice/Narcotics investigator, and as a detective, working in the Homicide and Major Crimes Divisions. He worked on several high-profile murder investigations, and rose to the rank of supervisor before retiring in 1989. While working fulltime as a police officer, Seamus pursued his education, earning a Bachelor's degree from La Salle University, and then his Juris Doctor degree from Temple University School of Law. Seamus became a member of the Pennsylvania, New Jersey, and Washington, D. C. bars, and worked as a litigation associate at one of the city's premier law firms. He went on to become the first retired Philadelphia Police officer ever elected as a trial judge in Philadelphia County. Since then, he has won recognition, both locally and nationally, appearing on ESPN, Dateline, Inside Edition, MSNBC, Good Morning America and on every major radio talk show, as well as received widespread coverage in newspapers across the country for his innovative Nuisance Night Court program, and for the creation of the National Football League's

first and only Court, conducted during each Philadelphia Eagles football home games. Philadelphia's largest newspaper has labeled Seamus "Philadelphia's Quality of Life Judge". And, in October 2001, the Pennsylvania Supreme Court appointed him the Administrative Judge of the 4th largest court in America, the Philadelphia Municipal Court. He has already made his mark there by implementing numerous excellent and creative new programs. He was elected to the Superior Court of Pennsylvania in November 2003, where he hears cases throughout the Commonwealth. His achievements have made his three sons, Sean, Jim, and Brian, and his wife, Lise Rapaport, Esquire, very proud.



JUDGE JACK A. PANELLA



Judge Jack A. Panella received a B.S. degree in Accounting, with honors, from St. John's University in 1977, and a Juris Doctor degree, with honors, from Columbus School of Law, Catholic University of America, in 1980.

Judge Panella was engaged in the private practice of law and also served as Northampton County Solicitor. He was on the Adjunct Faculty of Temple Law School, and currently teaches at DeSales University.

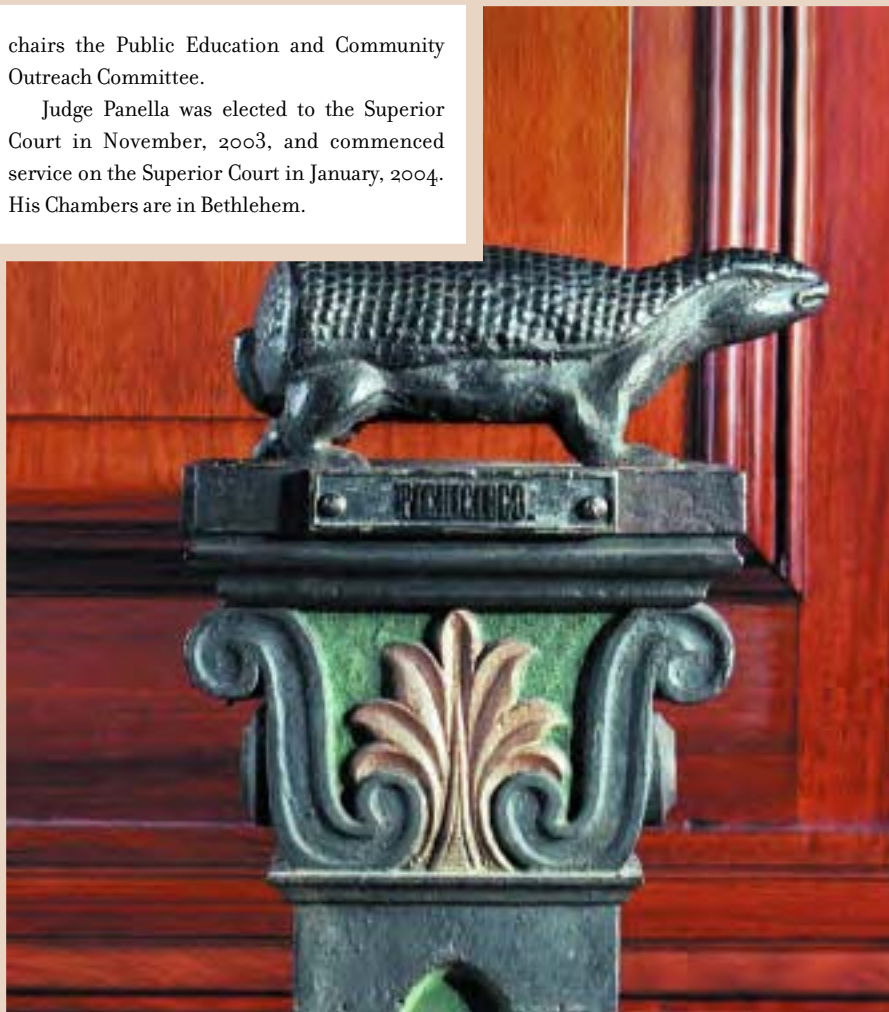
In 1991 he was appointed to the Court of Common Pleas of Northampton County and elected to full terms in 1993 and 2003. He received the President's Award from the Pennsylvania Conference of State Trial Judges in 2002, and served as Chair of the Commonwealth Partners Program. Judge Panella also served on the Judicial Ethics Committee.

In 1997 he was appointed by the Supreme Court of Pennsylvania to be a judge of the Pennsylvania Court of Judicial Discipline. In June 2000, he was elected President Judge. In 2005, he was appointed by the Supreme Court to the Judicial Conduct Board.

In 2004, Judge Panella was appointed by the Supreme Court to serve on the Commission for Justice Initiatives in Pennsylvania. He currently

chairs the Public Education and Community Outreach Committee.

Judge Panella was elected to the Superior Court in November, 2003, and commenced service on the Superior Court in January, 2004. His Chambers are in Bethlehem.



SENIOR JUDGE PETER PAUL OLSZEWSKI



Senior Judge Peter Paul Olszewski, of Wilkes-Barre, Pennsylvania, graduated from Wyoming Seminary, Lafayette College, and St. John's University School of Law; New York University, Institute of Judicial Administration; National College of Juvenile and Family Law, University of Nevada; and Medical Dept. Professional Service School, US Army Medical Center, Walter Reed, Washington, D.C. He served as a Faculty Advisor at the National Judicial College, University of Nevada. Vice President (1983-84) PA Conference of State Trial Judges. He is a member of Pi Delta Epsilon (honorary collegiate journalism fraternity). Instructor, King's College, Wilkes-Barre, "Constitutional Limitations on Evidence in Criminal Cases" - 1969-70. During World War II, Judge Olszewski served with the United States Army in the China-Burma-India Theatre of Operations. Decorations: Asiatic Pacific, American Theatre, Republic of China, Good Conduct.

Judge Peter Paul Olszewski was a trial lawyer for fifteen years. As attorney for the City of Wilkes-Barre, he organized the Redevelopment

Authority and the Parking Authority. Authored legal opinion approving and establishing Luzerne Community College.

Elected to the Court of Common Pleas of Luzerne County, he served as a trial judge for sixteen years. In 1983, Judge Olszewski was elected to the Superior Court of Pennsylvania, where he continues to serve since that time.

Judge Olszewski has served on the boards of trustees of College Misericordia and the Wilkes-Barre Campus of the Pennsylvania State University. He is an honorary Director of St. John's University Law School Alumni Association. He has received the Liberty Under Law Award, Fraternal Order of Eagles, the Distinguished Law and Justice Award of the Deputy Sheriffs' Association of Pennsylvania and the Distinguished Law and Justice Award of County and State Detectives Association of Pennsylvania. In addition, Judge Olszewski served on the Interfaith Council of Wyoming Valley. He is also active in the American Bar Association Appellate Judges Conference, the Pennsylvania Bar Association, Philadelphia Bar Association, Wilkes-Barre Law and Library Association, and is a Fellow of the American Bar Foundation. He is also an Honorary Lifetime Member, Frank Albert State Police Lodge.



SENIOR JUSTICE FRANK J. MONTEMURO, JR.



Justice Frank J. Montemuro, Jr., was born on October 27, 1925, in Philadelphia. He attended Temple University and received his LL.B. from Duke University Law School. During World War II, he served in the U.S. Navy with

the amphibious forces in the Pacific.

Justice Montemuro is currently in his 40th year on the bench. He was appointed to the trial bench in 1964 and successfully ran for a ten-year term in 1965. In 1968 he was elected the Administrative Judge of Philadelphia twenty-judge Family Court Division and re-elected for additional five-year terms in 1973 and again in 1978. He was appointed to the Superior Court in 1980 and was elected to a full ten-year term as the nominee of both parties in 1983.

Justice Montemuro was appointed to chair the Philadelphia Regional Planning Council, Law Enforcement Assistance Administration. He has also served in the Joint State Government Commission Task Force and on the Philadelphia Judicial Council where he chaired the Sub-Committee on Judicial Administration.

He was a member of the Governor's Advisory Committee, Juvenile Justice and Delinquency Prevention Act of 1974. He has served as Chairman of the Domestic Relations Committee of the Pennsylvania Conference of State Trial Judges, and served a four-year term on the Judicial Inquiry and Review Board.

Justice Montemuro served as both State and National President of the Order Sons of Italy in America. He was thrice decorated by the President of the Republic of Italy and in 1982 he was awarded the Papal Honor of Knight Commander of the Order of St. Gregory the Great by Pope John Paul II.

Justice Montemuro authored the "Doctrine of Exhaustion of Union Remedies" for the Duke Bar Journal and, "The Family – One Hundred Years of Neglect" for the Journal of Sociology and Social Welfare.

The Justice's chambers are in the Aramark Tower in Philadelphia.

On September 18, 1992, Justice Montemuro was appointed by Governor Robert Casey to the Supreme Court of Pennsylvania. On November 16, 1992, Justice Montemuro was unanimously confirmed by the Senate, and on November 19, 1992, was sworn in as Justice of the Supreme Court of Pennsylvania by Chief Justice Robert N.C. Nix, Jr.

On January 3, 1994, Justice Montemuro was appointed as Senior Justice of the Supreme Court of Pennsylvania and served on that capacity until January, 1996. Justice Montemuro is currently a Senior Judge on the Superior Court of Pennsylvania.

On July 26, 1996, Justice Montemuro was appointed by the Supreme Court of Pennsylvania as Special Master in *Pennsylvania State Association of County Commissioners, et al. v. Commonwealth of Pennsylvania, et al.*, 681 A. 2d 699 (Pa. 1996).

On June 7, 2001, Justice Montemuro was appointed by the Supreme Court of Pennsylvania to serve as Chairman of the 2001 Legislative Reappointment Commission.



SENIOR JUDGE PHYLLIS W. BECK



Since 1981 Judge Phyllis W. Beck has been a member of the Superior Court. Initially appointed by Governor Thornburgh in 1981, she was elected statewide to a ten-year term in November 1983 and retained in 1993. She is the first woman to serve on the Court.

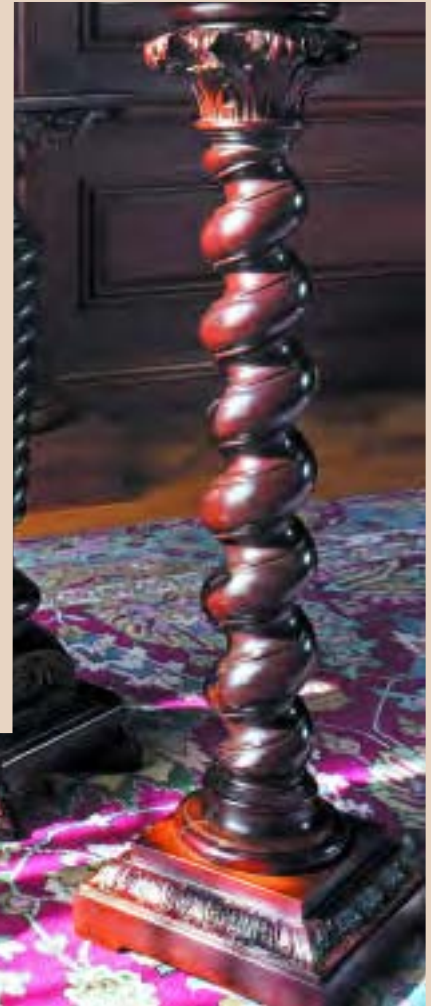
In July 1987 Judge Beck was appointed by Governor Casey to head a special 23 person Commission on Judicial Reform. The Commission, which presented its report to the Governor in January 1988, recommended major structural reform in Pennsylvania's judicial system.

Judge Beck assumed the judgeship after serving as Vice-Dean of the University of Pennsylvania Law School where she also taught. Prior to that time she was a faculty member at Temple Law Center. Her route to the bench included a bachelor's degree from Brown University, Magna Cum Laude, and a law degree in 1967 from Temple Law School, night division, where she was first in her class.

Prior to her academic career, Judge Beck engaged in the general practice of law. She is the author of many scholarly articles. She is a member of the American Law Institute,

American Judicature Society, National Association of Women Judges, and an overseer at the University of Pennsylvania School of Nursing. She is Vice President of the Philadelphia Free Library, President of the Foundation for Cognitive Therapy and Chair of the Independence Foundation. She is a board member of Villanova Law School and Temple Law School, The Mann Center for the Performing Arts, WHYY (the local Public Broadcasting affiliate), and the Museum of American Jewish History. She serves on the Pennsylvania Commission on Women in the Profession and the Joint State Government Commission on Domestic Relations. She was a representative of the United States State Department in Argentina addressing Civic Participation in Judicial Reform. She is a Distinguished Daughter of Pennsylvania.

She is married to Dr. Aaron T. Beck. They have four children and eight grandchildren.



SENIOR JUDGE PATRICK R. TAMILIA



Judge Patrick R. Tamilia was born in Pittsburgh. He attended Duquesne University, where he received his B.S., did graduate work, and received his J.D. from the School of Law. Judge Tamilia served with the U.S. Marine Corps, and received a commission as an officer in the U.S. Army Artillery.

He has served as Chairman of the Family Law Sections of the Pennsylvania and Allegheny County Bar Associations and the Juvenile Judges section of the Pennsylvania Conference of State Trial Judges; and member of the Supreme Court Domestic Relations Committee. Judge Tamilia was instrumental in the creation of the Neuropsychiatric Assessment Unit for Violent Children, the Parental Stress Center, and Infant Abuse Agency; Booth Parenting Program for unwed mothers and numerous other treatment programs for delinquent and dependent children. He has authored numerous articles on juvenile delinquency, mental health and family court. In 2000, he authored *Keystone of Justice*, The Pennsylvania Superior Court, published by the Pennsylvania Historical and Museum Commission.

Judge Tamilia is a former Professor of Family Law, Duquesne University School of Law. Among his numerous awards are the Duquesne University Distinguished Alumnus Award, College of Arts and Science; Charter Membership in the Century Club of Distinguished Alumni of Duquesne University; the Columbus 500 Distinguished Citizen Award; and the ACBA Juvenile Justice Award, 1991. He was chairman of the Public Safety and Criminal Justice Task Force of the Allegheny County 2001 Project. He holds the position of Honorary National President of the Italian Sons and Daughters of America. He is presently a member of the Pennsylvania Supreme Court Juvenile Court Procedural Rules Committee.

Judge Tamilia was elected to the Court of Common Pleas in 1969. In 1983 he was elected to a ten-year term on the Superior Court and won retention in 1993. Judge Tamilia's chambers are in Pittsburgh.



SENIOR JUDGE JOHN T.J. KELLY, JR.



Senior Judge John T. J. Kelly, Jr., is a graduate of LaSalle University (B.S., 1956) and Creighton Law School (LL.B., 1961); he is admitted to practice in Pennsylvania and Nebraska.

Before coming to the bench, Judge Kelly served as Deputy Secretary, of Labor and Industry (1980-1985); trial lawyer, Philadelphia Public Defenders Association (1972-1978); Assistant to the Lieutenant Governor of Pa., Assistant to the President of the Pa. Constitutional Convention (1967-1971); Assistant Attorney General, Chief Counsel Department of Public Welfare (1963-1966). He has also been a private attorney, political consultant, and campaign director.

Judge Kelly is a member of The Pennsylvania Society, The Brehon Society, YMBA Society, American Bar Association, Pennsylvania Bar Association, the Montgomery County Bar Association, the Nebraska Bar Association, the Pennsylvania Conference of State Trial Judges, and Knights of Columbus. He was honorably discharged from the United States Army (1952-1954).

Judge Kelly was elected to the Superior Court as the nominee of both the Republicans and the Democrats in 1985 and was retained for a second

term in 1995. He was appointed to a four year term on the Judicial Inquiry and Review Board commencing on December 9, 1988. His chambers are in Philadelphia.



SENIOR JUDGE ZORAN POPOVICH



Judge Zoran Popovich was born on February 4, 1931, in Akron, Ohio. He received his Bachelor of Arts from the University of Pittsburgh in 1954 and his LL.B. from the University of Pittsburgh Law School in 1957. He was on active duty with the United

States Air Force from 1951-53. Judge Popovich was elected to the Court of Common Pleas of Allegheny County in 1973. In 1980, he was appointed to the Superior Court, and he was elected to a full ten-year term in 1985.



SENIOR JUDGE JAMES R. CAVANAUGH



Judge James R.

Cavanaugh was born on August 26, 1931 in Philadelphia. He received his Bachelor of Science degree from St. Joseph's College and his J.D. from the University of Pennsylvania Law School.

Judge Cavanaugh has served as chairman of the advisory committee of the Prisoner's Family Welfare Association and as director of the Counseling or Referral Agency. Judge Cavanaugh was a director of the Philadelphia Bicentennial Committee. In addition, Judge Cavanaugh has served as Chairman and founding member of the Advisory Board of the Self-Help program, is a member of the Board of Managers of the Catholic Philopatrian Literary Institute and served as President of the St. Joseph's University Law Alumni.

The Judge has also served on the Governor's Justice Commission Regional Board, the Pennsylvania Board of Judicial Inquiry and Review, and the executive committee of the Pennsylvania Conference of State Trial Judges.

Judge Cavanaugh became a commissioned judge on the Philadelphia Court of Common Pleas in 1969, and was appointed to the Superior Court in August of 1979. He was elected to the

Superior Court in November of the same year. In April, 1991, Judge Cavanaugh moved his chambers from Philadelphia to West Chester in Chester County, Pa. In West Chester he is a member of the Italian Social Club, Monsignor Henry C. Schuyler Knights of Columbus Council 1333, Rotary International and The Benevolent and Protective Order of Elks Lodge No. 853. Judge Cavanaugh was retained in the retention election of November, 1989.



SENIOR JUDGE STEPHEN J. MCEWEN / PRESIDENT JUDGE EMERITUS



Judge Stephen J. McEwen commenced service on the Pennsylvania Superior Court in 1981, and was President Judge from 1996-2001. In 1996 he was appointed by Governor Tom Ridge to the Court of Judicial Discipline, and was elected President

Judge of that Court.

Judge McEwen pursued his study of the law at St. Joseph's College and the University of Pennsylvania Law School, was in 1986 awarded

the degree of Master of Laws by the University of Virginia Law School, and has received Honorary Doctorates from DeSales University, Widener University Law School, and the University of Scranton.

Judge McEwen, a trial lawyer for 23 years, was the elected District Attorney of Delaware County from 1967-1976, and thereafter served as General Counsel for the Pennsylvania District Attorneys Association. He was a Professor of Trial Advocacy at Villanova University Law School for 10 years, and recently served as Editor of the "Appellate

Judges News" section of the ABA Judicial Division Record and upon the Editorial Board of the ABA Judges Journal.

Judge McEwen is the immediate Past President of the Council of Chief Judges of State Courts of Appeal, upon the Board of Advisors of the ABA United Nations Development Project, and as a member of the American Law Institute. During the summers of 2000-2002, he was a USAID lecturer in Bulgaria, and in July 2004 was appointed by the Republic of Bulgaria to serve as Honorary Consul.



SENIOR JUDGE JUSTIN M. JOHNSON



Judge Justin Morris Johnson was appointed to the Superior Court in 1980 and elected to a ten-year term in 1985. He was retained for another term in 1995. His chambers are in Pittsburgh.

Judge Johnson was born at Wilkinsburg on August 19, 1933. He received his A.B. and J.D. degrees from the University of Chicago and has attended the Graduate Program for Judges at the University of Virginia. His active military duty, 1954-59, and his reserve duty 1963-73, including two active duty flights into Vietnam during 1971, were with the United States Air Force as an aircraft commander.

In March, 1989, Judge Johnson completed twenty years service on the Pennsylvania Board of Law Examiners, the last six as its chairman. He served on the Board of Managers of the National Conference of Bar Examiners from 1984 to 1989. From 1977 until his appointment to the bench, he was a member of the Pennsylvania Crime Commission. Judge Johnson sat upon the Permanent Judicial Commission of the General Assembly, Presbyterian Church (U.S.A.) from 1981 to 1989. He completed a six-year term on the Advisory Committee on the Constitution of that

national, churchwide body in June, 1996. In August, 1993, Judge Johnson was appointed to a two-year term on the newly-established Court of Judicial Discipline by then Acting Governor Mark S. Singel.

Judge Johnson served for five years as an Adjunct Professor, Duquesne University School of Law. He has served as chairman of Hearing Committee 4.11, Disciplinary Board of the Supreme Court of Pennsylvania, and is a Past President and Director of Neighborhood Legal Services Association (Pittsburgh). He is an active member of the American Bar Association, the National Bar Association, the Pennsylvania Bar Association, the Homer S. Brown Law Association and is a Fellow of the American Bar Foundation.





HISTORY of THE SUPERIOR COURT

In 1895, the Pennsylvania General Assembly established the Superior Court to hear appeals from decisions of the Courts of Common Pleas of the Commonwealth. From time to time, the legislature has expanded the Court's jurisdiction, and today it decides appeals touching almost every aspect of life and commerce in the state, including family matters, such as child custody, visitation, adoption, divorce, and support; criminal cases; issues concerning wills and estates; property disputes; and cases involving damages for breach of contract or personal injury. The judges of the Court are also responsible for hearing applications made by the Attorney General and district attorneys under the Wiretapping and Electronic Surveillance Control Act.

The Superior Court is often the final arbiter of legal disputes in Pennsylvania. Although the Supreme Court may grant a petition for an appeal from a decision of the Superior Court, in the large majority of cases, such petitions are denied. Appeals allowed to the United States Supreme Court are even more infrequent.

The Superior Court was originally composed of seven judges who gathered at the three forums of the Court in Harrisburg, Philadelphia and Pittsburgh to hear every case. The Supreme Court, in 1978, citing the "exceedingly heavy volume of appeals coming to the Superior Court," exercised its constitutional supervisory powers over Pennsylvania courts to order the Superior Court to begin sitting in panels of three judges composed of a Supreme Court justice, a Superior Court judge, and a Common Pleas judge. By rule, the Supreme Court provided that each panel would constitute a quorum and speak for the entire Superior Court.

In 1979, the voters approved an amendment to the Pennsylvania Constitution providing that the Superior Court be enlarged permanently. Pursuant to this constitutional change, the General Assembly in 1980 provided for the gubernatorial appointment of eight additional judges. By the start of 1986, all fifteen Superior Court seats had been filled by election.

Under statute, judges gain seniority by length of continuous service on the Court, and judges elected or appointed together determine seniority by lot. The president judge is chosen by election of the Court to serve a five-year term. Except for cases in which the Court specially orders consideration by an en banc panel of nine judges, the Court continues to sit in three-judge panels, assisted by senior judges specially appointed by the Supreme Court.

PRESIDENT JUDGES

Charles E. Rice	1895-1915	Chester H. Rhodes	1947-1965	Edmund B. Spaeth, Jr.	1983-1986
George B. Orlady	1915-1925	Harold L. Ervin	1965-1967	Vincent A. Cirillo	1986-1991
William D. Porter	1925-1930	J. Colvin Wright	1968-1974	James E. Rowley	1991-1996
Frank M. Trexler	1930-1935	G. Harold Watkins	1974-1978	Stephen J. McEwen, Jr.	1996-2001
William H. Keller	1935-1945	Robert Lee Jacobs	1978-1979	Joseph A. Del Sole	2001-
Thomas J. Baldrige	1945-1947	William F. Cercone	1979-1983		

JUDGES OF THE COURT

Charles E. Rice	1895	John G. Whitmore	1930	John B. Hannum	1968	James R. Melinson	1988
James A. Beaver	1895	James B. Drew	1931	William F. Cercone	1969	Joseph A. Hudock	1990*
Howard J. Reeder	1895	Joseph Stadtfeld	1931	Israel Packer	1971	Kate Ford Elliott	1990*
George B. Orlady	1895	William M. Parker	1932	Edmund B. Spaeth, Jr.	1973	Thomas G. Saylor	1994
John J. Wickham	1895	Arthur H. James	1933	Gwilym A. Price, Jr.	1974	D. Donald Jamieson	1995
Edward N. Willard	1895	Chester H. Rhodes	1935	Robert Van der Voort	1974	J. Michael Eakin	1996
Henry J. McCarthy	1895	William E. Hirt	1939	Donald E. Wieand	1978	Berle M. Schiller	1996
Peter P. Smith	1896	Charles E. Kenworthy	1941	John P. Hester	1978	Michael T. Joyce	1998*
William W. Porter	1897	Claude T. Reno	1942	James R. Cavanaugh	1979	Correale F. Stevens	1998*
William D. Porter	1898	F. Clair Ross	1945	John G. Brosky	1980	John L. Musmanno	1998*
Dimner Beeber	1899	W. Heber Dithrich	1945	Richard B. Wickersham	1980	Joan Orié Melvin	1998*
John I. Mitchell	1900	John C. Arnold	1945	Richard DiSalle	1980	Maureen E. Lally-Green	1998*
Thomas A. Morrison	1902	John S. Fine	1947	Justin M. Johnson	1980**	Debra McCloskey Todd	2000*
John J. Henderson	1903	Blair F. Gunther	1950	Frank J. Montemuro, Jr.	1980**	Richard B. Klein	2002*
John B. Head	1906	J. Colvin Wright	1953	Zoran Popovich	1980**	John T. Bender	2002*
John W. Kephart	1914	Robert E. Woodside	1953	Perry J. Shertz	1980	Mary Jane Bowes	2002*
Frank M. Trexler	1914	Harold L. Ervin	1954	Phyllis W. Beck	1981**	Robert A. Graci	2002
J. Henry Williams	1916	Phillip O. Carr	1956	Stephen J. McEwen, Jr.	1981**	Susan Peikes Gantman	2003*
William H. Keller	1919	G. Harold Watkins	1957	Vincent A. Cirillo	1982	Seamus P. McCaffery	2003*
William B. Linn	1919	Harry M. Montgomery	1960	James E. Rowley	1982	Jack A. Panella	2003*
Robert S. Gawthrop	1922	Gerald F. Flood	1961	Peter Paul Olszewski	1984**		
Jesse E.B. Cunningham	1926	Robert Lee Jacobs	1965	Joseph A. Del Sole	1984*		
Thomas J. Baldrige	1929	J. Sydney Hoffman	1965	Patrick R. Tamilia	1984**		
J. Frank Graff	1930	Theodore O. Spaulding	1966	John T.J. Kelly, Jr.	1986**		

*Currently serving

**Currently serving as Senior Judge

OFFICE OF THE EXECUTIVE ADMINISTRATOR

The Executive Administrator is the chief administrative officer of the Court and is directly responsible to the President Judge for the performance of administrative assignments necessary for the efficient operation of the Court. He manages the business and judicial operations of the Court and oversees the various administrative offices within the Court. He also is the liaison between the Superior Court and the Administrative Office of Pennsylvania Courts, the other appellate courts, and the public in general.



ADMINISTRATIVE OFFICES

The Executive Administrator is responsible for all of the fiscal operations of the Court. This includes preparing the Court's annual budget and monitoring the Court's expenditures of its appropriations, functions overseen by the Budget/Fiscal Coordinator. The Executive Administrator also supervises the daily processing of invoices for goods and services applied to the Court, and the procurement of supplies. Business responsibilities also extend to other operations within the Court such as the administration of the 260 individuals who serve the Court, and include maintenance of all personnel records, preparation of all personnel transaction forms, and resolution of questions and problems relating to personnel. In addition, the Executive Administrator is responsible for the administration of telecommunications within the Superior Court, including all staff and judicial offices, and the management of the facilities used by the Court.

OFFICE OF THE PROTHONOTARY

As the filing office of the Court, the Prothonotary's Office is responsible for: docketing appeals, petitions and ancillary papers; collecting appropriate fees; docketing, maintaining and circulating original records; corresponding with judges, litigants and attorneys; processing and distributing court orders, opinions and judgments; and scheduling argument and submit panel sessions as well as hearings on emergency petitions. The office also functions as a liaison between the Court and the public by providing status information concerning pending matters and answering inquires.

This office is also responsible for the efficient management of the Court's case flow which directly impacts appeals. Monitoring the filing of records and curing any deficiencies therein are primary components of case flow management.

The Crier of the Court, as a member of the staff of the Prothonotary, is responsible for: indexing, maintaining, and distributing all briefs filed with the Court; preparing the courtrooms; collecting and distributing materials for each court session; and providing assistance to the judges as well as the public during argument sessions.

The Prothonotary's Office has a staff of 44 individuals and its three offices in Philadelphia, Harrisburg, Pittsburgh are centrally located.

CENTRAL LEGAL STAFF

The Central Legal Staff is composed of 22 attorneys who assist the Court in procedural and substantive matters under the direction of the President Judge. The Staff has offices in Philadelphia, Pittsburgh and Harrisburg under the immediate supervision of the Chief Staff Attorney. Staff responsibilities include screening all appeals for jurisdictional defects prior to listing before the Court; reviewing and screening cases for the Court's special treatment programs; assisting the Court in the processing of miscellaneous motions, applications for relief, and petitions for reargument; preparing bench memoranda on selected cases listed before the Court; reviewing panel decisions to assist the Court in avoiding the issuance of conflicting opinions; maintaining a computerized issue-tracking index of the Court's opinions for both conflict clearance and legal research purposes; preparing position papers and memoranda of law on various substantive and procedural issues before the Court, and, conducting seminars for new law clerks.

Through the Chief Staff Attorney, the Staff may advise the Court and President Judge, either upon request or upon the Staff's own initiative, of recommended changes in court operations and procedures due to changes in the law or administrative policy.

OFFICE OF LEGAL SYSTEMS

The Legal Systems Coordinator is responsible for the Court's computer operations and related data and information processing activities. With the help of the Legal Systems staff, which is located in Philadelphia and Pittsburgh, he advises and assists the President Judge, individual judges, and the various administrative offices of the Court in all aspects of the acquisition, installation, programming and use of computers and office automation equipment, both hardware and software.

The Legal Systems staff sets up new computer accounts when new staff join the Court, assists in training of new staff, provides orientation and training for existing staff when new software and hardware are installed, and coordinates all hardware and maintenance, resolving problems whenever possible and referring other problems to the appropriate outside source.

The Legal Systems Coordinator and other members of the Legal Systems staff work with staff from the Administrative Office of Pennsylvania Courts and the other appellate courts on shared projects including the high speed data network that links all of the offices of the three courts and AOPC with each other and the Internet (PACNET), the appellate case management system (PACMS) and the shared electronic mail system.

The Legal Systems Coordinator serves as the Superior Court's representative on the Architectural Standards Committee that has been charged by the Supreme Court with making decisions affecting the Microsoft Active Directory network that is also shared by the three courts and AOPC.

The Legal Systems Coordinator is also responsible for using the Court's computer resources to generate and analyze caseload statistics and to prepare statistical reports as requested for use by the Court and for submission to the Administrative Office of Pennsylvania Courts.

OFFICE OF THE REPORTER

From the time a judge receives a case assignment until the decision is filed, the Reporter is responsible for the maintenance of all records pertaining to the judges' assignments. The Reporter's office uses computer-housed records to prepare statistical information for the Court. The Reporter also monitors late votes, file letters, en banc cases and cases 60 days or older.

The Reporter is the liaison with Thomson West, the official publisher of the Court's opinions. The Reporter provides Thomson West with filed opinions, a memorandum decisions table, whose text is not published, and a table identifying those cases in which a petition for reargument is pending.

Correction letters are sent to Thomson West before final publication in the event an error is discovered or at the request of a judge. The Reporter forwards to Thomson West transcripts of special ceremonial sessions of the Court for publication.

The Reporter adds the universal citation to the opinions before they are sent for filing. These filed opinions are electronically transmitted daily to the Superior Court Home Page, Lexis, West Law, the Administrative Office of the Pennsylvania Courts' Home Page and The Legal Intelligencer. Revisions, withdrawal of opinions and rearguments pending on opinions are updated and sent to the publishing research companies when the mentioned situations occur.

In addition to providing information from the Court to the legal publishing/research companies, the Reporter also provides the Court with information from the publishers identifying the citations where the Court's recently published decisions can be found.



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** Chambers closed on
Sept. 30, 2004.

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PRESIDENT JUDGE EMERITUS JAMES E. ROWLEY
1926-2004



President Judge Emeritus James E. Rowley was born on April 8, 1926, and lived in Beaver County, PA, most of his life. He graduated from Aliquippa High School in 1944. He attended Geneva College, the Carnegie Institute of Technology, Washington and Jefferson College, B.A., 1949; and the University of Pittsburgh Law School, J.D., 1952. Judge Rowley served with the United

States Army from 1944 to 1946. He served as a Special Assistant Attorney General from 1963 to 1966.

Appointed to the Beaver County Court of Common Pleas in 1966, Judge Rowley was elected to a full term the following year, and was reelected to a second full term in 1977. He was elected to the Superior Court in 1981, and was reelected to a second full term on the Superior Court in 1991. Judge Rowley served as chairman of the Superior Court's Internal Operating Procedures Committee from 1987 until January, 1991. On December 18, 1990, Judge Rowley was elected to a five-year term as President Judge by his colleagues on the Superior Court. He assumed the duties of President Judge January 1991.

Judge Rowley was appointed to the Judicial Inquiry and Review Board in December 1984, and served a four-year term. He served as Chairman of the Board from 1984 to January 1988. In 1989, Judge Rowley received the Pennsylvania Bar Association's Judicial Award. In 1991, Judge Rowley received the George Ross Award from the Lancaster Bar Association, and the Liberty Bell Award from the Beaver County Bar Association. In 1993, Judge Rowley received an honorary Doctor of Laws degree from Washington and Jefferson College.

JUDGE JOHN P. HESTER
1913-2004



Judge John P. Hester was a native of McKeesport, Allegheny County. He received his B.A. from Duquesne University and his J.D. from the Law School of the University of Pittsburgh.

Judge Hester lectured at the Institute of Legal Medicine at the University of Rome, and at

the International Institute of Comparative Law in Rome. He served as a trustee of Mercy Hospital and the Mercy Hospital Foundation. He received the Saint Thomas More Award, and was selected by Duquesne University as one of the University's one hundred outstanding graduates. He was an original member of the Allegheny County Hospital Financing Authority where he served as Vice President. He was President of the Stephen Foster Community Center, the C.Y.A., and was Chairman of the Allegheny District Chapter of the National Multiple Sclerosis Society.

Judge Hester served on the Court of Common Pleas of Allegheny County from 1960 to 1977 and as administrative judge of that court during 1976 and 1977. Prior to ascending the bench, he was a Deputy Attorney General. He was elected to the Superior Court of Pennsylvania in 1977 and served the Commonwealth in that capacity until his retirement in 1983 when he was designated as a senior judge by the Supreme Court.