

**Report of the
Administrative Office of
Pennsylvania Supreme Court
1999**

Supreme Court of Pennsylvania

*Chief Justice John P. Flaherty
Justice Stephen A. Zappala
Justice Ralph J. Cappy
Justice Ronald D. Castille
Justice Russell M. Nigro
Justice Sandra Schultz Newman
Justice Thomas G. Saylor*

*'99 in Brief
(listed chronologically)*

AOPC becomes first government agency to complete secure Web certification from the International Computer Security Association

Six Pennsylvanians participate in the first ever National Conference on Building Public Trust and Confidence in the Justice System, including senior Superior Court judge Phyllis W. Beck, Court Administrator of Pennsylvania Nancy M. Sobolevitch and Common Pleas Court judge Legrome Davis; Deputy Court Administrator Thomas B. Darr serves on the conference National Steering Committee

Senate Bill 3 passes, transferring all district court administrators and their deputies to the Unified Judicial System. Implements the first of four recommended phases of unifying the state court system as outlined in a 1997 report by former Supreme Court justice Frank Montemuro, Jr.

Attorney General Mike Fisher appoints Delaware County president judge A. Leo Sereni chairman of the Task Force on School Safety

Supreme Court announces creation of Committee on Racial and Gender Bias in the Justice System

Philadelphia Court of Common Pleas announces creation of Commerce Case Program to handle all new business litigation cases

Commonwealth Court establishes a mediation program to allow cases to be resolved without going through formal appeals process

Court Administrator of Pennsylvania Nancy M. Sobolevitch retires after 13 years overseeing the business of the Commonwealth's judiciary

Zygmunt A. Pines
Court Administrator of Pennsylvania

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Philadelphia Office

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

Harrisburg Office

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

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

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

I am pleased to present this Report of the Administrative Office of Pennsylvania Courts for 1999. Our goal is to provide a general reference document that reflects the dedicated service of the Administrative Office and the boards and committees of the Supreme Court.

Within this report we have attempted to outline an array of programs and services that provide the framework of our effective judicial system. The report also serves to highlight enhancements in the administration of justice that took place during the year and other noteworthy events.

The Judiciary continued to move in the direction of improving service, access and justice for all Pennsylvanians in 1999 by embracing the latest technologies and enhancing public participation in the court system. This was done with an eye toward the Judiciary's rich historical legacy and the need to adapt to societal change.

The year also set the stage – both legislatively and administratively – for the efficient transition of 175 district court managers to the state court fold.

On a personal note, the year also marked the end of a 13-year term of service for former State Court Administrator of Pennsylvania Nancy M. Sobolevitch, the first female non-lawyer appointed to the post, who retired on January 1, 2000.

Making local court rules available electronically to Internet users for the first time was one example of how the state court system made significant strides during the year in both service and accessibility. Since going online January 1, 1999, local court rules quickly became one of the most popular areas on Pennsylvania's Judiciary Web Site, assisting scores of attorneys, litigants and others.

Preface
from the
Court
Administrator

**Preface
from the
Court
Administrator,
continued**

The posting of the rules came about as a result of a recommendation from the Judicial Council, whose members serve as an advisory panel to the Supreme Court. Its members include representatives from all three government branches and citizens-at-large who help the court strengthen and expand its relationship with those outside the judicial branch.

In the same month the local rules went online, Pennsylvania's Judiciary became the first state agency in the nation to have its Web site certified secure from tampering and accidental destruction of data. The year-long certification process was initiated by the AOPC to ensure that the growing lists of information from the state's Supreme, Superior and Commonwealth Courts are protected from unauthorized access, viruses and unintentional destruction.

Later in the year, a six-member delegation from Pennsylvania was chosen by Chief Justice of Pennsylvania John P. Flaherty to participate in the first National Conference on Building Public Trust and Confidence in the Justice System, in Washington, D.C.

Participation in the May 1999 session underscored the Judiciary's belief in the importance of maintaining public trust and confidence in the American justice system and its desire to help identify strategies that can be used to address common concerns.

The delegation relied, in part, on work already undertaken by the Pennsylvania Futures Commission, which is examining the Judiciary's present and foreseeable needs in adapting to changes in society and technology.

The year also saw the Supreme Court create a committee to study and evaluate racial and gender bias within Pennsylvania's court system. The advisory committee has a broad-based membership of distinguished members of the bench and bar, educators and citizen activists. Its members bring diverse racial and ethnic backgrounds to the group.

A strong collaborative effort during the year that included members of all three branches of state government paved the way for the implementation of state funding for the transfer of district court administrators and their key deputies to the state judicial system. The collective government decision-making set the stage for the smooth transition on January 1, 2000.

The year ended by marking the retirement of Mrs. Sobolevitch, who had served as Court Administrator of Pennsylvania since March 31, 1986. Under her stewardship as overseer of the business of the Commonwealth's Judiciary, Pennsylvania's landmark efforts at statewide, integrated computerization of court processes were begun. New, modern facilities for the AOPC were acquired while a concerted

to fully professionalize the staff and the AOPC's business processes were undertaken with her support.

Nancy's previous tenure in both the legislative and executive branches and her knack for building interpersonal relationships stood the judicial branch in good stead as we worked to further develop positive intra- and inter-branch relations.

As the longest-serving state court administrator in the history of the Pennsylvania judicial system, Nancy's mark on the Administrative Office and the judiciary serves as a clear guide for our future efforts.

In looking back to the many important steps made during the year, we feel the Judiciary can be proud of continuing its high quality of service and efficient administration of justice. We feel even more confident that this report demonstrates the judiciary's desire to move in the right direction to continue to meet the needs of all Pennsylvanians in the new millennium.

Sincerely,

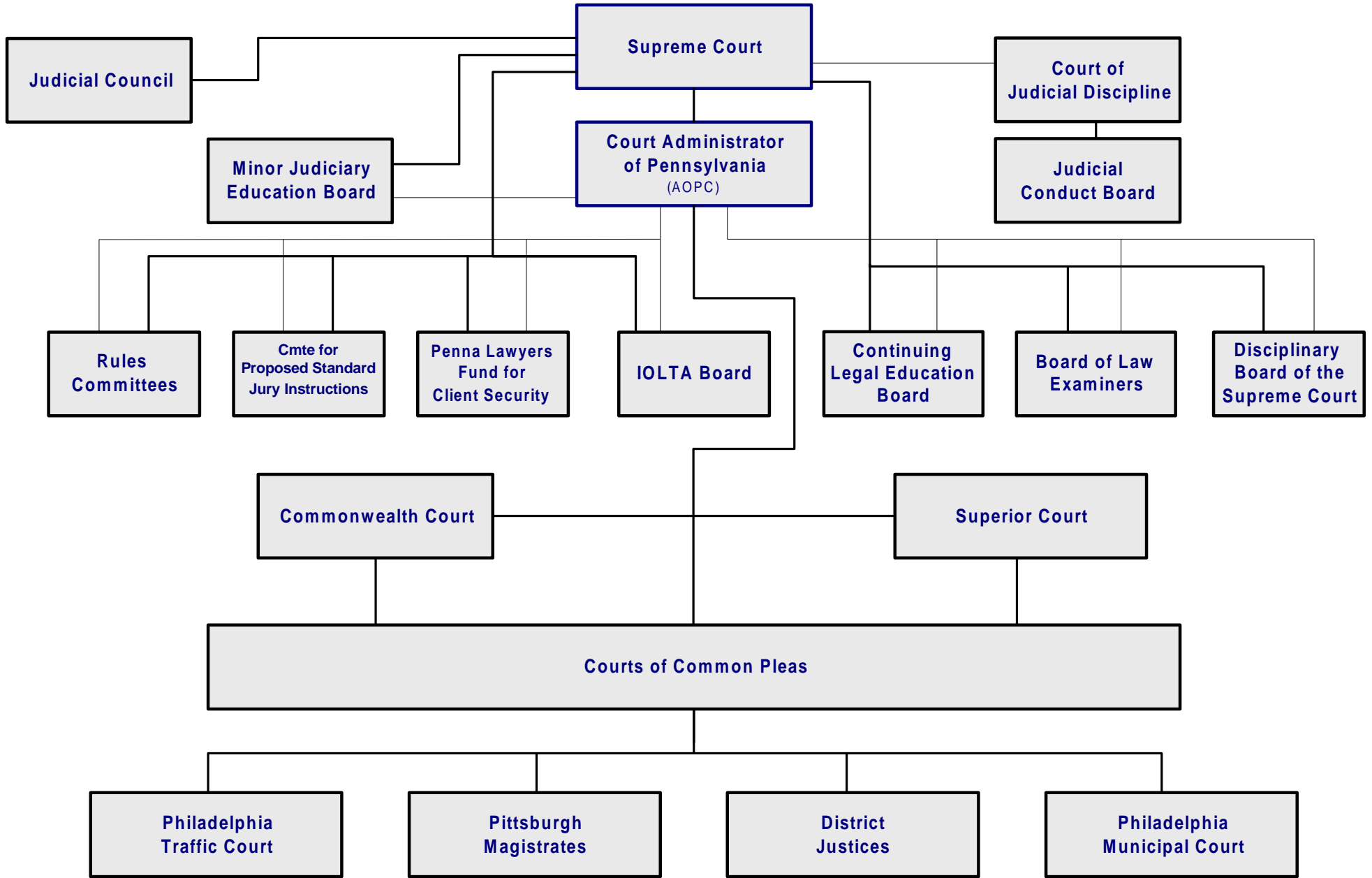


ZYGMONT A. PINES

Acting Court Administrator of Pennsylvania

Preface
from the
Court
Administrator,
continued

Pennsylvania's Unified Judicial System



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

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

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

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

The court system in Pennsylvania did not change again until the Pennsylvania Constitution of 1776. By establishing the Courts of Sessions, Courts of Common Pleas and Orphans' Courts in each county, the constitution allowed Pennsylvania to see the beginning of a statewide framework for the development of its judicial system.

A new constitution in 1790 encouraged further development in the Commonwealth's judicial system by grouping counties into judicial districts and placing president judges at the heads of the districts' Common Pleas Courts. This was meant to ease the Supreme Court's rapidly increasing workload. Constitutional changes in 1838 and 1874 and a constitutional amendment in 1850 effected changes in the

Evolution of Pennsylvania's Judicial System

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

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

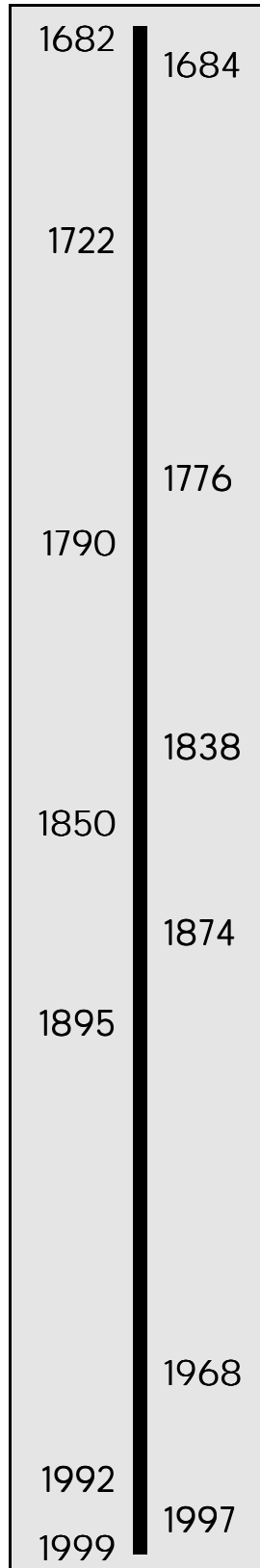
Constitution of 1790 groups counties into judicial districts, with president judges to head the Common Pleas Courts

Constitutional amendment makes the entire judiciary elective

Superior Court is created to ease burdens of the Supreme Court

Judicial Computer Project (JCP) linking state's 538 district justices is completed; planning begins for Common Pleas phase of JCP, but is halted in July 1994 for lack of funds

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



Provincial Court established (future Pennsylvania Supreme Court)

Pennsylvania Constitution of 1776 establishes Courts of Sessions, Common Pleas Courts and Orphans' Courts in each county; sets tenure at seven years for Supreme Court justices

Constitution of 1838 fixes tenure for justices of the Supreme Court at 15 years

Constitution of 1874 designates method for the popular election of judges, increases number of Supreme Court justices from five to seven and increases justices' tenure to 21 years

Constitution of 1968 reorganizes Pennsylvania's courts into the Unified Judicial System, includes creation of Commonwealth Court, Court Administrator of Pennsylvania and Administrative Office of Pennsylvania Courts

Supreme Court begins posting opinions on World Wide Web. Superior and Commonwealth Courts follow soon after


Chart 2.11

jurisdiction, tenure, and election or appointment of members of the judiciary. In 1895 the General Assembly created the Superior Court to further ease the work of the Supreme Court, giving each appellate court separate jurisdictions.

The Constitution of 1968 initiated the most sweeping changes in Pennsylvania's judiciary in nearly a century, creating the Commonwealth Court to reduce the workload of the Superior and Supreme Courts by hearing cases brought against and by the Commonwealth; substantially altering the minor court system; and reorganizing the judiciary into the Unified Judicial System, consisting of the Supreme, Superior and Commonwealth Courts; Common Pleas Courts; Philadelphia Municipal Court; Pittsburgh Magistrates Court; Philadelphia Traffic Court; and district justice courts, with provisions for any future courts the law might establish. (For further information on each of these courts, see *The Structure of Pennsylvania's Unified Judicial System* on page 9.)

Both judicially and administratively, the Supreme Court is, by constitutional definition, Pennsylvania's highest court. In matters of law, it is the Commonwealth's court of last resort. In matters of administration, the Supreme Court is responsible for maintaining a single, integrated judicial system and thus has supervisory authority over all other state courts.

In 1980 the legislature approved a decrease in the Supreme Court's mandated jurisdiction by expanding that of the Superior Court. Consequently, the Pennsylvania Supreme Court, like the United States Supreme Court, can now exercise discretion in accepting or rejecting most appeals, allowing it to devote greater attention to cases of far-reaching impact, as well as to its constitutional obligation to administer the entire judicial system.

Chart 2.1.1 on the preceding page is a time scale of the evolution of Pennsylvania's judicial system. 

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

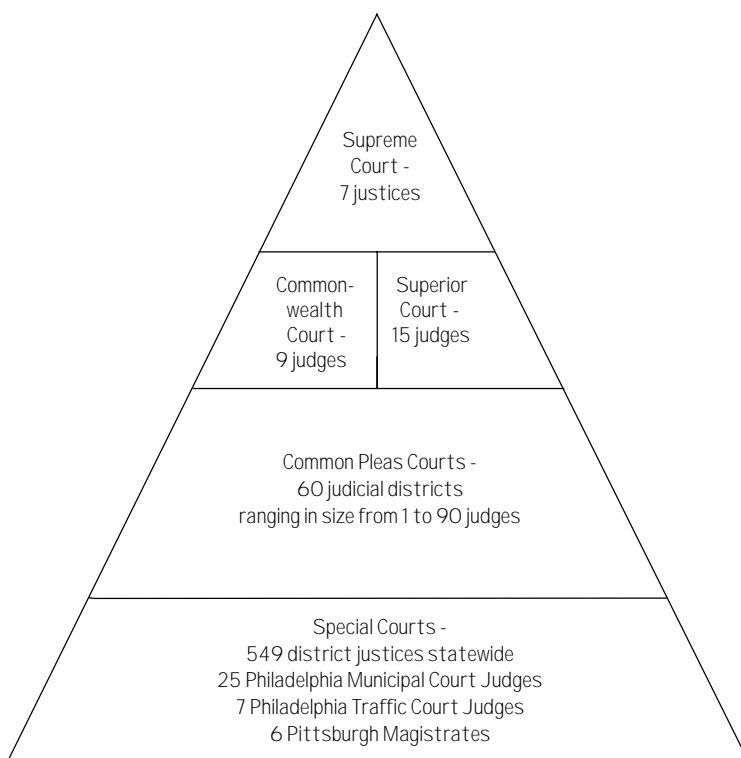


Figure 2.2.1

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

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

Special Courts

Special courts, also called minor courts or courts of limited jurisdiction, constitute the “grass roots” level of Pennsylvania’s court system. For many Pennsylvanians these are the first, and often the only, courts they will ever encounter. The special courts include 549 district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

District Justice Courts

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

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

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

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

District justices are not required to be lawyers, but if they are not, they must complete an educational course and pass a qualifying examination before they can take office. They must also complete one week of continuing education each year in a program administered by the Minor Judiciary Education Board. (For more information on the Minor Judiciary Education Board see page 95.)

Philadelphia Municipal Court

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

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

With the enactment of Act 2 of 1997 the complement of Municipal Court judges numbers 25. All Philadelphia Municipal Court judges must be attorneys.

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

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

Philadelphia Traffic Court

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

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

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

Pittsburgh Magistrates Court

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

Pittsburgh Magistrates may:

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

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

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

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

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

Common Pleas Courts

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

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

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

Appellate Court System

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

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

Commonwealth Court

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

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

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

Its **appellate** jurisdiction includes:

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

Superior Court

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

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

Supreme Court

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

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

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

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

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

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

the Common Pleas Courts or specific constitutional and judicial agencies.


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

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

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

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

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


For a list of Pennsylvania's judges and their jurisdictions, please refer to The Directory 1999, beginning on page 115. 

Before justices, judges and district justices can be appointed or elected to their positions, they must meet certain basic requirements such as citizenship and residency. In addition, all but district justices and Philadelphia Traffic Court judges must be members of the Bar of the Pennsylvania Supreme Court.

Jurists are also subject to strict standards of conduct, and they may be removed, suspended or otherwise disciplined for misconduct in office. Those standards are specified in the Pennsylvania Constitution; the “Code of Judicial Conduct” in the *Pennsylvania Rules of Court*, which applies to appellate and trial court judges; the “Rules of Conduct, Office Standards and Civil Procedures for District Justices”; and such other court rules and orders as have been promulgated by the state Supreme Court.

Judicial elections occur in odd-numbered years. With the exception of the special courts judges, all justices and judges within the Unified Judicial System are elected to ten-year terms. District justices and judges of Philadelphia’s Municipal and Traffic Courts are elected to terms of six years, while judges of Pittsburgh Magistrates Court are appointed by the mayor to four-year terms. Vacancies occurring before an election may be filled by gubernatorial appointment, subject to Senate confirmation, until such time as an election is held.

Judges and justices may serve an unlimited number of terms and are reelected at the pleasure of the electorate. The “merit retention” provision of Pennsylvania’s constitution allows justices and judges to run for reelection on a “yes-no” vote, without ballot reference to political affiliation. This provision was designed to remove judges from the pressures of the political arena once they begin their first terms of office.

Mandatory retirement age for judges is 70 years, but retired judges may, with the approval of the Supreme Court, continue to serve the Commonwealth as senior judges. This service helps ease court backlogs. Effective January 1, 1999, all but senior appellate judges and those senior judges who were sitting before this time, may serve as senior judges until they reach the age of 75. 

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

Administrative Office of Pennsylvania Courts

The Administrative Office of Pennsylvania Courts, also called the Administrative Office and the AOPC, is the administrative arm of the Pennsylvania Supreme Court. It was established in January 1969 following the Constitutional Convention of 1967-68, which defined the Supreme Court's authority for supervision and administration of all courts.

The Court Administrator of Pennsylvania has been empowered to carry out the Supreme Court's administrative duties and is responsible for assuring that the business of the courts is promptly and properly disposed.

The Administrative Office conducts business from offices in Philadelphia and the Harrisburg area with its seven operational units divided between each. In addition to the court administrator's office, the three units in Philadelphia include Policy Research and Statistics, Legal, and Judicial Services. The four departments in Mechanicsburg, just south of Harrisburg, are Administration, which includes Financial Systems, Payroll and Human Resources; the Judicial Computer System; Information Technology; and Communications/Legislative Affairs. Another department -- Judicial Programs (formerly "Court Management") -- awaits reestablishment.

The Administrative Office's supervisory, administrative and long-range planning duties include:

- reviewing practices, procedures and efficiency at all levels of the court system and in all related offices
- developing recommendations to the Supreme Court regarding improvement of the system and related offices
- representing the judicial system before legislative bodies
- examining administrative and business methods used by offices in or related to the court system
- collecting statistical data

- examining the state of the dockets and making recommendations for expediting litigation
- managing fiscal affairs, including budget preparation, disbursements approval and goods and services procurement
- supervising all administrative matters relating to offices engaged in clerical functions
- maintaining personnel records
- conducting education programs for system personnel
- receiving and responding to comments from the public
- publishing an annual report
- providing legal services to system personnel.

A brief description of each unit of the AOPC and its functions follows.

Office of the Court Administrator

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

Policy Research and Statistics Department

The Administrative Office's Policy Research and Statistics Department analyzes and evaluates the operations of the Unified Judicial System's (UJS) various components. During any given year, the department conducts a variety of studies, ranging from caseload management reviews of individual trial courts to statewide surveys of the structure and functioning of judicial support agencies, e.g., offices of the prothonotary and clerk of courts.

A core function of the department is to systematically assemble data on the caseloads of county and local courts, including the numbers and types of new, disposed and pending cases, and, for certain case types, the ages of the cases awaiting adjudication. The statistical

information is reviewed and periodically verified through audits of county dockets. The Administrative Office annually publishes the data in the *Caseload Statistics of the Unified Judicial System of Pennsylvania*. This report is available from the AOPC page on the UJS Web site at www.courts.state.pa.us.

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

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

- a study of post-conviction collateral relief (PCRA) petitions to assist the Criminal Procedural Rules Committee in its review of these procedures
- statewide review of local procedures for obtaining a Protection from Abuse (PFA) order
- analysis of trial court decisional delay based on the 1997 amendments to Rule of Judicial Administration 703, specifically examining cases awaiting decision over 12 months
- comparative analysis of civil filings at the state and national levels
- staff support to the Juvenile Court Rules Project, including a series of detailed surveys on local procedures in juvenile delinquency cases
- survey of judicial safety of the state's trial and special court judges
- analysis of transcripts fee schedules in the 60 judicial districts
- updating and refining the caseload statistical reporting system, including a breakdown of child dependency cases into abuse/neglect

and status offense categories, and an expanded reporting system for the reporting of child support cases in cooperation with PACSES.

Within the Policy Research and Statistics Department, the Docket Transcript Section receives, reviews and corrects data on misdemeanor, felony and escalating summary cases filed in the judicial districts. The information is submitted on paper forms and computer tapes. Staff send extracts of the data to the Pennsylvania State Police, where individual criminal histories, or rap sheets, are compiled. The AOPC and other state agencies also use the database for statistical research.

Another responsibility of the department lies in the design of the many forms used in the state court system. The development of new forms and the modification of existing forms require extensive consultation with system personnel, especially those using the forms on a daily basis.

Legal Department

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

Specifically, the chief counsel's staff represent UJS personnel -- including those of the various courts of the Commonwealth and judicial agencies, and the Pennsylvania Board of Law Examiners -- in state and federal litigation. Representation is not provided in criminal or disciplinary actions. Actions involving UJS personnel often include suits filed in the federal district courts that raise various civil rights and constitutional issues. Typical state court proceedings involving court personnel pertain to petitions for review of governmental actions, petitions to determine the rights and duties of public officials and appeals.

Other significant activities include:

- active participation in planning and implementing the Judicial Computer System and related statewide court automation programs
- reviewing and negotiating leases and contracts for appellate court offices and related offices, chambers and committees of the UJS
- providing legal and administrative assistance and advice to the Court Administrator of Pennsylvania
- assisting in procurement matters
- reviewing legislation affecting the judiciary.

Communications/Legislative Affairs

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

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

Information Technology Department

The Information Technology Department provides staff and services for the JCS to bring automation to the courts of Pennsylvania. The department also provides electronic judicial information to other agencies; supports the AOPC payroll, financial, human resources and

administrative functions; supports both Web sites and servers for internal AOPC projects, intranet Commonwealth of Pennsylvania projects, and a public Web site; and supports the AOPC day-to-day office automation requirements. It is organized into a Software Development Unit and a Computer Operations Unit.

The AOPC IT Department was one of the few worldwide to recognize the pointless hysteria associated with the media-created Y2K crisis. Working within allocated budgets and with in-house programming talent, the department systematically reviewed code and made the few changes necessary. Testing and logic indicated that the "imbedded" chip problem did not and could not affect non-date-related devices. System software was installed as released by software manufacturers.

As predicted, no outages occurred, and a 3:00 pm December 31, 1999, check of the electricity in Queensland, New Zealand, via the Internet verified that disruption of services due to widespread power blackouts would not occur. As a result, AOPC IT systems were on-line and functioning through the 2000 change.

The director and staff of the IT Department participated in the following inter-governmental committees, providing technical review and requirement advice:

- Commonwealth Telecommunications Acquisition Technical subcommittee
- Pennsylvania Commission on Crime and Delinquency Technology Committee
- Pennsylvania Coalition against Domestic Violence PFA Database Advisory Committee
- Justice Network (JNET) Steering Committee (Security, Technology and Outsourcing subcommittees)
- Pennsylvania State Police Criminal History Repository Redesign Committee.

As part of the implementation of the Judicial Council's Statewide Local Rules Project, the Information Technology Department has established the Statewide Local Rules Web page

(www.courts.state.pa.us/judicial-council/local-rules), on which are posted the local Rules of Court for each of the 60 judicial districts. Over 9,100 pages have been scanned and posted in Adobe PDF Image format.

Local rules sets are periodically resubmitted from each county and then reposted. As more and more sets are delivered to the AOPC electronically, they are posted in Adobe PDF searchable format. Fifty-nine percent of the rules documents are currently posted in this format.

Rule changes are posted weekly as published in the Pennsylvania Bulletin.

On average, over 800 files are downloaded from the Local Rules page each month.

Software Development Unit

Statewide District Justice Automation System

One thousand eight hundred thirty-eight software service requests were worked in 1999. These resulted in 449 changes implemented through the change management process. Two hundred eighty staff hours of cross-training were given in the new object-oriented technologies during an intensive on-site training class in October.

Administrative Support Application Project (ASAP)

The development phase of the Administrative Support Application Project (Payroll, Human Resources, Finance and Central Purchasing functions of AOPC) was completed in December 1999, bringing about the agency's first implementation of a mission-critical application in a three-tier client server architecture.

The three-tier architecture consists of a Visual Basic/Crystal Reports-based client

software for the user interfaces and reports, the Microsoft Transaction Server for the management of the business processes and rules, and the Microsoft SQL Server for the management of the application's databases. The ASAP development process led to the introduction and usage of new high productivity software development tools such as case modeling and version control tools as well as Web development project management tools.

Electronic Data Interchange and Public Access

The Electronic Data Interchange (EDI) and Public Access (PA) section coordinates and manages public access to DJS data and the electronic interchange of this data with other county or state government agencies. In addition, this unit develops and maintains several small pc-based systems, oversees the JNET functions at AOPC, performs Web site development and maintenance and develops knowledge transfer courses to keep employees abreast of new technology.

Currently, 51 counties or their contractors are set up to use District Justice System data as input to their systems. This includes not only Common Pleas Courts, but also probation, prison and warrant management systems as well. Enhancements to our Web site allow us to store five days of historical data to the end-user and to limit what the user may access.

In addition, the department has developed methods to e-mail DJ system management reports, which saves time, paper and postage. EDIIN, the e-filing effort established in 1993, continues to offer savings. In 1999 seven police and/or parking authorities filed citations electronically. These citations were filed with 15 district justices and accounted for over 75,000 citations.

Since the establishment of a public access policy in 1994, formal requests for data have more than quintupled. The EDI/PA Section received and responded to 167 requests for

information. Of these 143 were from other state and local agencies; three were from media; and 21 were from the public. The department also supports 24 recurring users by providing information via the Internet on a regular basis.

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

The AOPC set up its own public Internet Web server in-house in order to enhance the Pennsylvania Unified Judicial System site. The project was completed in 1999. With the new site, the AOPC is able to provide site hosting for several other court-related agencies, including the Judicial Ethics Committee of the Pennsylvania Conference of State Trial Judges, Carbon County Common Pleas Court, the Pennsylvania Interest on Lawyers Trust Accounts Board and the Pennsylvania Appellate Court Management System project.

Additionally, the site was fully indexed, which affords the user search capabilities of all content, including Supreme Court and Commonwealth Court opinions since 1997 and Superior Court opinions since 1998. A link was added that provides tools for visually impaired users to access court opinions. The site receives an average of 33,200 hits per month.

JNET

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

JNET has had a major impact on the EDI Section. Currently, the AOPC is receiving Case File Transfer messages, which contain the NATMS fingerprint data. This data is used to build the OTN/SID cross-reference table for JNET

and eventually will be used to start the criminal case at the district justice office.

Work continues on the Common Pleas and district justice disposition project LivePost. LivePost is a reporting system that will allow the counties to report criminal case dispositions to the Pennsylvania State Police in a more timely and efficient manner using electronic messaging as opposed to batch tape transfers. The flexibility of the system allows both legacy or existing systems as well as new applications to use it, including a Web-based interface known as WebPost, which will remove the burden of paper copy submissions from the clerks of courts. In addition, disposition data can be made available to other state agencies, such as the Department of Corrections, the Department of Public Welfare and the Sentencing Commission without additional impact to the AOPC.

Computer Operations Unit

In the summer of 1999, the AOPC completed a statewide upgrade of the DJS AS/400 operating system to Version 4, Release 4. The upgrade provided additional enhancements for Transmission Control Protocol over Internet Protocol (TCP/IP) functionality.

The Computer Operations Unit continued to make strides in the conversion of the DJS network from Systems Network Architecture (SNA) to TCP/IP by installing and cutting over to a frame relay backbone. The result was a significant reduction in transmission times for remote site database change journals, allowing the unit to increase the frequency from three times per day to five times per day, thereby making the entire system more real-time.

In April the unit began its planning and selection phase of the statewide rollout to thin client technology, due to begin in August 2000.

In preparation for implementation of Citrix Systems technology, not only in the DJS, but for ASAP as well, LAN Department section

management has divided into focused groups whose main thrust is to support this specialized technology. The use of Citrix technology not only reduces the cost of ownership, but simplifies maintenance and change management by centralizing servers and limiting software distribution.

In addition, LAN staff migrated the AOPC Web site from an off-site hosting service to in-house servers, allowing the AOPC to develop applications that enhanced the usefulness of the UJS site to the public.

A number of network security enhancements were made during the recertification of the UJS's Web site from the International Computer Security Association. The on-going refinement of the IT Security Policy, coupled with the implementation of "McAfee Secure Cast" virus updates, can be credited for the AOPC's lack of infection from the viruses that plagued much of the IT community in 1999.

Judicial Computer Support Department

The Judicial Computer Support Department provides training, responds to requests for equipment and provides help desk support for users of the JCS. The Director of Statewide Automation, who supervises the Judicial Computer Support Department, also serves as senior project manager or contract administrator for most AOPC information technology projects.

Administrative Unit

Staff provide clerical and administrative services for all personnel units under the Judicial Computer Department, including processing mass mailings, filing, copying, research, accounts payable and receivable, and various scheduling of meetings and overnight reservations as needed. Clerical staff also provide relief for the main receptionist during lunch breaks and scheduled vacations.

Contract Administration and Project Management

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

Training Unit

In 1999 unit personnel trained 160 district justices, district justice staff, court administrators and employees. In addition, trainers conducted workshops and spoke to approximately 1,000 district justice staff about office accounting, reports, LiveScan technology, JNET, thin client, upcoming Program Change Requests (PCR) and Y2K.

The Training Department was also involved with ASAP. Trainers user-tested the payroll module; wrote documents for the payroll, finance and human resources modules; and trained payroll and finance users.

Training specialists were active in designing and/or testing thin client, multiple restitution, truancy referral, facsimile signature and Y2K PCRs. Trainers also analyzed 304 suggestion calls and tested 109 changes that were released to the users.

The new District Justice Automated Office Clerical Procedures Manuals were completed and distributed. A training specialist carefully scrutinizes each change to the DJS so that the manual can be immediately updated. During the year trainers wrote 46 laser faxes for district justice offices, explaining changes to the DJS and instructing the users where to insert the fax in the manual until they receive a permanent replacement page.

Other documentation by the Training Department included writing help text, instructional material for thin client and Microsoft training programs and responses to auditor general reports.

Asset Coordinators Unit

The Asset Coordinator Unit is responsible for monitoring the maintenance contract to ensure that any malfunctioning DJS equipment is repaired within the specified time periods established in the maintenance contract. This is done so that each district office is able to maintain an efficient operation at all times. In 1999 approximately 2,058 calls were received, dispatched, monitored and closed under the provisions of this contract.

This unit also authorizes or denies installation of usage kits by reviewing configuration pages on specific printers in a district justice office. This ensures that the printer is in need of a special procedure and a kit is not installed arbitrarily.

All statewide requests for additional hardware, to move hardware within an office or to relocate an entire office are coordinated through this unit. Such requests may involve a cabling vendor and a telecommunications company. In 1999 the unit processed 90 such requests.

Help Desk Unit

The help desk responded to 45,372 calls in 1999. This included calls concerning program changes, new legislation, technical questions and various user suggestions. Accounting problems, hardware failure and queries were among the majority of the calls entered.

The Help Desk Unit assists in reviewing the design of new programs by responding to

questions from programmers on user procedures. Staff also review laser faxes prior to their release to evaluate the impact on user operations. In addition, the help desk is responsible for compiling and maintaining documentation sent in by users for second-level analysis and use by other departments.

The help desk also performs all deletions and expungements. This involves reviewing documents to verify validity of court-mandated orders and then eliminating each specific case from the DJS.

Legal Services Unit

The staff attorney assigned to the DJS has specific knowledge and expertise in legal issues related to the operation of the automated system. The attorney provides legal consultation to the programming and training staff on program design and provides an interface with the Civil and Criminal Procedural Rules Committees.

Administration Department

The Administration Department, with staff in both Harrisburg and Philadelphia, is responsible for the day-to-day operations of the AOPC, providing support and services to other units of the Administrative Office, the appellate courts and the Unified Judicial System as a whole. It includes Human Resources, Financial Systems, Administrative Services and Payroll.

Human Resources Unit

Human Resources is responsible for:

- monitoring and ensuring UJS compliance with state and federal employment statutes such as the Fair Labor Standards Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Pennsylvania Human Relations Act, the Civil Rights Act of

1964 and the State Employees' Retirement Code

- maintaining the UJS's fringe benefits programs and counseling judiciary personnel regarding their provisions and use. These programs include a variety of medical and life insurance plans, long-term disability insurance, long-term care insurance, work-related disability and accidental death insurance programs for judiciary personnel. In addition, the Office of Human Resources is responsible for administering the UJS's paid leave program and the judiciary's Unemployment Compensation and Workers Compensation programs.
- developing and administering the personnel policies that govern the personnel operations of the UJS and assisting supervisors and employees in the proper implementation of these policies
- developing and administering new hire orientation programs, performing exit interviews with terminating employees, and assisting incoming and departing employees regarding questions and concerns related to their judiciary employment.
- maintaining the judiciary's Retiree and Survivor Medical Insurance Programs that provide medical insurance coverage to retirees of the judiciary and surviving spouses of deceased judiciary personnel
- developing, implementing and maintaining a standardized classification and pay plan for judiciary personnel, including the development and/or maintenance of appropriate class specifications and job descriptions designed to establish a logical and consistent means of determining the relative value of one job to another
- maintaining the UJS complement of staff and judicial positions and processing personnel transactions to effect changes in employee pay and employment status

- developing and administering AOPC hiring procedures and assisting managers in the recruiting, interviewing and hiring of new staff. This includes designing position advertisements, reviewing candidate resumes, scheduling and/or conducting interviews, and completing background and reference checks on candidates.
- developing training curriculum as well as training policies and procedures and implementing training programs for judiciary personnel.

In addition to these ongoing duties, the AOPC Office of Human Resources played an integral role in the transition of senior district court management personnel from county service to state service. This involved the transfer of personnel from all 60 judicial districts of the UJS and required the development of comprehensive transition policies and procedures, legislative action, major revisions to the UJS personnel policies and the development of completely new compensation plans for district personnel of the UJS.

During 1999 the AOPC Office of Human Resources, working with the AOPC Payroll Office and Office of Financial Management, also continued ongoing efforts to design and develop a fully integrated payroll, personnel and financial management system intended to more fully automate these interrelated functions well into the twenty-first century.

Financial Systems Unit

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

- developing necessary policies and procedures on accounting and budget issues and training staff at all levels in their use
- monitoring and preparing the budget for 35 UJS line items in the Commonwealth's annual budget. These line item appropriations include not only the funding for the Administrative Office, but for all of the state-funded courts; most Supreme Court advisory procedural rules committees and a special commission; juror cost reimbursements; and county court reimbursements. Financial systems staff develop budget materials for the justices and Court Administrator of Pennsylvania, including briefing materials used for hearings before the legislative appropriations committees. Staff monitor budget trends, maintain communications and regular reporting to the various legislative and executive branch agencies as required by law and tradition, and participate in budget hearings as required.
- managing \$226.6 million in annual appropriations, including \$33.3 million in grants to counties
- participating in the annual financial audit of the UJS. This includes preparing and providing the necessary financial records and information and responding to questions; reviewing the audit results; drafting footnotes to statements; and approving the draft that is submitted to and voted upon by the Judicial Audit Agency (JAA). Staff also participate in the JAA and make recommendations to the JAA regarding accounting policies and procedures.
- serving as the central clearinghouse for all financial transactions impacting the judiciary
- overseeing the finances of the First Judicial District/AOPC Procurement Unit (approximately \$22.2 million), including recommending investment and banking strategy. The procurement unit, created by and operating

under an agreement between the Administrative Office and Philadelphia City government, was established to improve the procurement function in Philadelphia's three courts, including purchases, service contracts and reconciliation. Since the agreement was put into effect, the First Judicial District has realized significant savings through efficiencies in its procurement function.

- undertaking special projects, as requested and upon its own initiative, to develop financial information regarding cost trends, comparative analyses, and the like. Such information includes analyses of legislation for fiscal impact routinely requested by the both the legislative and executive branches.
- responding to questions and providing information on the judiciary's financial operations as needed to the legislature, the executive branch, other judiciary employees and the public.

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

Administrative Services Unit

Administrative Services oversees a variety of administrative-related tasks, including procurement for the Administrative Office and for Philadelphia courts under the First Judicial District/AOPC Procurement Unit. It also handles all issues relating to the operation of AOPC office buildings and provides support to many UJS agencies in a variety of ways.

Payroll Unit

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

Judicial Services Department

The Judicial Services Department plans, coordinates, administers and provides staff support for an extensive schedule of educational conferences, seminars and meetings for the Supreme Court, the Administrative Office and affiliated groups.

In 1999 the department coordinated nine conferences:


- *Pennsylvania Conference of State Trial Judges Mid-Annual Conference*
February 25-28, 1999
- *Habeus Corpus Workshop*
March 28-30, 1999
- *Corporate and Commercial Law Program*
April 28-30, 1999
- *President Judges/Pennsylvania Association of Court Management Annual Conference*
June 6-9, 1999
- *Pennsylvania Conference of State Trial Judges Annual Conference*
July 22-25, 1999
- *Pennsylvania Association of Court Management*
November 7-9, 1999

Through aggressive negotiation and detailed knowledge of Pennsylvania's hospitality industry, the Judicial Services Department

is able to ensure that multi-day conferences proceed effectively under terms which are favorable to the Commonwealth.

Judicial Services also negotiates office space for judicial offices across the Commonwealth, subject to final legal review by the chief counsel's legal staff, maintains and updates all Pennsylvania state department lists, handles the filing of financial disclosures and

disseminates news clippings of interest statewide for the Pennsylvania judiciary.

Judicial Services' other functions include publishing *Jurisprudence*, a judicial newsletter linking Pennsylvania's trial judges across the state; working with the Joint Task Force to insure Gender Fairness in the Courts and the Joint Task Force to insure Racial & Ethnic Fairness in the Courts; and acting as liaison to the Minor Judiciary Education Board. 

1999 Membership:

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

Staff:

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

Legal Authorization:

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

Appellate

Court

Procedural

Rules

Committee

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

History/Background

Originally called the Advisory Committee on Appellate Court Rules, the Appellate Court Procedural Rules Committee was created by order of the Supreme Court on October 4, 1973. Its principal function is to make recommendations to the Supreme Court for refining and updating the Rules of Appellate Procedure in light of experience, developing case law and new legislation.

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

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

1999 Activities

The committee met twice in 1999, in April and October in Philadelphia. As a result of these sessions, the committee prepared, reviewed and revised numerous recommendations for submission to the Court.

Recommendation 33 amends the following Pa.R.A.P.:

- 511 (Cross Appeals)
- 903 (Time for Appeal)
- 1113 (Time for Petitioning for Allowance of Appeal)
- 512 (Time for Petitioning for Review)
- 2113 (Reply Brief)
- 2136 (Briefs in Cases Involving Cross Appeals)
- 2185 (Time for Serving and Filing Briefs).

These proposed rules provide a comprehensive approach to **cross appeals** and clarify existing ambiguities in cross appeal practice.

Recommendation 34 seeks to rescind a portion of the Note to Pa.R.A.P. 903 (**Time for Appeal**). Originally submitted to the Court in February 1998, the committee was requested to reconsider this recommendation's 30-day appellate time limit in view of *City of York v. Ismond*, 700 A.2d 559 (Pa.Cmwlth. 1997). Additional modifications to the recommendation have been made and the revised recommendation is pending.

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

January 14, 1999, the Supreme Court adopted Recommendation 38, which recommended the adoption of Pa.R.A.P. 2111(a) (**Brief of Appellant**) and the rescission of Pa.R.A.P. 3518 (**Statement of Scope and Standard of Review**).

The Supreme Court, by order dated March 17, 1999, adopted the committee's recommendation to amend Pa.R.J.A. 5000, *et seq.* to permit the use of condensed transcripts in **appellate filings**.

By Supreme Court order dated March 3, 1999, the Court adopted Recommendation 41, promulgating new Pa.R.A.P. 3901 (**Appeals Pursuant to Adoption Act**).

The committee has also considered issues related to Rules 1925 (**Opinion in Support of Order**), 1931 (**Transmission of Record**) and 1941 (**Review of Death Sentences**).

The committee continues to review Pa.R.A.P. 1925(b) (**Direction to File Statement of Matters Complained of**) and Pa.R.A.P. 1931 (**Transmission of the Record**) to determine if matters arising under these appellate rules could be clarified.

In addition to the aforementioned matters, the committee chair, vice chair and counsel have responded to various inquiries and

requests, many of which have become topics for discussion at the committee's meetings and have formed the basis for further recommendations.

Counsel for the committee has actively participated in court-related meetings regarding the appellate rules, statewide rules and the Rules of Judicial Administration and has responded to various requests from the Administrative Office of Pennsylvania Courts and practitioners throughout the Commonwealth.

Web Site

The Appellate Court Procedural Rules Committee maintains a site on the home page of the Unified Judicial System. The site is located at www.courts.state.pa.us/Index/SupCtCmtes/AppCtRulesCmte/IndexAppCtRulesCmte.asp. Included here are links to recent and proposed amendments and new rules to the Pennsylvania Rules of Appellate Procedure.

2000 Plans

During the coming year, the committee will continue its work in revising Chapter 15 (**Judicial Review of Governmental Determinations**) and will identify other aspects of the rules to be considered for refinement and updating.

Among the subjects on the committee's agenda for 2000:

- finalization and submission of Joint Recommendation 98-1 in conjunction with the Orphans' Court Procedural Rules Committee. This joint recommendation was republished and, following receipt of comments, has been revised for submission to the Supreme Court.

- finalization of Recommendation 33 (Cross Appeals) as well as finalization of work on Recommendation 42, which encompasses a proposed amendment to Pa.R.A.P. 3012 (Quorum and Action) and adoption of new Pa.R.A.P. 3761 (Enforcement Proceedings).
- completion of Recommendation 43 involving the revision of Pa.R.A.P. 2541 (Number of Copies of Application for Reargument).

Contact Person

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

Honorable Joseph M. Augello, Chair
Luzerne County Courthouse
200 North River Street
Wilkes-Barre, PA 18711
phone: (570) 825-1547
fax: (570) 825-6242

Marvin L. Wilenzik, Vice Chair
Elliott, Reihner, Siedzikowski & Egan, P.C.
Union Meeting Corporate Center
P. O. Box 3010
925 Harvest Drive
phone: (215) 977-1000
fax: (215) 977-1099

Dean R. Phillips, Esq., Counsel
Tricia W. Nagel, Executive Director
Appellate Court Procedural Rules Committee
P.O. Box 447
Ridley Park, PA 19078-0447
phone: (610) 534-3450
fax: (610) 534-3453
e-mail: trish.nagel@supreme.court.state.pa.us



**Board
of
Law
Examiners**

1999 Membership:

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

* Term expired 4-1-99

Staff:

Amy C. Dynda, *Executive Director***
Mark S. Dows, *Executive Director+*
Joseph S. Rengert, Esq., *Counsel and Supervising Law Examiner*
Melody Greish-Richardson, *Administrative Services Director*
Jill E. Fuchs, *Executive Assistant*

** Resigned 5-1-00

+ Effective 5-1-00

Legal Authorization:

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

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

History/Background

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

Seven members of the Pennsylvania Bar of the Supreme Court comprise the Board of Law Examiners. They serve regular terms of three years each and may be reappointed to second terms.

Board office staff includes the executive director, counsel to the board/supervising law examiner, an administrative services director, an executive assistant and seven administrative support staff. The board also employs eight examiners, who are responsible for writing and grading the Pennsylvania Bar Essay Examination, and 16 readers, who assist the examiners in grading the essay answers. Additionally, many proctors are employed temporarily to assist in the administration of the bar exam.

Bar Procedures

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

The exam comprises two parts, an essay section, which is administered the first day, and the multiple choice Multistate Bar Examination (MBE), which is administered the second day.

The essay portion of the exam consists of eight questions developed by the examiners and approved by the board. The subject matter covers a variety of subjects, and applicants are expected to demonstrate their knowledge of Pennsylvania law where applicable.

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

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

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

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

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

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

Grading the Bar Exam

At the conclusion of each bar exam, board staff send copies of the essay questions, the examiners' proposed analyses and the grading guidelines to representatives from each of the Commonwealth's law schools. The representatives circulate the questions and analyses to the respective professors who teach the subject material covered by the questions and solicit comments and suggestions from each. These comments and suggestions are then shared with the examiners and the board. The examiners use this feedback to revise their analyses and grading guidelines in order to grade the applicants' essay answers in the fairest and most equitable manner possible.

The final draft of each question and analysis is forwarded to the board office, which then formats, edits and publishes it. Many unsuccessful applicants obtain copies of the questions and analyses along with copies of their own answers.

The MBE is graded by American College Testing.

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

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

home page at www.pable.org or on the Unified Judicial System's home page at www.courts.state.pa.us.

Application Approval/Denial and Hearing Process

In addition to passing the bar exam, prospective members of the bar of Pennsylvania must meet certain requirements relating to character and prior conduct. To aid the board in determining whether applicants have met such requirements, a candidate must file with the board office a written application setting forth those matters the board deems necessary. This includes background information pertaining to character, education and employment. Board office staff then review the applications, occasionally investigating further, to determine an applicant's fitness and qualifications.

If, upon initial review, the board's executive director finds that the applicant does not appear to possess the fitness and general qualifications requisite for a member of the bar, the applicant is notified in writing. Unless the denial was for scholastic reasons, the applicant then has 30 days to request a hearing appealing the denial. Present at the hearing are the applicant; the applicant's counsel, if he/she has retained counsel; and a board member who serves as the hearing officer. A stenographer is also present to record the hearing.

The length of each hearing varies, depending on the issues set forth; the number of issues involved; and the number of witnesses, if any, that testify. Only one applicant is considered at a hearing, and only applicants who are denied permission to sit for a bar examination or certification recommending admission, may request one.

Approximately 38 hearings were held in 1999.

1999 Activities

Office staff processed approximately 2,600 applications for permission to sit for the bar exam and approximately 400 applications for admission on motion and for character and fitness determination.

Statistics for 1999, including a comparison with 1998's figures, can be found in Table 3.2.1. Chart 3.2.2 on page 40 details the percentage of those who have passed the bar since 1989 while Chart 3.2.3 on page 41 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.

Effective May 1, 1999, Amy C. Dynda resigned as executive director to pursue other interests in the Philadelphia area. The board promoted the character and fitness director, Mark S. Dows, to replace her.

The board met twelve times in 1999 to review bar admission rules and recommend specific rule changes, review proposed essay questions and analyses, approve examination results, and set policy. It also held two semi-annual meetings, one following each of the two bar examinations, to review the essay exam questions, analyses and proposed grading guidelines.

The new executive director designed an informational presentation for law school students and potential students regarding the bar admissions process. The executive director solicited invitations from each of Pennsylvania's seven law schools, as well as Widener Delaware, to speak to the students regarding the bar admissions process. Six of the schools responded, and the executive director visited and spoke at Dickinson, Duquesne, Pittsburgh, Temple, Villanova and Widener law schools in March and October 1999.

Feedback from the students and schools revealed that the presentations were informative and very helpful. The executive director

plans to continue this endeavor on an semi-annual basis for the law schools and plans to include the Camden, New Jersey, campus of Rutgers University. The presentations were well-attended at each school.

World Wide Web

The board's Web site became available on the Internet in October 1998. The page was designed to provide information to bar applicants, law schools, court personnel and the public. The site, located at www.pable.org, contains bar admittance information, the Pennsylvania bar admission rules, *Bar Admissions Information Handbook*, examination requirements, essay questions and examiners' analyses from previous exams, press releases of successful applicants from several exams, and bar examination statistics. Applicants are also able to download the current bar application.

Admission applications		approx. 2,600
Sit ting for February exam		657
Change from 1998	15	2.34%
Persons passing February exam		362
Persons failing February exam		295
Passing percentage		55%
1998 Passing Percentage		56%
Sit ting for July exam		1,883
Change from 1998	36	1.95%
Persons passing July exam		1,326
Persons failing July exam		557
Passing percentage		70%
1998 Passing Percentage		70%

Table 2.1.1

Board Recommendations

The board made the following recommendations to the Supreme Court in 1999:

Recommendation No. 1: Proposed amendment to Pa.B.A.R. 321, relating to **participation in**

legal matters by law students. The proposed amendment permits law students to engage in activities as certified legal interns so long as the law school is located in a jurisdiction which affords students attending Pennsylvania law schools the same privilege or opportunity to participate in legal matters as law students in the other jurisdiction. The recommendation was approved by the Court.

Recommendation No. 2: Proposed amendment to Pa.B.A.R. 204, regarding the **Admission of Domestic Attorneys.** The proposed amendment permits admission on motion without examination when an attorney is a member of the bar in a reciprocal state and has been engaged in the practice of law in any state for five out of the last seven years preceding the filing of the application and upon meeting *either* of two additional requirements. The first requirement is that the attorney has been engaged in the practice of law in a reciprocal state at any time for a period of five years or more. The second requirement is that an attorney has devoted a substantial portion of the five out of seven years immediately preceding the filing practicing law in a reciprocal state.

The proposed amendment also added the requirement of applicants having passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Pa.B.A.R. 203.

The recommendation was approved by the Court.

Recommendation No. 3A: Proposed amendment to Pa.B.A.R. 203/204 prevents applicants seeking admission under these rules, who have

been **disbarred in another jurisdiction**, from being permitted to sit for the bar examination or being admitted to the Pennsylvania bar. The recommendation was approved by the Court.

Filing Fees

The filing fees charged for processing applications in 1999 are as follows:


- \$400 first-time filing fee
- \$550 late first filing fee
- \$850 second late filing fee
- \$1,250 final filing fee
- \$800 for admission on motion.

Application revenues for fiscal year 1999 totaled approximately \$1.3 million.

Looking Ahead to 2000

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

Contact Person

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

Pennsylvania Bar Exam Passing Percentages

1990-1999

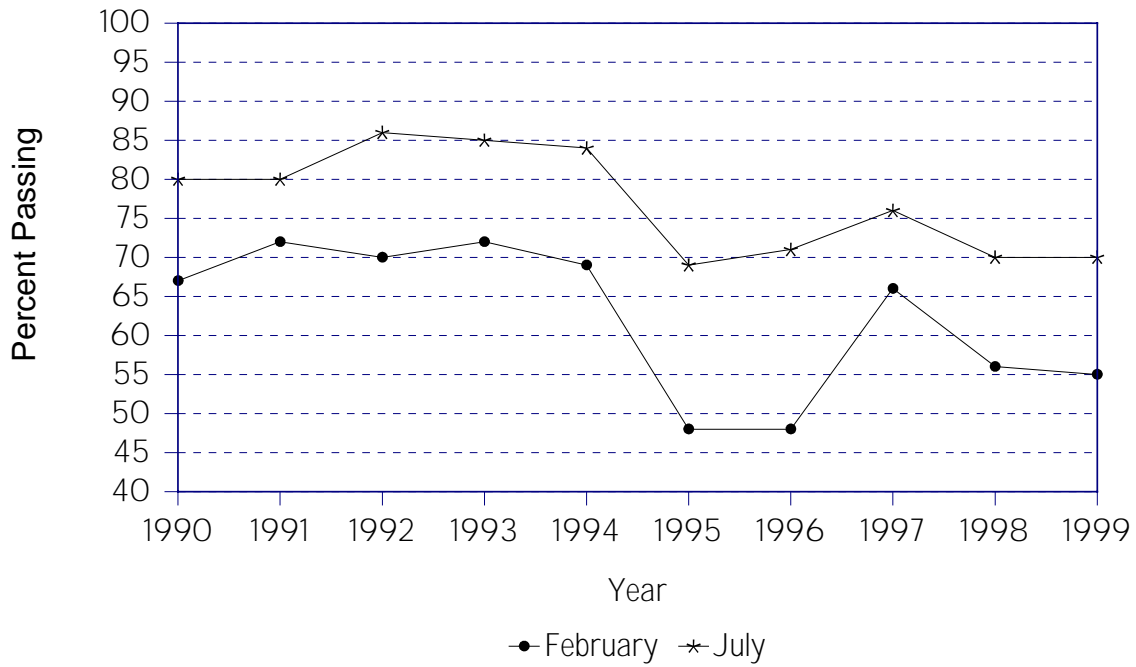


Table 3.2.2

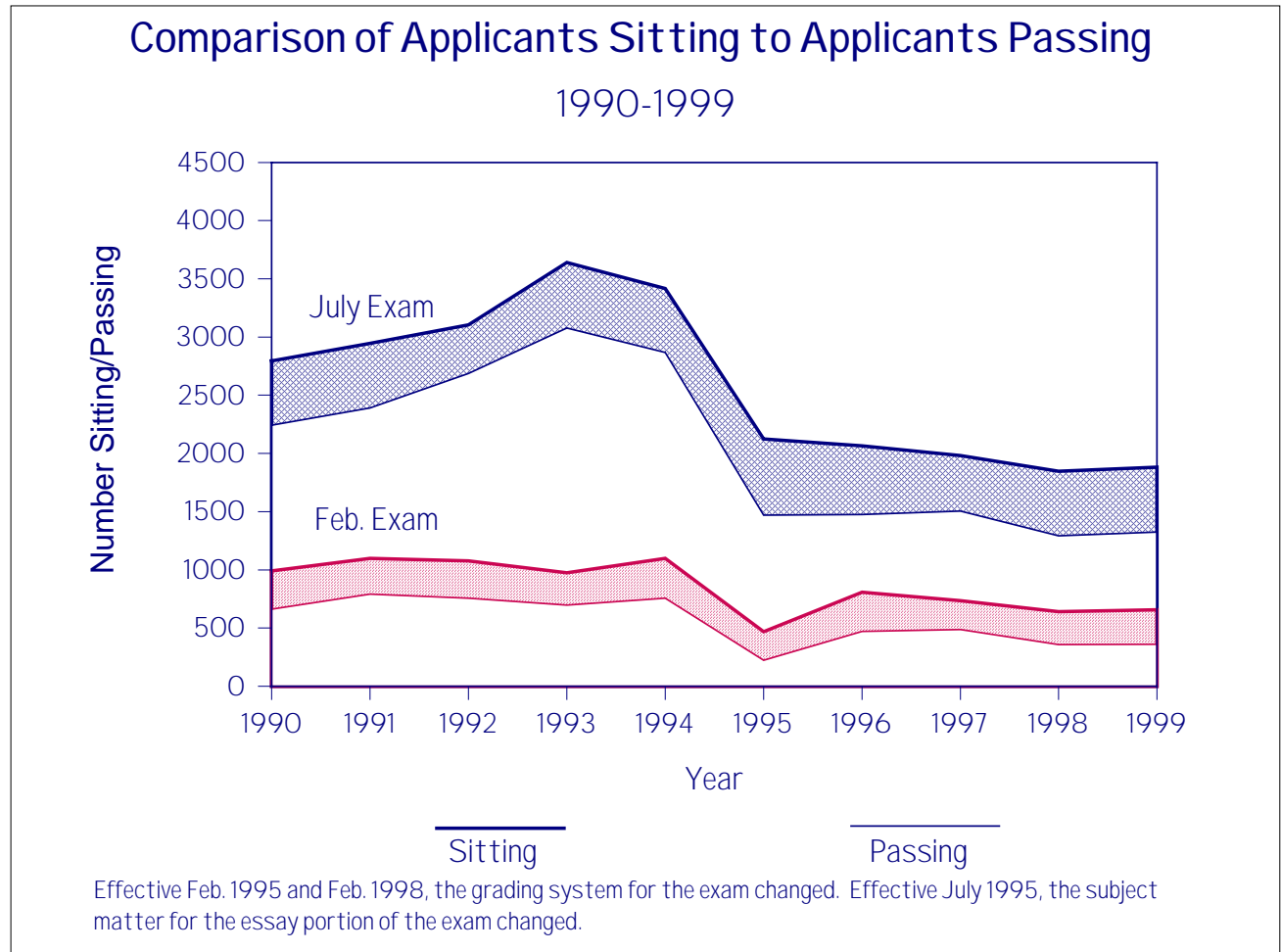


Table 3.2.3

1999 Membership:

Edwin L. Klett, Esq., *Chair**
Rea Boylan Thomas, Esq., *Chair***
Honorable R. Stanton Wettick, Jr., *Vice Chair*
Morton R. Branzburg, Esq.
Ernest J. Buccino, Jr., Esq.*
Joseph H. Foster, Esq.
Professor John L. Gedid*
H. Paul Kester, Esq., *ex officio*
Honorable George E. Hoffer
Honorable D. Donald Jamieson
James D. McDonald, Jr., Esq.*
Robert A. Newman, Esq.
Edward G. O'Connor, Esq.
Honorable Keith B. Quigley*
Diane Barr Quinlin, Esq.+
Anton Henri Rosethal, Esq.
Shanin Specter, Esq.
Thomas A. Sprague, Esq.
Clayton A. Sweeney, Esq.
Paul H. Titus, Esq.
Kevin H. Wright, Esq.

Staff:

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

* Term expired 6-30-99

** Effective 7-1-99

+ Term expires 6-30-00

Legal Authorization:

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

Civil

Procedural

Rules

Committee

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

History/Background

The Civil Procedural Rules Committee sets the rules of procedure and practice for civil actions in Pennsylvania's Courts of Common Pleas. This includes all aspects of civil matters except those issues relating to the work of the orphans' court and family court divisions. It was first commissioned by the Supreme Court in 1937.

Committee members are appointed to three-year terms by the Court and each may serve a maximum of two full terms. Currently, 16 lawyers and judges, including one *ex officio* member, comprise the committee.

The committee's office is located in Mechanicsburg, and the staff of three includes counsel, a research assistant and an office manager. The counsel and research assistant are both members of the bar of the Supreme Court of Pennsylvania.

1999 Activities

The Civil Procedural Rules Committee held four meetings in 1999 as follows:

March	New Bloomfield & Harrisburg
June	Pittsburgh
September	Mechanicsburg
November	Philadelphia

Internet

The committee continued to maintain a home page on the Internet. The site is accessed through the home page of the Unified Judicial System at www.courts.state.pa.us.

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

- recently promulgated rules and amendments to rules
- a schedule of effective dates

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

The Unified Judicial System includes a list of the members of the committee as part of its home page.

Judicial Council of Pennsylvania

The committee continued into early 1999 to furnish assistance to the Judicial Council of Pennsylvania in revising both Rule of Judicial Administration 301 *et seq.* governing the Judicial Council and the Rules of Judicial Council as set forth in Title 204 of the Pennsylvania Code, Chapters 101 through 111. Revised Rules of the Judicial Council were promulgated August 31, 1999, effective immediately (29 *Pennsylvania Bulletin* 4941).

Pennsylvania Conference of State Trial Judges

Counsel to the Civil Procedural Rules Committee was appointed in 1998 to membership on the Civil Bench Book Committee of the Pennsylvania Conference of State Trial Judges. He continued as a member in 1999.

1999 Amendments to the Rules of Civil Procedure

The Supreme Court acted upon several committee recommendations in 1999, promulgating new rules and amending existing ones. The committee issued several additional recommendations, which were published to the bench and bar for comment and remain pending with it. The recommendations are described below and are listed in the Status of Recommendations chart which follows this report.

Recommendations Promulgated by the Supreme Court

Recommendations Effective in 1999

The following recommendations promulgated in 1998 became effective January 1, 1999:

Recommendation No. 138: Compulsory Arbitration Amended Rules 218 and 1303 to provide a remedy to the situation in which a party flouts the compulsory arbitration process by failing to appear for a hearing before a board of arbitrators and then filing an appeal for a trial *de novo* in the Court of Common Pleas. Promulgated July 30, 1998.

Recommendation No. 146: Filing Copies; Service by Facsimile Transmission Added new Rule 205.3 governing the filing of copies and amended Rules 440 and 1025 to provide for service of most legal papers by facsimile transmission. Promulgated August 3, 1998.

Recommendation No. 147: Discovery Amendment to Rule 4007.1, adding new subdivision (f) governing proceedings under Section 5326 of the Judicial Code, a part of the Uniform Interstate and International Procedure Act, providing aid to litigants and tribunals outside the Commonwealth with respect to depositions. Promulgated August 4, 1998.

Notice to the Attorney General: Charitable Bequest or Trust Amendment of Rule 235 to require notice to the attorney general when an action involves a charitable bequest or trust.

Subpoenas; Production of Documents and Things: The note to Rule 4009.21(a) was amended to dispel the notion that a subpoena under Rule 4009.21 *et seq.* is the sole manner of seeking production from a person not a party to an action. At the same time, a note was added to Rule 234.1(a) to alert the bench and bar that the 20-day prior notice required for the service of a subpoena under Rule 4009.21 *et seq.* does not apply to a subpoena *duces tecum*

issued in connection with the notice of an oral deposition.

Recommendations Promulgated in 1999

Recommendation No. 142: Service of Original Process Was intended to accomplish three objectives:

- service of original process by a competent adult would have been extended throughout the Commonwealth to all actions.
- Chapter 400 governing service would have been restructured, resulting in a more logical sequence of rules.
- the practice governing service of original process upon partnerships, unincorporated associations, and corporations and similar entities would have been unified and consolidated into one rule.

The recommendation was promulgated June 14, 1999, effective September 1, 1999; however, on August 30, 1999, the Supreme Court suspended the effective date until further order.

In a related matter, the Court requested that the committee consider under the existing service rules the issue of who is a competent adult for the purpose of serving original process. In response to this request, the committee recommended the addition of a definition of the term “competent adult” to Rule 76, “Definitions,” and the promulgation of conforming amendments to a number of rules in light of the new definition.

The definition of “competent adult” added to Rule 76 states that the term means “an individual 18 years of age or older who is neither a party to the action nor an employee or a relative of a party.” Thus, when a rule provides for service of original process by a competent adult, this definition will ensure that service will be made by a person who is without an interest in the litigation.

The committee's recommendation was promulgated by the Court on May 14, 1999, effective July 1, 1999, without prior publication. These amendments were not affected by the order of September 30 suspending the effective date of the amendments promulgated under Recommendation No. 142.

Recommendation No. 148: Production of Medical Records Proposed to amend Rule 234.1 governing subpoenas in light of Act No. 1998-26, which amended Section 6151 *et seq.*, of the Judicial Code relating to the production of medical records and charts. After considering comments received after publication of the recommendation and further reviewing revisions proposed by the recommendation, the committee, with one exception, abandoned the project as too complex and unnecessary.

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

Recommendation No. 153: Electronic Filing of Legal Papers Amended the rules of civil procedure by adapting them to accommodate the electronic filing of legal papers. The rules are presently based upon a system using paper or "hard copy," and revision was required to take advantage of the technological advances heralded for the twenty-first century. New Rule 205.5 does not authorize the electronic filing of legal papers, but merely sets forth procedural guidelines to allow pilot projects and eventual general use when authorized by general rule, rule of court or special order. The rule also authorizes electronic service of legal papers

other than original process. The rule contains a sunset provision and will be rescinded December 31, 2001. Promulgated May 14, 1999, effective July 1, 1999.

Recommendation No. 154: Conduct of Jury Trial Amended existing Rule 223 and promulgated new Rule 223.1. The recommendation effected no substantive change to Rule 223.

Since the provisions of the rule applied equally to jury and non-jury trials, the title of the rule was changed from "Conduct of the Jury Trial" to "Conduct of the Trial. Generally."

New Rule 233.1 is entitled "Conduct of the Trial. Trial by Jury." The rule, which reflects a heightened interest in the jury trial nationwide, is directed toward providing jurors with a greater understanding of the case which they are witnessing and, if appropriate, an opportunity to participate more actively in the trial. The rule is designed to be a catalog, advising both the bench and bar of the options available and the court's power to invoke them.

The options set forth in the new rule are:

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

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

Promulgated November 1, 1999, effective January 1, 2000.

Amendments Promulgated without Prior Publication

Several amendments were promulgated without prior publication either because of their perfunctory nature or because they did not change practice or procedure.

Discovery Rules -- Conforming Amendments In 1997 the Supreme Court promulgated Rule of Civil Procedure 1930.5 governing discovery in domestic relations matters. This development required that the discovery rules be amended to conform to this new rule. The Supreme Court promulgated the necessary conforming amendments on March 19, 1999, effective July 1, 1999. These amendments were promulgated without publication to the bench and bar for comment as they did not change practice or procedure.

Three revisions were made to the discovery rules:

- the last paragraph of the 1978 Explanatory Note that precedes Rule 4001 was revised to delete the reference to the former requirement of leave of court as a prerequisite to discovery in family law actions. The note now concludes with the statement that the discovery rules are applicable “in divorce and in support and custody proceedings to the extent provided by the rules governing those proceedings.”
- a new paragraph was added to the note to Rule 4001(a) cross-referring to the applicable rules governing domestic relations proceedings which pertain to discovery.
- Rule 4007.2(a) was amended to delete an obsolete cross-reference to Rule 4001(a) which, prior to its amendment in 1997, had prohibited discovery in domestic relations matters except upon leave of court.

Gender and Millennium Amendments Three Supreme Court orders completed a long process of amending the rules of civil procedure to remove gender references. The same orders also

deleted references to “19__” from several rules. The orders were promulgated without prior publication because of their perfunctory nature.

Recommendations Published to Bench and Bar

Recommendation 149: Service upon Associations Proposes to amend Rule 423 governing service of original process upon partnerships and unincorporated associations and Rule 424 governing service of original process upon corporations and similar entities. These rules currently provide, *inter alia*, a method of service whereby a copy of process may be handed to “the manager, clerk or other person for the time being in charge of any regular place of business or activity.” A barrier of a receptionist or security guard, however, often makes such service difficult to effect. The recommendation would add a provision to both rules that service may be made upon “a person responsible for receiving visitors, or business mail or deliveries addressed to” the particular association, at any office or regular place of business of the association.

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

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

The Judgment Lien Law was repealed by the Judiciary Act Repealer Act (JARA) in 1978,

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

Recommendation No. 151, which was published for comment in late 1998, proposes to amend the rules of civil procedure to fill the void left by the repeal of the 1947 Act. It is the last of the major projects arising from JARA.


Recommendation No. 152: Judgment of Non Pros for Inactivity Proposed to codify the three-prong test for the entry of a judgment of *non pros* for inactivity as set forth in *James Brothers Lumber Co. v. Union Banking and Trust*, 432 Pa. 129, 247 A.2d 587 (1968) as reaffirmed in *Jacobs v. Halloran, et al.*, 551 Pa. 350, 710 A.2d 1098 (1998). Upon further consideration, however, including review of the comments

received upon publication, the committee determined that rule-making was not required.

Continuing Responsibilities

The committee continued to furnish assistance to the Supreme Court and to act as a clearinghouse for numerous amendments suggested by members of the bench and bar. The chair and counsel answered countless inquiries regarding the Rules of Civil Procedure from local courts and attorneys and from courts and attorneys in sister states.

Contact Person

Anyone wishing to learn more about the Civil Procedural Rules Committee or having questions regarding civil rules may contact Counsel Harold Don at (717) 795-2110 or write to him at Suite 700; 5035 Ritter Road; Mechanicsburg, PA 17055 or via e-mail at civil.rules@supreme.court.state.pa.us. 

Status of Recommendations		
Recommendation	Subject	Status
138	Amendment of Rule 1303 governing compulsory arbitration	Promulgated 7-30-98, effective 1-1-99
142	Amendment of Rule 400 <i>et seq.</i> governing service of original process	Promulgated 6-14-99, effective 9-1-99; effective date suspended 8-29-99 until further order
144	Amendment of Rule 1033 governing amendment of pleadings	Not adopted by Court
146	New Rule 205.3 governing filing of copies; amendment of Rules 440 and 1025 to provide for service of legal papers by facsimile transmission	Promulgated 8-3-98, effective 1-1-99
148	Amendment of Rules 234.1 and 4007.1(d) governing issuance of a subpoena <i>duces tecum</i> for medical records and charts	Promulgated 12-1-99, effective 1-1-00
149	Amendment of Rules 423 and 424 governing service of original process upon associations	Pending with committee
150	Amendment of Rules 2126, 2151 and 2176 defining partnerships, unincorporated associations, and corporations and similar entities	Pending with committee
151	Promulgation and amendment of rules governing lines upon real property and revival of judgments	Pending with committee
152	Promulgation of New Rule 229.1 governing entry of judgment of <i>non pros</i> for inactivity	Removed from committee agenda
153	Promulgation of new Rule 205.4 and amendment of Rule 440 to provide for electronic filing and service of legal papers	Promulgated 6-14-99, effective 7-1-99
154	Amendment of Rule 223 governing conduct of the jury trial	Promulgated 11-3-99, effective 1-1-00

continued...

Chart 3.3.1

Status of Recommendations, continued		
Recommendation	Subject	Status
155	Amendment of Rule 1012 governing entry of appearance and promulgation of new Rule 1012.1 governing civil cover sheet	Pending with committee
156	Amendment of Rule 76 governing definitions to include municipal authority in the term political subdivision	Pending with committee

Chart 3.3.1, cont'd.

1999 Membership:

Civil Instructions Committee

James E. Beasley, Esq., *Chair*
Perry S. Bechtle, Esq.
Honorable John C. Dowling
James Lewis Griffith, Esq.
Lee C. Swartz, Esq., *Reporter*

Civil Instructions Advisory Panel

Lee C. Swartz, Esq., *Reporter*

Criminal Instructions Subcommittee

Honorable James R. Cavanaugh, *Chair*
Honorable Robert E. Dauer, *Co-chair*
William H. Lamb, Esq., *Co-chair*
Honorable John N. Sawyer
Professor Arthur A. Murphy, *Reporter*

Criminal Instructions Advisory Panel

Professor Arthur A. Murphy, *Reporter*
Honorable Kevin A. Hess
Honorable Renee Cardwell Hughes
Honorable J. Wesley Oler, Jr.

Staff:

Roger B. Meilton, *Assistant Reporter and Secretary*

Legal Authorization:

Pa. Constitution Article V, § 10(c)

Committee

for

Proposed

Standard

Jury

Instructions

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

History/Background

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

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

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

Committee Activities


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

supplement, the instructions became available on computer diskette. The process of recruiting a working advisory panel is underway, with the goal of publishing a fourth supplement in 2000-2001.

The seventh supplement to the Criminal Jury Instructions was published in 1995. With it, the instructions also became available on computer diskette. During 1998 and 1999, the advisory panel has continued researching and drafting revised and new jury instructions for an eighth supplement targeted to be published in mid-2000.

Contact Person

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

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

**Committee
on
Rules of
Evidence**

1999 Membership

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

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jennifer Degenfelder, Esq., *Staff Counsel*
Richard L. Kearns, *part time Staff Counsel*
Patricia R. Kephart, *Office Manager**
Suzanne Creavey, *Office Manager***

* Retired 12-99

** Effective 12-99

Legal Authorization:

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

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

History/Background

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

After an extensive public comment period and subsequent revisions, the ad hoc committee submitted a proposed evidence code to the Court that was adopted May 8, 1998, as the Pennsylvania Rules of Evidence. It became effective October 1, 1998. Since then, first, the ad hoc committee and then the standing committee have been monitoring the practical application of the new rules as well as developments in evidence law in Pennsylvania and in other jurisdictions, as reflected in case law and statutory changes that have occurred since the rules' adoption. In addition, the committees have been reviewing and responding to the various questions that have been raised by judges, lawyers and court personnel.

Membership and Staff

The first members of the committee on Rules of Evidence were appointed by the Court for initial one-, two- and three-year terms, commencing October 1, 1998. Subsequent appointees have been appointed for three-year terms, with a two-term limit. The committee membership in 1999 consisted of one Common Pleas Court judge, eight attorneys in private practice and a law professor, all of whom have extensive backgrounds in trial practice and procedure and are from different geographical areas of Pennsylvania.

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

Publication

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory *Report* describing the committee's proposal. This process gives members of the bench, bar and public an opportunity to comment on the proposal. The *Reports* are published in the *Pennsylvania Bulletin*, the *Atlantic Reporter 2d* (*Pennsylvania Reporter Series*), and various local bar publications and also may be found at the Court's home page at www.courts.state.pa.us, under Supreme Court Committees. (Note: Some proposals are submitted to the Court without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice, because exigent circumstances exist that warrant prompt action, or because the proposed changes are technical or perfunctory in nature.)

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

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

1999 Activities

The Committee on Rules of Evidence met three times in Philadelphia in 1999, with several subcommittee meetings and conference

calls being held to address specific issues that came up between meetings.

The committee members continued in 1999 to participate in various programs and seminars about the rules. These sessions also provide the members with an excellent opportunity 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.

1999 Committee Action

The Supreme Court adopted one committee recommendation for evidence rule changes in 1999. Several other recommendations remained pending with the Court. The rule changes are described below and are summarized in the Status of Recommendations chart following this report.

Proposals Adopted by the Supreme Court

Recommendation No. 8, Rules of Evidence 1998: Editorial changes and technical corrections to Rules 410, 612, 613, 802 and 803. Adopted by the Court 3-23-99.

Proposals Pending with the Supreme Court

Recommendation No. 1 Rules of Evidence 1999: Editorial changes and technical corrections to Rules 105, 410, 803 and 804.

Recommendation No. 2 Rules of Evidence 1999: Amendments to Rule 803.1 updating subsection (1) Comment consistent with recent changes in case law concerning the **admission of prior inconsistent statements**.

Recommendation No. 3 Rules of Evidence 1999: Amendments to Rule 408 regarding **admissibility** of compromise negotiations to prove liability for a validity of a claim or amount.

Recommendation No. 4 Rules of Evidence 1999: Amendments to Rule 613 to make it clear that both sections (a) and (b) apply to **attacks on credibility** through prior inconsistent statements.

Looking Ahead to 2000

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

Contact Person

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

Status of Recommendations		
Recommendation	Subject	Status
1, 1998	Amendments to Rules 410, 612, 613, 802 and 803	Adopted 3-23-99; effective immediately
1, 1999	Amendments to Rules 105, 410, 803 and 804	Submitted to Court 8-19-99; pending before Court
2, 1999	Amendments to Rule 803.1	Submitted to Court 8-19-99; pending before Court
3, 1999	Amendments to Rule 408	Submitted to Court 8-19-99; pending before Court
4, 1999	Amendments to Rules 613	Submitted to Court 8-19-99; pending before Court

Table 3.5.1

Pennsylvania

Continuing

Legal

Education

Board

1999 Membership

James C. Schwartzman, Esq., *Chairman*

Vincent J. Grogan, Esq., *Vice Chairman*

Carmen P. Belefonte, Esq.

Ruth E. Ganister, Esq.

Robert S. Grigsby, Esq.

Alan C. Kessler, Esq.

John F. Mizner, Esq.

Arthur L. Piccone, Esq.

Paul Michael Pohl, Esq.

Sandor Yelen, Esq.

Staff:

Karen K. Spicer, *Administrator*

Legal Authorization:

Title 204 - Judicial System General Provisions Part V. Professional
Ethics and Conduct [204 PA Code C. 82]

Pennsylvania Rules for Continuing Legal Education; No. 99 Supreme
Court Rules Doc. No. 1

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

History/Background

With the promulgation by the Pennsylvania Supreme Court of the Pennsylvania Rules for Continuing Legal Education on January 7, 1992, Pennsylvania became the thirty-eighth state in the union to require attorneys to participate in formal continuing legal education (CLE).

It is the responsibility of the Continuing Legal Education Board (PACLE) to administer the rules pertaining to such education for attorneys. This responsibility began with establishing the entire continuing legal education requirements system and continues to include updating the requirements and rules as necessary, monitoring each attorney's compliance with the requirements, notifying attorneys of CLE status, and accrediting and monitoring CLE providers and courses.

The board established the following goals early in its existence:

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

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

Compliance Requirements and Deadlines

Annual CLE credit-hour requirements are met by completion of accredited courses in the areas of substantive law, practice and procedure, ethics, professionalism or substance abuse.

Lawyers in each compliance year group must complete twelve hours of CLE, including a minimum of one hour of ethics, professionalism or substance abuse before the compliance year deadline.

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

Board Organization

To best accomplish the requirements set forth by the Pennsylvania Rules for Continuing Legal Education, the Continuing Legal Education Board is organized into four committees, each covering a major area of operations: Accreditation, Administration, Audit and Compliance. A description of each committee follows.

Accreditation Committee

The Accreditation Committee has four members: Carmen P. Belefonte, Esq., chair; Arthur L. Piccone, Esq.; Ruth E. Ganister, Esq.; and Sandor Yelen, Esq. Its duties include certification of providers and courses, CLE program standards, adequacy of course availability, and course and provider accreditation standards.

Administration Committee

The Administration Committee includes James C. Schwartzman, Esq., chair; Vincent J. Grogan, Esq., vice chair; and Paul Michael Pohl, Esq. It handles matters involving staff, employee relations, benefits, office equipment, office operations, fees and banking, and those enhancements to program administration necessary to ensure quality and efficiency.

Audit Committee

The Audit Committee has three members: James C. Schwartzman, Esq.; Vincent J. Grogan, Esq., Vice Chair; and Paul Michael Pohl, Esq. It oversees the budget, annual independent audit and audit of board operations. It continues to monitor the board's financial software, operating procedures and reporting. It is also the liaison between the board and the board's accountants, KPMG Peat Marwick.

Compliance Committee

James C. Schwartzman, Esq., chair; John F. Mizner, Esq.; Robert S. Grigsby, Esq.; and Alan C. Kessler, Esq. comprise the Compliance Committee. This committee oversees attorney compliance; reviews requests for waivers, extensions and deferrals from lawyers; reviews determination of lawyer noncompliance; and makes recommendations to the board for action regarding these issues.

1999 Board Actions and Operations Highlights

The board held four meetings and a provider conference in 1999. In April the board held the first strategic planning session. This two-day meeting was designed to provide a comprehensive historical perspective for new board members, to review the board's goals and current status, and to discuss plans and objectives for the future.

The October provider conference was very highly rated by the 65 people representing 44 organizations who attended. This year's conference featured the introduction of ASAP Nexus, the web-enabled version of Automated System for Accredited Providers (ASAP); a workshop on best practices of continuing legal education providers; and a motivational speaker on effective communications.

The board continues to emphasize the importance of interesting, high quality CLE programs with the 170 accredited providers of CLE in Pennsylvania. To that end, PACLE developed ASAP, which is licensed to accredited providers and allows for automated course registration as well as electronic submission of upcoming courses and course attendance rosters to the PACLE office. It is successfully in use by 17 accredited providers. Processing of credit hours electronically using ASAP exceeded 550,000 of the 614,944 credit hours received.

In continued pursuit of the PACLE Board goal to use the most modern and efficient technology, the board is taking the next practical step and introducing ASAP to the Internet. Merging ASAP's functionality into a Web-enabled environment will create an accurate, efficient and user-friendly Web site called ASAP Nexus.

In 1999 the board's Web site was enhanced to add a section on our commitment to quality. This section includes the board's goals, detailed information concerning provider accreditation, links to CLEvaluation and a staff directory to allow e-mail directly to staff.

PACLE licensed the CLECTS (Continuing Legal Education Compliance Tracking System) to the Ohio Supreme Court CLE Commission and the New Mexico State Bar Association. The CLECTS was programmed by PACLE to meet the two states' CLE requirements.

Y2K

PACLE's objective was to be Year 2000 compliant by November 30, 1999. To reach this, PACLE:

- inventoried/assessed all PACLE hardware, software and peripherals, which include printers, servers, operating system software and application software, four times during 1999

- purchased, installed and tested new server, operations system software and application software for PACLE's Lucent "Conversant" text-to-voice communication information system
- purchased, installed and tested new server, O/S software and application software for PACLE's Lucent "Intuity" Message Manager Voice Messaging System
- purchased, installed and tested:
 - one new workstation server
 - new network communication software for HP-UX AS/9000.


Attorney Compliance

Lawyer compliance with requirements of Pennsylvania CLE Rules remains very high. Chart 3.6.1 on page 61 displays the compliance rate and number of lawyers in each group whose names were submitted to the Disciplinary Board of the Supreme Court for failure to meet CLE requirements.

Looking Ahead to 2000

The board plans to petition the Supreme Court to remove the for-profit restriction on CLE providers; complete ASAP Nexus for Pennsylvania providers; explore avenues to reduce costs of CLE for lawyers; and implement the law firm services program, which will automate compliance status lists to CLE coordinators of large law firms or government agencies. The quality of CLE will continue to be high on the board's priority.

Contact Person

Questions about CLE or the Pennsylvania Continuing Legal Education Board may be directed to Karen K. Spicer, Administrator, at (800) 497-2253 or (717) 795-2139. Or you may write to the board at 5035 Ritter Road, Suite 500; Mechanicsburg, PA 17055 or e-mail at pacleb@pacle.org. The board's Web site is located at www.pacle.org. 

Attorney Compliance				
Compliance Year Ending	# Lawyers Subject to Requirements	# Lawyers Complying	# Lawyers Involuntarily Inactivated	Compliance Rates
Group 1				
92-93 - April 93	17,100	16,959	141	99.2%
93-94 - April 94	17,300	17,179	121	99.3%
94-95 - April 95	17,619	17,552	67	99.6%
95-96 - April 96	17,873	17,768	105	99.4%
96-97 - April 97	17,804	17,639	165	99.1%
97-98 - April 98	17,665	17,523	142	99.2%
98-99 - April 99	17,864	17,751	113	99.4%
Group 2				
92-93 - August 93	17,124	16,868	256	98.5%
93-94 - August 94	17,289	17,134	155	99.1%
94-95 - August 95	17,649	17,540	109	99.4%
95-96 - August 96	17,595	17,507	87	99.5%
96-97 - August 97	17,410	17,294	116	99.3%
97-98 - August 98	17,613	17,511	102	99.5%
98-99 - August 99	17,756	17,666	90	99.5%
Group 3				
92-93 - December 93	17,269	16,936	333	98.1%
93-94 - December 94	17,474	17,414	60	99.7%
94-95 - December 95	17,679	17,574	105	99.4%
95-96 - December 96	17,542	17,430	112	99.4%
96-97 - December 97	17,582	17,456	126	99.3%
97-98 - December 98	17,781	17,647	134	99.2%
98-99 - December 99	17,968	*	*	*
*Information for this compliance period will be available after August 20, 2000.				

Table 3.6.1

1999 Membership

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

* Term expired 6-30-99

** Effective 7-1-99

Staff:

Anne T. Panfil, Esq., *Chief Staff Counsel*
Jennifer Degenfelder, Esq., *Staff Counsel*
Patricia R. Kephart, *Office Manager+*
Suzanne Creavey, *Office Manager++*

+ Retired 12-99

++ Effective 12-99

Legal Authorization:

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

Criminal

Procedural

Rules

Committee

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

History/Background

The Criminal Procedural Rules Committee is an advisory arm to the Supreme Court, serving to assist the Court in achieving its constitutional mandate to prescribe general rules governing criminal practice and procedure throughout Pennsylvania.

The committee monitors recent developments in criminal procedure in Pennsylvania and in other jurisdictions to identify areas in which the criminal rules need to be amended, revised, streamlined or simplified. The committee also reviews and responds to the numerous questions raised by judges, lawyers, and court personnel; the public; and agencies within the criminal justice system.

In addition, the committee reviews Pennsylvania appellate court cases and Pennsylvania legislation, earmarking those decisional or statutory law changes which affect the criminal process and necessitate amendments to the rules or other action by the Court.

The committee also monitors all local criminal rules as required by Pennsylvania Rules of Criminal Procedure 6.

Prior to completing a rule proposal for submission to the Supreme Court, the committee publishes an explanatory *Report*, which describes the committee's proposal, and gives members of the bench, bar, and public an opportunity to comment on the proposal. The reports are published in the *Pennsylvania Bulletin*, the Atlantic Reporter 2d (*Pennsylvania Reporter Series*), and various local bar publications. All comments are considered and, when appropriate, a proposal is modified before final submission to the Court. (Note: Some reports are submitted to the Court without publication, pursuant to Pa.R.J.A. 103(a)(3) in the interests 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 to provide easy access to the effective dates of criminal rule changes.

Web Site

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

Membership and Staff

Committee membership is appointed by the Supreme Court. Each member's term is three years in length and members may serve a maximum of two full terms. In 1999 it included a Superior Court judge, four Common Pleas Court judges, the chief disciplinary counsel for the Disciplinary Board of the Supreme Court, five prosecutors, one assistant public defender, two attorneys in private practice, one law professor and a district court administrator.

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

1999 Activities

The committee held six two-day full-committee meetings and several subcommittee meetings in 1999. The meetings were held in Pittsburgh, Philadelphia, Hershey, Ephrata and Gettysburg.

A good deal of the committee's work in 1999 involved the development of procedures for the use of advanced communication technology in criminal cases, in particular for arrest and search warrants, preliminary arraignments and arraignments. The committee also spent a good deal of time working on the reorganization and renumbering of the criminal rules with the goal of presenting the rules in a more orderly fashion that more accurately reflects the movement of a criminal case through the criminal justice system, thereby making the rules more "user friendly" and easier to follow.

In addition, the committee continued with its ongoing review of the rules affecting proceedings before the minor judiciary, both in summary cases, Chapter 50, and in court cases, Chapter 100, and responding to specific inquiries from the Supreme Court or issues that arose in case law. The committee addressed several other areas of criminal practice and procedure, including pleas, jurisdiction and venue, jury procedures, and sentence and post-sentence procedures.

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

The committee continued in 1999 to make presentations to the bench, the bar and others involved in the criminal justice system regarding recent changes in Pennsylvania's criminal procedures. At these presentations the committee receives valuable input concerning Pennsylvania's criminal practice.

1999 Committee Action

The Supreme Court adopted 13 committee recommendations for rule changes in 1999. A number of other recommendations remained pending with the Court. These are described below. A chart indicating the status of the proposals and recommendations pending in 1999 can be found beginning on page 69.

Proposals Adopted by the Supreme Court

Recommendation No. 8, Criminal Rules 1996: Rule 86 amendment regarding **police officer's presence at summary trial and trial de novo** to address the holding in *Commonwealth v. Hightower*. Adopted 5-14-99, effective 7-1-99. See Order and *Final Report* at 29 *Pa.B.* 2776 (5-29-99) and 728 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 16, Criminal Rules 1996: Amendments to Rules 71 and 81 to clarify the procedures related to collateral in **summary cases** and to clarify when an immediate trial must be conducted in a summary case following an arrest without warrant. Adopted by the Court 5-14-99, effective 7-1-99. See Order and *Final Report* at 29 *Pa.B.* 2775 (5-29-99) and 728 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 5, Criminal Rules 1998: Amendments to Rules 75, 76, and 85 clarifying that the October 1997 amendments require an **ability to pay hearing** following an arrest for failure to respond to the ten-day notice required under the rules. Adopted by the Court 7-2-99, effective 8-1-99. See Order and *Final Report* at 29 *Pa.B.* 3718 (7-17-99) and 730-731 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 6, Criminal Rules 1998: New Rule 143, amendments to Rule 23, revision of the Rule 107 Comment, combining Rules 141 and 142 as Rule 141, and renumbering of current Rule 143. The rule changes provide the procedures for **reinstating criminal cases**

after withdrawal or dismissal at or before the preliminary hearing. Adopted by the Court 10-8-99, effective 1-1-00. See Order and *Final Report* at 29 Pa.B. 5509 (10-23-99) and 737-738 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 9, Criminal Rules 1998: Amendments to Rule 1114 incorporating the *Commonwealth v. Karaffa* prohibition against **written jury instructions** being sent out with the jury during deliberations. The Court declined the committee's offer to reexamine this issue, as well as jury trial procedures in general. Adopted by the Court 11-18-99, effective 1-1-00. See Order and *Final Report* at 29 Pa.B. 6102 (12-4-99) and 739-740 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 1998: Amendments to Rules 1101 (Waiver of Jury Trial), 1102 (Procedure When Jury Trial Is Waived), and 1103 (Consent to Be Tried by Less Than Twelve Jurors) to implement the constitutional amendment concerning **Commonwealth's right to a jury trial**. Adopted by the Court 4-16-99, effective 7-1-99. See Order and *Final Report* at 29 Pa.B. 2290 (5-1-99) and 726 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 2, Criminal Rules 1999: Amendments to Rules 319 and 320 to require that the defendant give notice of an **intention to withdraw a guilty plea** and to give the attorney for the Commonwealth ten days within which to respond. Adopted by the Court 7-15-99, effective 1-1-00. See Order and *Final Report* at 29 Pa.B. 4057 (July 31, 1999) and 732-733 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 6, Criminal Rules 1999: **Technical amendments to Rule 1104** adding titles to the subsections in the rule. Adopted by the Court 5-14-99, effective 7-1-99. See Order and *Final Report* at 29 Pa.B. 2778 (5-29-99) and 728 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 7, Criminal Rules 1999: Amendments to Rule 1410 providing procedures following **withdrawal of post-sentence motion**, and addressing *Commonwealth v. Lord* and Pa.R.A.P. 1925(b). Adopted by the Court 7-9-99, effective 1-1-00. See Order and *Final Report* at 29 Pa.B. 3836 (7-24-99) and 731 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 8, Criminal Rules 1999: Rule 1405 amendment modifying the **time for sentence** from 60 to 90 days with a correlative Comment revision that (1) adjusts the time limit on extensions from 60 to 30 days, and (2) adds a citation to *Commonwealth v. Anders*. Adopted by the Court 7-15-99, effective 1-1-00. See Order and *Final Report* at 29 Pa.B. 4059 (1-31-99) and 732-733 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 10, Criminal Rules 1999: Clarifying changes to Rules 4001 and 4002 concerning the 1998 amendment to Article 1, Section 6 of the Pennsylvania Constitution, dealing with **bail**. Adopted by the Court 9-3-99, effective immediately. See Order and *Final Report* at 29 Pa.B. 4862 (9-18-99) and 735-736 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 12, Criminal Rules 1999: Rule 60 Comment revision that clarifies that pursuant to the 1998 amendments to the Game and Wildlife Code concerning **deputy wildlife conservation officers** using citations, it is not feasible for the deputies to issue citations because of the change in the statute, so they have to file pursuant to Rule 60. Approved by the Court 8-13-99, effective immediately. See Order and *Final Report* at 29 Pa.B. 4543 (8-28-99) and 734 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Recommendation No. 13, Criminal Rules 1999: Amendments to Rules 1500, 1501, 1502 and 1509 providing for **stays of execution** and time limitations on the length of stays of execution in death penalty cases. Adopted by the

Court 7-23-99, effective 9-1-99. See Order and *Final Report* at 29 Pa.B. 4167 (8-7-99) and 732-733 A.2d Advance Sheets (*Pennsylvania Reporter Series*).

Proposals Pending with the Supreme Court

A number of committee recommendations for criminal rule changes remained pending with the Supreme Court at the close of 1999. These are described below and are also summarized in the Status of Recommendations chart following this report.

Recommendation No. 6, Criminal Rules 1997: Proposed amendments to Rules 1500, 1507, 1508, and 1509 would provide for notice to a defendant of the PCRA **time limits** and **right to counsel**, impose a time limit on the disposition of petitions in noncapital cases, and provide for extensions of time. (The proposal was withdrawn in 1999 so the committee could reconsider the sanction aspects of the proposal. The committee resubmitted the portion of the proposal that would amend Rule 1500 to provide the defendant with notice of the time limits and right to counsel, and this proposal is still pending with the Court. See Recommendation 14, Criminal Rules 1999 on page 68.)

Recommendation No. 7, Criminal Rules 1997: Proposed amendments to Chapter 100 establishing a uniform procedure for handling cases in which the **defendant fails to appear for the preliminary hearing**. See *Supplemental Report* at 26 Pa.B. 2307 (5-18-96). (This proposal was withdrawn so the committee could consider questions from the Court. See *Second Supplemental Report* at 29 Pa.B. 6454 (12-25-99).)

Recommendation No. 3, Criminal Rules 1998: Proposed new Rule 300 and amendments to Rules 21 and 1100 to address *Commonwealth v. McPhail*, providing procedures for the **transfer of cases** when multiple charges arise from a single criminal episode, and the charges are filed in different judicial districts or different

magisterial districts. See *Report* at 28 Pa.B. 475 (1-31-98).

Recommendation No. 7, Criminal Rules 1998: Proposed amendments to Rules 53, 59, 64, and 69 concerning **guilty pleas** in mandatory fines and imprisonment cases. (This proposal was withdrawn 11-18-99 so the committee could consider questions from the Court.)

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

Recommendation No. 1, Criminal Rules 1999: Amendments to Rule 1504 and correlative revisions of the Comments to Rules 1502, 1503, and 1506 providing for the immediate appointment of counsel in **death penalty cases** following the conclusion of direct appeal.

Recommendation No. 3, Criminal Rules 1999: Revision of the Rule 1117 Comment adding (1) a reference to *Commonwealth v. Vega* concerning **waiver of presence** and (2) a provision concerning the issuance of a bench warrant following a defendant's **failure to appear** for a trial *de novo* when there is a sentence of imprisonment. (This proposal was withdrawn in 1999 so the committee could review sentencing *in absentia* issues and replaced by Recommendation No. 9, Criminal Rules 1999.)

Recommendation No. 4, Criminal Rules 1999: Amendments of Rules 303 and 1117 deleting the local option from Rule 303 concerning permitting the defendant to waive his or her presence at the **arraignment** and making it the defendant's option. (This proposal was remanded by the Court in 1999 so the committee could consider notice provisions.)

Recommendation No. 5, Criminal Rules 1999: Amendments to Rules 3, 140, 140A, 303, 352, 1127 and 6003 that would provide procedures for the **use of advanced communication technology**, including facsimiles, audio-video

transmissions, video-teleconferencing and other similar technology, for conducting preliminary arraignments and arraignments. (This proposal was withdrawn in 1999 so the committee could join it with other proposals related to the use of advanced communication technology.)

Recommendation No. 9, Criminal Rules 1999: Revision of the Rule 1117 Comment clarifying the **waiver of presence** provisions and adding a cross-reference to *Commonwealth v. Vega* and *Commonwealth v. Wilson*. (Placed on hold by the committee pending a decision in *Commonwealth v. Sullivan*.)

Recommendation No. 11, Criminal Rules 1999: Reorganization and renumbering of the rules in a more orderly, “user friendly” manner.

Recommendation No. 14, Criminal Rules 1999: Proposed amendments to Rule 1500 providing in **capital cases** for notice of the information concerning the PCRA and the procedures under Chapter 1500 of the rules.

Recommendation No. 15, Criminal Rules 1999: Clarification of the Rule 1104 procedures concerning access to **juror qualification forms**.

Looking Ahead to 2000

The committee plans to continue its study of the use of advanced communication technology in criminal proceedings. It also plans to continue examining local rule procedures and working on the rules affecting the minor judiciary, both relating to summary cases and court cases, as well as monitoring criminal practice and procedure and the criminal rules in general.

Contact Person

Anyone wanting additional information about the Criminal Procedural Rules Committee or having questions about the criminal procedural rules may contact the committee through its chief staff counsel, Anne T. Panfil, Esq., at (717) 795-2100 or writing in care of the committee to P.O. Box 1325; Doylestown, PA 18901.



Status of Recommendations		
Recommendation	Subject	Status
8, 1996	Revision to Rule 86 Comment regarding a police officer's presence at summary trial and trial <i>de novo</i>	Adopted 5-14-99; effective 7-1-99
16, 1996	Amendments to Rules 71 and 81 clarifying procedures related to collateral in summary cases	Adopted 5-14-99; effective 7-1-99
6, 1997	Amendments to Rules 1500, 1507, 1508 and 1509 to provide for notice to a defendant of PCRA time limits and right to counsel, to impose a time limit on disposition of petitions in noncapital cases, and to provide for extensions of time	Withdrawn 10-13-99
7, 1997	Amendments to Chapter 100 establishing a uniform procedure for handling cases in which defendant fails to appear for preliminary hearing	Withdrawn 11-4-99
3, 1998	New Rule 300 and amendments to Rules 21 and 1100, providing procedures for transfer of cases	Submitted to Court 4-1-98; pending before Court
5, 1998	Amendments to Rules 75, 76 and 85 regarding ability to pay hearings following an arrest for failure to respond to ten-day notice required under the rules	Adopted 7-2-99, effective 8-1-99
6, 1998	New Rule 143, amendments to Rule 23, revision of the Comment to Rule 107, combination of Rules 141 and 142 and renumbering of current Rule 143, providing procedures for reinstatement of criminal charges	Adopted 10-8-99; effective 1-1-00
7, 1998	Amendments to Rules 53, 59, 64 and 69 clarifying summary case guilty plea procedures	Withdrawn 11-18-99

continued...

Table 3.7.1

Status of Recommendations, continued		
Recommendation	Subject	Status
8, 1998	Amendments to Rules 53 and 86 to clarify that a defendant may appeal for a trial <i>de novo</i> following a guilty plea in a summary case	Submitted to Court 7-28-98; pending before Court
9, 1998	Amendments to Rule 1114 regarding written jury instructions	Adopted 11-18-99; effective 1-1-00
10, 1998	Amendments to Rules 1101 (Waiver of Jury Trial), 1102 (Procedure When Jury Trial Is Waived) and 1103 (Consent to Be Tried by Less Than Twelve Jurors) to implement constitutional amendment concerning Commonwealth's right to a jury trial	Adopted 4-16-99; effective 7-1-99
1, 1999	Amendments to Rule 1504 and correlative revisions to the Comments to Rules 1502, 1503 and 1506 regarding appointment of counsel in death penalty cases	Submitted to Court 1-29-99; pending before Court
2, 1999	Amendments to Rules 319 and 320 regarding a defendant's intention to withdraw a guilty plea	Adopted 7-15-99; effective 1-1-00
3, 1999	Revision of the Rule 1117 Comment regarding waiver of presence and failure to appear	Withdrawn 3-16-99; replaced by Rec. 9 of 1999
4, 1999	Amendments to Rules 303 and 1117 regarding defendant's presence at arraignment	Submitted 2-4-99; remanded by Court for further consideration
5, 1999	Amendments to Rules 3, 140, 140A, 303, 352, 1127 and 6003 to provide procedures for use of advanced communication technology	Withdrawn 11-18-99
6, 1999	Technical amendments to Rules 1104	Adopted 5-14-99; effective 7-1-99
7, 1999	Amendments to Rule 1410 providing procedures following withdrawal of post-sentence motion	Adopted 7-9-99; effective 1-1-00

continued...

Table 3.7.1, cont'd.

Status of Recommendations, continued		
Recommendation	Subject	Status
8, 1999	Amendments to Rule 1405 modifying sentencing time	Adopted 7-15-99; effective 1-1-00
9, 1999	Revision to the Rule 1117 Comment regarding waiver of presence	Submitted 5-24-99; on hold with committee
10, 1999	Amendments to Rules 4001 and 4002 dealing with bail	Adopted 9-3-99; effective immediately
11, 1999	Reorganization and renumbering of criminal rules	Submitted 6-21-99; pending before Court
12, 1999	Revision to Rule 60 Comment concerning use of citations by deputy wildlife conservation officers	Adopted 8-13-99; effective immediately
13, 1999	Amendments to Rules 1500, 1501, 1502 and 1509 regarding stays of execution	Adopted 7-23-99; effective 9-1-99
14, 1999	Amendments to Rule 1500 regarding capital cases	Submitted 10-13-99; pending before Court
15, 1999	Amendments to Rule 1104 concerning access to juror qualification forms	Submitted 12-13-99; pending before Court

Table 3.7.1, cont'd.

**Disciplinary
Board
of the
Supreme
Court**

1999 Membership:

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

Staff:

Elaine M. Bixler, *Executive Director & Secretary*

Legal Authorization:

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

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

History/Background

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

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

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

Through December 1999, 52,735 active attorneys were registered in Pennsylvania, an increase of 0.79% over 1998.

During 1999, 4,565 complaints were filed with the Disciplinary Board, an average of 380 per month and a decrease of 5.78% from last year. Of these 4,565 plus the 957 complaints active at the start of the year, 4,639 complaints, or 84.01%, were disposed of, including 3,139 dismissed as "frivolous." At the start of 2000, 883 active complaints remained.

1999 Activities

The board held seven meetings in 1999. The results of the executive sessions can be

found in Table 3.8.1 on page 75. A tabulation of the disciplinary actions taken since the beginning of the board's operations in 1972 is set forth on Table 3.8.2 on page 77. Comparisons of cumulative actions taken and actions taken in 1999 can be found in Chart 3.8.3 on page 79.

Rules Committee

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

The committee drafted new Rule 217(j), Pa.R.D.E., which would limit the **law-related activities a disbarred or suspended attorney could engage in**. The board believes that it is beneficial for persons who may seek reinstatement to be able to maintain their contact with the law because one of the requirements for reinstatement is that a formerly admitted attorney demonstrate competency and learning in law. At the same time, however, the board is concerned that formerly admitted attorneys not engage in acts constituting the practice of law. In addition, the board is concerned that formerly admitted attorneys not encounter clients and other parties under circumstances that could lead to the mistaken impression that the formerly admitted attorney is still admitted to practice. This rule was published for comment and was forwarded to the Supreme Court.

The committee also reviewed Rules 321 through 329 of the Pa.R.D.E. and is in the process of recommending a number of changes in the rules relating to conservators appointed to protect the interests of clients of absent attorneys. The changes being proposed reflect the board's experience with conservatorships under the existing rules over the past several years. As a result of the expenses the board incurred in one extraordinary conservatorship and the rising costs of other conservatorships,

these amendments also address the issue of compensation and expenses of conservators. This includes provisions for payment of the compensation at reasonable intervals and at the same hourly rate as court-appointed counsel in the judicial district where the conservator was appointed. The board will publish the recommendation for comment early in 2000.

Finance & Pension Committee

In the spring and summer of 1999, the Finance & Pension Committee met with the auditors to review the three-year projection prepared by them, the Y2K audit and the draft audit for fiscal year 1998-1999.

In addition, the committee met with the investment officers from PNC Bank in Camp Hill to review the quarterly investment reports concerning the general assets of the board and to make changes to the balanced portfolio, as recommended by the investment officers. In the summer of 1999, the committee also met with the investment officers from PNC Bank in Pittsburgh to review the pension plan performance for the year ending June 30, 1999.

Finally, the committee met to review and approve the budget for fiscal year 1999-2000, monitored the monthly financial reports prepared by the office of the secretary, and made recommendations to the board concerning ways to limit spending and avoid unnecessary expenses.

1999 Executive Session Results	
Action	Total
Adjudications involving formal charges	43
Cases resolved by three-member panels of board members who reviewed hearing committee members' recommendations for private reprimand [Rule 208(a)(5) Pa. R.D.E.]	27
Respondents appearing before board to receive private reprimands	42
Oral arguments before three-member panels of board members	1
Board referrals to Supreme Court, including report and recommendation for public discipline	28
Supreme Court orders for disbarment on consent (resulting from verified statements submitted by respondents)	19
Supreme Court orders reinstating previously disbarred or suspended attorneys*	19
Supreme Court denials for reinstatement	4
Petitions for reinstatement to active status to attorneys inactive more than three years with no discipline involved	26
*Action taken following hearing on petition for reinstatement.	

Table 3.8.1

Education Committee

The Education Committee redesigned the program for the August 1999 training session for new Hearing Committee members to include a mock hearing to illustrate the procedures used in conducting hearings in the disciplinary system. The new format received very favorable comments from those who participated in the program.

The Education Committee also designed the program for the board's retreat meeting in the fall of 1999. The topic was "Multidisciplinary Practice." Five guest speakers addressed

the issues presented by the report and recommendation of the Commission on Multidisciplinary Practice, which was presented to the American Bar Association House of Delegates at the association's annual meeting in August 1999. The House of Delegates declined to change the rules until further study demonstrates that such practices would further the public interest without sacrificing lawyer independence and loyalty. The commission will conduct additional hearings around the country and hopes to present a new report to the House of Delegates next July. Although the vote has been postponed, the emergence of multidisciplinary practices is undoubtedly one of the most significant and controversial issues facing the legal profession today.

The District of Columbia is the only jurisdiction in the United States which has modified Rule 5.4 to permit partnership and fee-sharing with non-lawyers, although even that rule would not permit the type of multidisciplinary practice offered by some of the Big-5 firms outside the United States. The D.C. rule does not give blanket approval to a multidisciplinary practice. It restricts lawyer and non-lawyer partnerships and the sharing of legal fees to organizations that provide legal services to clients.

Bridge the Gap Committee

Charles J. Cunningham, III, one of the members of the Education Committee, is working with Supreme Court Justice Russell M. Nigro and designated members from the Board of Law Examiners and the Continuing Legal Education Board in implementing the Bridge the

Gap program, which is scheduled to be effective for applicants taking the July 2001 bar examination. Periodic reports are provided to the full board on the design of program subject materials, anticipated budget, testing of applicants and selection of instructors.


Hearing Committees

In February 1999, the board approved the establishment of three additional Hearing Committees to serve in the District II area (eastern Pennsylvania). As of December 31, 1999, 177 regular hearing committee members and 24 alternate members appointed by the Disciplinary Board were serving on a *pro bono* basis to conduct hearings.

As was mentioned in the section on the Education Committee, a training session for new Hearing Committee members was held on August 19, 1999, in Hershey. Fifty-five new members appointed in 1998 and 1999 participated.

A combined training session for new members and a refresher course for current members is scheduled for August 3, 2000, in Hershey.

Contact Person

Anyone having questions about the Disciplinary Board may contact Elaine M. Bixler, Secretary to the Board, at (717) 731-7073 or write in care of the board to First Floor; Two Lemoyne Drive; Lemoyne, PA 17043. 

Disciplinary Board Actions: 1973-1992

Disciplinary Cases	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992
Informal Admonition	37	55	95	81	96	102	121	98	113	156	137	125	123	101	110	106	123	98	115	82
Private Reprimand	0	7	8	9	7	14	5	5	4	6	9	21	19	27	17	25	31	26	46	42
Probation	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	1	1	7
Public Censure	0	2	5	8	10	7	6	1	1	2	6	1	3	2	3	0	2	1	4	1
Suspension	3	12	12	8	10	13	17	8	17	12	7	7	16	5	10	17	17	18	10	20
Disbarment	3	4	6	5	13	6	12	12	21	33	24	21	16	29	23	32	18	26	27	38
TOTAL	43	80	126	111	138	143	161	124	156	209	183	175	177	164	163	180	191	170	203	190
Reinstatement Cases																				
Petitions Granted	1	2	2	3	3	4	2	6	42	21	22	25	21	17	24	34	27	34	35	27
Petitions Denied	1	2	2	0	0	3	1	5	4	0	0	2	0	2	1	1	0	1	0	1
TOTAL	2	4	4	3	3	7	3	11	46	21	22	27	21	19	25	36	27	35	35	28

Disciplinary Board Actions: 1993-99

Disciplinary Cases	1993	1994	1995	1996	1997	1998	1999	Total
Informal Admonition	85	75	74	70	106	88	48	2,620
Private Reprimand	30	41	48	31	46	43	26	583
Probation	5	5	7	3	8	5	7	52
Public Censure	0	1	6	3	3	7	4	89
Suspension	12	23	26	37	33	24	23*	417
Disbarment	20	32	35	41	40	33	29+	599
TOTAL	152	177	196	185	236	200	137	4,360
Reinstatement Cases								
Petitions Granted	29	24	44	31	35	33	45#	593
Petitions Denied	1	0	1	0	2	1	4▲	35
TOTAL	30	24	45	31	37	34	49	628

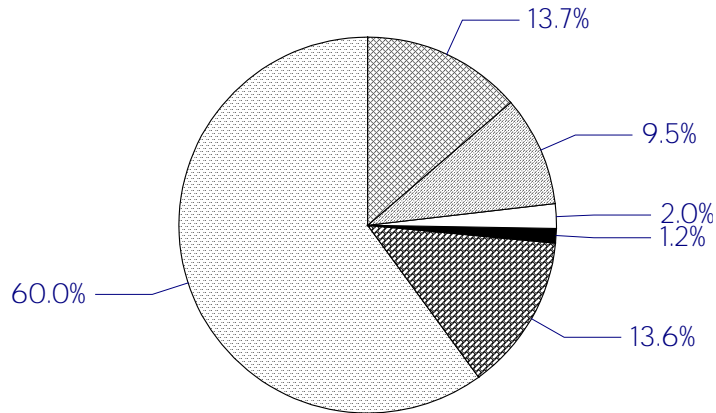
* This figure does not include nine temporary suspensions (Rule 214 Pa.R.D.E.) and three emergency temporary suspensions (Rule 208(f) Pa.R.D.E.).

+ This figure includes 19 disbarments on consent (Rule 215 Pa.R.D.E.).

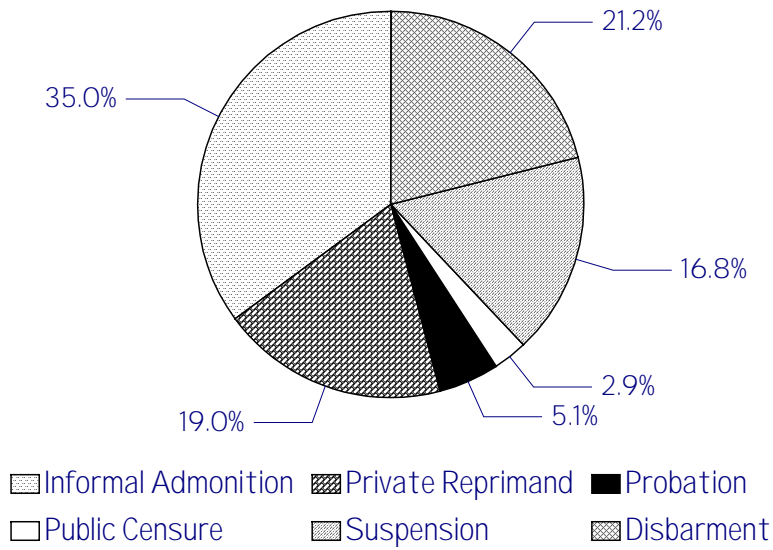
This figure includes reinstatement to active status of 26 attorneys who had been inactive three or more years and who had never been suspended or disbarred; 17 reinstatements after having been suspended; and two reinstatements after having been disbarred.

▲ This figure includes two reinstatements denied after having been suspended and two reinstatements denied after having been disbarred.

Disciplinary Board Actions Comparison 1973-1999



1999



Informal Admonition
 Private Reprimand
 Probation
 Public Censure
 Suspension
 Disbarment

Table 3.8.3

1999 Membership:

Honorable Max Baer, *Chair***
David S. Rasner, Esq., *Chair*+
Gary G. Gentile, Esq., *Vice Chair*+
Mark M. Dalton
Howard M. Goldsmith, Esq.
John C. Howett, Jr., Esq.
Honorable Kathleen R. Mulligan++
Honorable Paul P. Panepinto
Leslie Silverman Tabas, Esq.
Honorable Jeannine Turgeon
Eric Turner, Esq.*
Joanne Ross Wilder, Esq.

* Appointed 7-7-99; died 12-31-99

** Term expired 9-29-99

+ Effective 9-30-99

++ Appointed 11-5-99

Staff:

Sophia P. Paul, Esq., *Counsel*#
Patricia A. Miles, Esq., *Counsel*##
Sharon L. Ciminera, *Secretary*▲

Resigned 8-13-99

Effective 8-16-99

▲ Effective 9-1-99

Legal Authorization:

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

Domestic

Relations

Procedural

Rules

Committee

5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
(717) 795-2037
fax (717) 795-2116
e-mail patricia.miles@
supreme.court.state.pa.us

History/Background

Began as a seven-member section of the Civil Procedural Rules Committee in 1984 and established as its own committee by order of the Supreme Court on June 30, 1987, the Domestic Relations Procedural Rules Committee strives to simplify family law practice. This it does by recommending new rules or amendments to the existing procedural rules relating to support, custody, divorce and protection from abuse. It reviews new legislation and court decisions to ensure that the rules conform with developments in the law as well as the realities of domestic relations practice. It is the goal of the committee to promote statewide uniformity of practice, to streamline procedure and to encourage the expeditious disposition of family law matters.

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

1999 Membership and Staff

In the summer of 1999, the committee relocated its office from Pittsburgh to the Administrative Office of Pennsylvania Courts in Mechanicsburg where most of the other rules committees' offices are located. As a result of the relocation, Sophia P. Paul, Esq., resigned as counsel and was replaced by Patricia A. Miles, Esq. Sharon L. Ciminera joined the staff at the new AOPC location.

In September 1999 the Honorable Max Baer stepped down as chair of the committee. David S. Rasner, Esq., of Philadelphia was appointed as new chair. The Honorable Kathleen R. Mulligan, now administrative judge of the family division of the Allegheny County Court of Common Pleas, joined the committee in November.

Sadly, the committee and the legal profession lost a highly regarded and respected member in 1999. Eric Turner, Esq., passed away on December 31 after a long illness.

1999 Activities

The committee met three times in 1999: in February and September in Philadelphia and in Harrisburg in May. Invited guests to the meetings included representatives of the Department of Public Welfare and the Domestic Relations Association of Pennsylvania, judges and family law practitioners.

Beginning in 1989, all states were required to establish uniform statewide guidelines for child support. Pursuant to state and federal law, the Commonwealth must review the support guidelines every four years. Included in that review is research into available economic data relating to household expenditures, in particular the costs of raising a child. The four-year review of the guidelines was assigned to the Domestic Relations Procedural Rules Committee.

The most recent review began in 1997. In 1999, a sweeping revision of the support guidelines was completed. After the committee's original recommendation was published in 1998, numerous comments were received and considered by the committee. The revised version of the recommendation was subsequently adopted by the Supreme Court, to become effective April 1, 1999. Thereafter, the committee has continued to review and refine the new guidelines.

The committee also continued its work in the area of support enforcement. On December 16, 1997, Governor Ridge signed into law Act 1997-58. That statute provided the authority for expedited enforcement of child support orders and new procedures relating to the establishment of paternity. The committee submitted a recommendation to the Supreme Court which included procedural rules for implementation of the numerous mechanisms now

available to enforce support obligations and collect arrearages.

Court-related mediation programs in divorce and custody cases were authorized by the legislature in 1996 through an amendment to the Divorce Code at 23 Pa.C.S., §§3901 through 3904. The statute assigned to the Supreme Court the responsibility for promulgating rules implementing the mediation legislation. New rules for voluntary mediation in custody cases were recommended by the committee and, in October 1999, were promulgated by the Supreme Court. The goal of the mediation rules is to ensure the quality of the programs, including the requirement of certain qualifications for mediators.

Throughout 1999, 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, in particular the new support guidelines. Staff also attended meetings of the Pennsylvania Bar Association Family Law Section and the Domestic Relations Association of Pennsylvania. The committee strives to maintain open channels of communication with those who work with or are affected by the rules it proposes, including judges, lawyers, court administrators, domestic relations section personnel, the Department of Public Welfare and the public.

1999 Recommendations

The following recommendations were pending either with the Court or the committee in 1999. In general, numbers are assigned in the order in which each is submitted for publication. A chart listing the statuses of the recommendations is set forth in Table 3.8.1 on page 84.

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

Recommendation 47: New rules at Pa.R.C.P. 1940.1 through 1940.8 governing court-related **voluntary mediation programs**. Promulgated 10-28-99; effective immediately.

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

Recommendation 49: Omnibus technical **amendments to the support guidelines**. Pending before the Court at the end of 1999.

Recommendation 50: Rules implementing Act 1997-58 relating to **paternity and enforcement of support orders**. Pending before the Court at the end of 1999.


Plans for 2000

The committee will continue its ongoing review of the support guidelines, as required by 23 Pa.C.S., §4322 and as may be necessary and appropriate. Its major focus in the next year, however, will be the issue of family court reform.

In 1997 the Honorable Sandra Schultz Newman, justice of the Pennsylvania Supreme Court and liaison to the Domestic Relations Procedural Rules Committee, and the Honorable Kate Ford Elliott, Superior Court judge, co-chaired a conference on family court reform co-sponsored by the Pennsylvania Bar Association's Commission on Women in the Profession and the Family Law Section. A task force emerged from that conference to study problems and innovations in family court procedures in the Commonwealth and to make specific recommendations for reform. The task force issued its preliminary report and recommendation in the summer of 1999.

The committee will build upon the work of the task force and begin drafting rules to effectuate the goals of family court reform which

include eliminating fragmentation in the system, implementing case management and making family courts more accessible and user-friendly.

Domestic Relations Procedural Rules Committee;
 5035 Ritter Road, Suite 700; Mechanicsburg, PA
 17055; telephone (717) 795-2037; fax (717)
 795-2116; e-mail patricia.miles@supreme.court.
 state.pa.us. 

Contact Person

Questions about the committee and its work may be directed to Patricia A. Miles, Esq.;

Status of Recommendations 1999		
Recommendation	Subject	Status
46	Venue in support actions	Approved by the Court; effective 1-1-99
47	Voluntary mediation in custody cases	Promulgated 10-28-99; effective immediately
48	Revised support guidelines	Approved by the Court; effective 4-1-99
49	Omnibus technical amendments to support guidelines	Pending with the Court
50	Rules implementing Act 1997-58 relating to paternity and enforcement of support orders	Pending with the Court

Table 3.9.1

**Interest
on
Lawyers
Trust
Account
Board**

1999 Membership:

Gerald A. McHugh, Jr., Esq., *Chairman*
Robert C. Burd
Harold I. Goodman, Esq.
David E. Lehman, Esq.
Sallie Updike Mundy, Esq.
Carl Oxholm, III, Esq.
Richard I. Thomas, Esq.
Thomas M. Thompson, Esq.
Ernestine Watlington

Staff:

Alfred J. Azen, *Executive Director*

Legal Authorization:

Supreme Court Order No. 252 (Disciplinary Docket No. 3, July 17, 1996)
Rule 1.15, Pennsylvania Rules of Professional Conduct

115 State Street
P.O. Box 1025
Harrisburg, PA 17108
(717) 238-2001
fax (717) 238-2003
e-mail paiolta@popd.ix.netcom.com

History/Background

The Interest on Lawyers Trust Account (IOLTA) program was first established in 1988 as a voluntary means to raise money to provide civil legal services to the poor and disadvantaged of Pennsylvania. With the issue of Supreme Court Order 252, Disciplinary Docket No. 3 on July 17, 1996, this program became mandatory.

The program works as follows: clients often ask attorneys to hold particular sums of money for them. When this involves a large amount of money or a lengthy period of time, attorneys invest the money for their clients. When the amount is small or will be held for a relatively short period of time, however, investing is not practical. It is these funds which the IOLTA program targets.

These small or short-term funds are deposited into special, interest-bearing IOLTA accounts at financial institutions which have been approved by the Supreme Court. On a quarterly basis, the financial institutions transfer the interest from these accounts to the Pennsylvania Interest on Lawyers Trust Account Board, which administers the program. The board, upon approval from the Supreme Court, distributes the funds to non-profit organizations, law school-administered clinics and administration of justice projects that provide civil legal services free of charge to the poor and disadvantaged.

Attorneys may apply for exemption from IOLTA requirements. This is usually granted when attorneys infrequently handle fiduciary funds or when the service charges on an IOLTA account routinely and significantly exceed the interest that might be generated by the account. Currently, the IOLTA Board has established that accounts with an average daily balance of \$3,500 or less over a twelve-month period (higher for accounts at banks that assess higher service charges) will be exempted from the requirements. Other exemption requests are considered on a case by case basis.

Revenues gained by the IOLTA program are affected by several factors, including interest rates, bank service charges, attorney compliance and the economy in general. Since implementation of mandatory IOLTA, however, the monthly rate of IOLTA remittances has reached an annualized level of \$6.5 million.

The IOLTA Board

The IOLTA Board is comprised of nine members appointed by the Supreme Court. Appointments are made based upon recommendation from the Pennsylvania Bar Association, which provides the Court with three nominees for each vacancy. The chairman of the board is appointed by the Supreme Court. Members serve terms of three years and may serve maximums of two consecutive terms.

IOLTA Constitutionality

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

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

The Supreme Court did not eliminate or enjoin the Texas IOLTA program. Instead, it sent

the case back to the lower court to decide whether the State of Texas had “taken” the clients’ private property in violation of the Fifth Amendment, and if so, whether compensation must be paid for it. It may take years for the courts to reach a final decision on these two issues. In the meantime, the IOLTA programs in every state and the District of Columbia remain in effect.

Attorney Compliance

To assure attorney compliance with the IOLTA program requirements, attorneys must report their fiduciary accounts on the attorney fee form, which is filed annually with the Disciplinary Board of the Supreme Court. Follow-up with attorneys is made if the data on the form does not match the IOLTA Board’s records.

Rules & Regulations for IOLTA

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

Banks

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

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

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

The top five banks, ranked by net interest remitted to the board, for calendar year 1999 were:

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

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

IOLTA Grants

Under Rule 1.15 of the Rules of Professional Conduct, IOLTA program funds may be used for the following purposes:

- providing civil legal assistance to the poor and disadvantaged in Pennsylvania
- educational legal clinical programs and internships administered by law schools located in Pennsylvania

- administration and development of the IOLTA program in Pennsylvania
- the administration of justice in Pennsylvania.

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

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

Board policy states that IOLTA funds may not be used to provide legal assistance for any of the following purposes:

- fee-generating cases
- the defense of any criminal prosecution
- civil actions brought against an official of the court or against a law enforcement official for the purpose of challenging the validity of a criminal conviction
- advancement of any political party or association or candidate for any public office or to support or oppose any ballot question
- support of activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation or to influence the introduction, amendment, passage or defeat of any legislation
- seeking the freedom to choose abortion or the prohibition of abortion.

Upon careful consideration, the board, with Supreme Court approval, has decided on the following priorities for distribution of funds:

- Before any allocation of funds is made, \$300,000 will be deducted annually for administrative expenses associated with operation of the program.
- After this initial deduction, \$5 million will be distributed as follows:
 - 85% to legal services programs
 - 15% to qualified law school clinical and internship programs.
- Income between \$5.3 million and \$7.3 million will be allocated in the following manner:
 - 50% to legal services programs
 - 50% to law school clinical and internship programs.
- Any income over \$7.3 million will be distributed to legal services programs and administration of justice programs.

Grant Process

In December of each year, the IOLTA Board projects its expected annual revenues for the upcoming fiscal year grant cycle (July 1 - June 30). Variations from projections are generally taken into consideration in subsequent grant cycles, although the board reserves the right to adjust current grants if actual IOLTA revenues are significantly below projections. In mid-January the board announces the availability of funds.

Grant applications must be made to the board by early February. The board will then review all requests and submit its recommendations to the Supreme Court in late May. Upon approval by the Court, grant applicants are notified and grant agreements executed with the successful organizations and law schools.

Applicant Qualifications

The IOLTA Board has determined the following qualifications for prospective applicants to be considered for an IOLTA grant:

Legal Services Organizations

Organizations must:

- be not-for-profit Pennsylvania corporations
- be tax exempt under section 501(c)(3) of the Internal Revenue Code
- operate primarily within Pennsylvania
- have as their primary purpose the provision of civil legal services without charge.

Organizations may provide *pro bono* legal services directly and/or administer provision of services.

Law Schools

Law schools must meet the following requirements:

- the funds must be used to address the current civil legal needs of the poor, organizations assisting the poor or other charitable organizations
- the schools must consult with local area *pro bono* or legal services programs that provide free or low-fee legal services to the poor
- the funds must be used for live-client or other real-life practice experience

- the school must demonstrate its own funding participation for clinical and internship programs.


Other factors considered by the board when reviewing law school applications include whether:

- the clinical/internship program is for credit
- specific and measurable training goals and objectives are defined
- the IOLTA-funded program is integrated with the school's curriculum
- the school's standing faculty has made an articulated commitment to the IOLTA-funded program
- the school has an articulated *pro bono* or public service policy
- the funds are being used to expand clinical educational opportunities for students and not simply to replace existing financial commitments by the law schools.

Administration of Justice

The board has not yet defined this grant category.

Contact Person

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

**Minor
Court
Rules
Committee**

1999 Membership:

Honorable Fred A. Pierantoni, III, *Chairman*
Honorable Dennis R. Joyce
Honorable Alberta Thompson
Honorable Linda Baumunk
Honorable Kenneth E. Deatelhauser
Honorable Christine Sereni-Massinger
Honorable Peter P. Simoni
Michael F. Krimmel, *ex officio*

Staff:

David S. Price, Esq., *Liaison, Statewide Automation Project*

Legal Authorization:

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

District Court 11-1-04
35 Broad Street
Pittston, PA 18640
(570) 655-0552

History/Background

In 1990, pursuant to Pennsylvania Supreme Court Order No. 92 (Magisterial Docket No. 1, Book No. 2), issued April 17, 1990, the Minor Court Civil Procedural Rules Committee was reestablished as the Minor Court Rules Committee. The committee was charged by the Supreme Court with examining and evaluating the rules and standards regarding district justices' conduct, the rules and standards pertaining to the offices of district justices, and the rules of civil and criminal procedures for district justices.

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

1999 Activities

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

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

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

Looking Ahead to 2000

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

Contact Person

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



Minor

Judiciary

Education

Board

1999 Membership:

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

Staff:

Robert E. Hessler, *Executive Director*

Legal Authorization:

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

1001 Philadelphia Avenue
Chambersburg, PA 17201
(717) 263-0691
fax (717) 263-4068

History/Background

Article V, §12 of the Pennsylvania Constitution requires that district justices and judges of the Philadelphia Traffic Court either be members of the bar of the Supreme Court or, before taking office, complete a course and pass an examination in the duties of their respective offices.

It is the responsibility of the Minor Judiciary Education Board (MJEB) to instruct and certify individuals wishing to become district justices, Philadelphia Traffic Court judges or Philadelphia Bail Commissioners. The board approves the curriculum, appoints and evaluates instructors, establishes course content, reviews all tests, and issues certificates to successful program participants.

In addition, the board conducts continuing education for district justices, senior district justices, Philadelphia Traffic Court judges, senior Philadelphia Traffic Court judges, Philadelphia Bail Commissioners and for those individuals who wish to maintain a current certification in one or more of these areas. It also conducts a one-week practicum, or orientation course, for newly elected or appointed district justices.

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

1999 Curriculum

During this past year approved subjects for the four-week certifying course included:

- Criminal Law and Procedure
- Civil Law and Procedure
- Rules of Evidence
- judicial ethics
- Motor Vehicle Law
- arrest/search and seizure
- Pennsylvania Drug/Device and Cosmetics Act
- Pennsylvania Crimes Code

Continuing education for the Commonwealth's district justices and Philadelphia Bail Commissioners is mandated by the Judicial Code (42 Pa. C.S., § 3118). This year during the 14 scheduled weeks the following courses made up the 32 required course hours for district justices:

- review and update of civil and criminal procedure
- Motor Vehicle Code
- protection from abuse
- judicial ethics

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

- protection from abuse
- criminal law review
- arrest/search and seizure
- Alliance for the Mentally Ill

The orientation course for new district justices included:

- district justice administration applications
- district justice practice
- Alliance for the Mentally Ill
- human behavior (two days)

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

- alcoholism/depression/stress
- procedural rules review
- Pennsylvania Motor Vehicle Code review and update


The Minor Judiciary Education Board provided continuing education to 638 individuals; certification classes to 56 prospective district justices, three prospective Philadelphia Traffic Court judges and one prospective Philadelphia Bail Commissioner; one certification update candidate; and continuing legal education credits to 70 attorney district justices.

Other Activities

In addition to conducting educational courses at its facility in Chambersburg, the Minor Judiciary Education Board provided staff assistance to the minor judiciary, court administrators, president judges and related court agencies in answering questions pertaining to

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

Contact Person

Robert E. Hessler serves as Executive Director of the MJEB and may be contacted at (717) 263-0691. 

Orphans'

Court

Procedural

Rules

Committee

1999 Membership:

Honorable Jane Cutler Greenspan, *Chair*
Mark S. Blaskey, Esq.
Lawrence Barth, Esq.
Honorable John M. Cascio
Honorable Eunice L. Ross
Kenneth E. Lewis, Esq.
Edward S. McKenna, Esq.

Staff:

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

Legal Authorization:

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

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

History/Background

The Orphans' Court Procedural Rules Committee was established under Article V, § 10(c) of the 1968 Pennsylvania Constitution and 42 Pa. C.S., § 1772. It responds to developments in orphans' court procedure and reviews current rules governing statewide practice and procedure in the orphans' court, recommending new rules as necessary. The committee also responds to questions and comments received from the judiciary, lawyers, the public and various agencies.

1999 Activities

The committee met once in 1999, at the Hershey Hotel on July 22, 1999, in conjunction with the Pennsylvania Conference of State Court Trial Judges' conference.

Working jointly with the Appellate Court Procedural Rules Committee, Recommendation 41 was prepared, proposing an amendment to Orphans' Court Rule 15.7 to provide **confidentiality in adoption matters** which were appealed. This recommendation was adopted by Supreme Court order dated March 3, 1999.

The committee continued its review and preparation, with the Appellate Court Procedural Rules Committee, of Joint Recommendation 98-1, revising Orphans' Court Rules 7.1 and 7.2 (pertaining to **"exceptions" practice**) and Pa.R.A.P. 341 (**Final Orders**).

The committee had previously submitted to the Supreme Court amendments to Rule 5.6 (**Notice to Beneficiaries and Intestate Heirs**), proposed Rule 5.7 (**Form of Notice and Certification**) and Rule 14 (**Incapacitated Persons**). The Supreme Court adopted the committee's amendments to Rules 5.6, 5.7 and 14.1 through 14.4 by order dated December 23, 1998, effective January 1, 1999.

2000 Plans

In 2000 the committee plans to review uniform probate forms. It will also review existing rules and statutes governing adoption, guardianship, standby guardianship and termination of parental rights to determine if the existing rules are sufficient to assure judicious, orderly and swift determination of such matters. Notarization of disclaimers will also be addressed.

The committee looks forward to finalizing its joint recommendation with the Appellate Court Procedural Rules Committee governing finality and appealability of orphans' court orders. It also intends to review several questions arising from the recent amendments to Rule 5.6 and to submit a final version of Joint Recommendation 98-1 to the Supreme Court.

Contact Persons

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

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

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



1999 Membership:

Carl E. Esser, Esq., *Chairman***
Robert L. Capoferri, *Chairman*+
William V. Lamb, Esq., *Vice Chairman*
George J. Amonitti, M.D.*
Paul S. Diamond, Esq.
Stuart D. Fiel, Esq.
Derek C. Hathaway
Evans Rose, Jr., Esq.
Barry M. Simpson, Esq.
Richard A. Zappala, Esq.*

Staff:

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

* Term expired 4-1-99

** Effective 4-1-00

+ Appointed chairman 4-1-00

Legal Authorization:

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

Pennsylvania

Lawyers

Fund

for

Client

Security

5035 Ritter Road,
Suite 900
Mechanicsburg, PA 17055
(717) 691-7503
(800) 962-4618
fax (717) 691-9005

History/Background

Originally known as the Pennsylvania Client Security Fund, the Pennsylvania Lawyers Fund for Client Security was established by the Pennsylvania Supreme Court on April 30, 1982, as a means of helping clients recover some or all losses of money and/or property stolen from them by their attorneys. It is funded by a special annual assessment paid by any attorney admitted to practice law in Pennsylvania. Clients may receive up to \$50,000 for any claim.

The fund is supervised by the Pennsylvania Lawyers Fund for Client Security Board. This board includes five members of the bar of the Supreme Court and two non-lawyer public members. Each member's term is three years in length and a member may serve a maximum of two consecutive terms. Approximately one-third of the terms expire each year.

1999 Claims Statistics

Statistics for the 1999-2000 fiscal year can be found in Table 3.14.1.

The fund received 166 claims alleging a loss of \$4,574,201 during FY 1999-2000. Chart 3.14.2 on page 104 is a breakdown of amounts claimed by category. Chart 3.14.3 on page 105 gives comparisons of claims awarded versus claims rejected, both in terms of numbers and dollar amounts. Chart 3.14.4 on page 106 is a comparison of claims awarded, rejected and discontinued, both cumulatively and in 1999-2000.

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 1999-2000 cost the fund \$516,721, or 45.54%, of its total award dollars, settling 38 claims.

<u>Claims</u>	<u>No.</u>	<u>Amount</u>
1999-2000		
Awarded	154	\$1,134,769
Rejected	42	498,136
Discontinued	14	43,600
Total	210	\$1,676,505
Pending	68	\$4,444,540

Table 3.14.1

Lawsuit Settlement Proceeds - Claims of misappropriation of settlement proceeds often occur when an attorney settles a lawsuit without the knowledge or consent of the client. The attorney receives the funds and fails to remit them to the client. Also included in this category are claims involving attorneys who withhold funds from settlement proceeds to pay clients' medical providers and fail to make the payment/s. Payment of \$273,949 to 22 claimants fitting this category were made in 1999-2000, 24.14% of the total dollars awarded.

Non-performance - The acceptance of unearned fees or retainers represented the third highest payment category in 1999-2000 with awards to 86 claimants totaling \$176,756, or 15.58% of the total dollars awarded.

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

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

1999 Activities

The board met in West Conshohocken, Pittsburgh and Erie in FY 1999-2000. It continued to make educating the legal community about the fund a high priority. This included hosting dinners on the eves of board meetings for the judiciary, bar leaders and prominent local citizens from in and around the counties in which the board meets.

Restitution and Subrogation Efforts

The fund received \$129,241 in subrogation and restitution payments during FY 1999-2000.

In FY 1998-99, the fund received \$600,000 in settlement of the fund's claim against a constructive trust pursuant to an orphans' court decision. This amount represented approximately one-half of the awards paid by the fund as a result of the covered attorney's actions.

Two other claimants in the constructive trust proceedings who were denied recovery by the orphans' court appealed to the Pennsylvania Superior Court. The Superior Court remanded the matter back to the orphans' court. The fund and other parties to the action appealed the decision of the Superior Court to the Supreme Court of Pennsylvania. This appeal was unsuccessful, which resulted in a settlement agreement among all claimants to the constructive trust. Under the terms of the settlement, the fund will be required to disgorge \$135,000 of the \$600,000. It is anticipated that the amount will be paid during FY 2000-01.

Mandatory Overdraft Notification

Pennsylvania Rules of Disciplinary Enforcement 221 requires financial institutions to report to the fund all checks drawn on attorney fiduciary accounts which contain insufficient funds. In 1999-2000 the fund received 216

overdraft notices, 188 of which were reviewed and dismissed and 18 of which were referred to the Office of Disciplinary Counsel (ODC). Ten remained pending at the end of the fiscal year.

County Bench, Bar Meetings

The board has been holding meetings with leaders of the county benches and bars in conjunction with the board's quarterly business meetings since 1989. These meetings keep the county bench and bar leaders informed about the fund's activities, both statewide and regionally, and request the assistance of the bench and bar in carrying out the fund's mission.

To date, the fund has met with the following counties:

Allegheny County (1983, 1986-89, 1991, 1993-1998)
 Cambria County (1998)
 Centre County (1995)
 Chester County (1990, 1998)
 Cumberland County (1998)
 Dauphin County (1984-85, 1989, 1991, 1993, 1996, 1997, 1999)
 Delaware County (1994, 1997)
 Erie County (1989, 1992, 1994)
 Fayette County (1992)
 Lackawanna County (1990, 1999)
 Lancaster County (1990)
 Lehigh County (1989)
 Luzerne County (1996)
 Monroe County (1992)
 Montgomery County (1999)
 Northampton County (1994)
 Philadelphia County (1982-88, 1990-93, 1995-96, 1998)

Lawyers Concerned for Lawyers

With prior approval of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security may provide funding to non-profit


organizations that assist Pennsylvania lawyers and judges who are impaired by alcohol or drugs. In accordance with this rule, during FY 1999-2000 \$99,440 of funding was given to the organization known as Lawyers Concerned for Lawyers.

Pennsylvania attorneys should note the extent of their fund's operations and that it provides meaningful services to the profession in return for that portion of the annual lawyer assessment fee, which each active attorney contributes to its funding.

National Ranking

The Pennsylvania Lawyers Fund for Client Security continues to rank among the top four funds in the United States in terms of both awards made and claims processed, as determined through the most recent American Bar Association Survey of Client Protection Funds. The funds in California, New York and New Jersey are the other most active organizations.

Contact Person

The contact person for the fund is executive director, Kathryn J. Peifer. She may be reached in care of the fund at 5035 Ritter Road, Suite 900; Mechanicsburg, PA 17055; (800) 962-4618 or (717) 691-7503. 

Categories of Claims

Amounts Awarded - 1999-2000

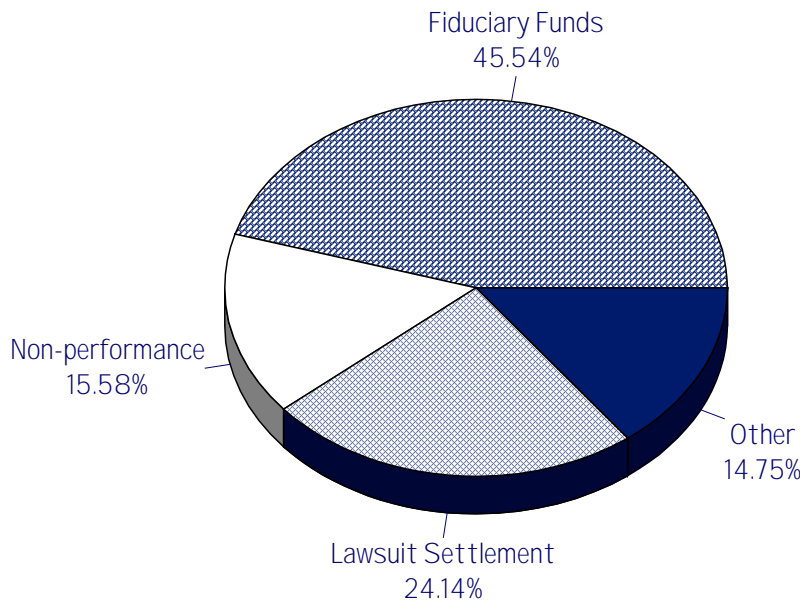
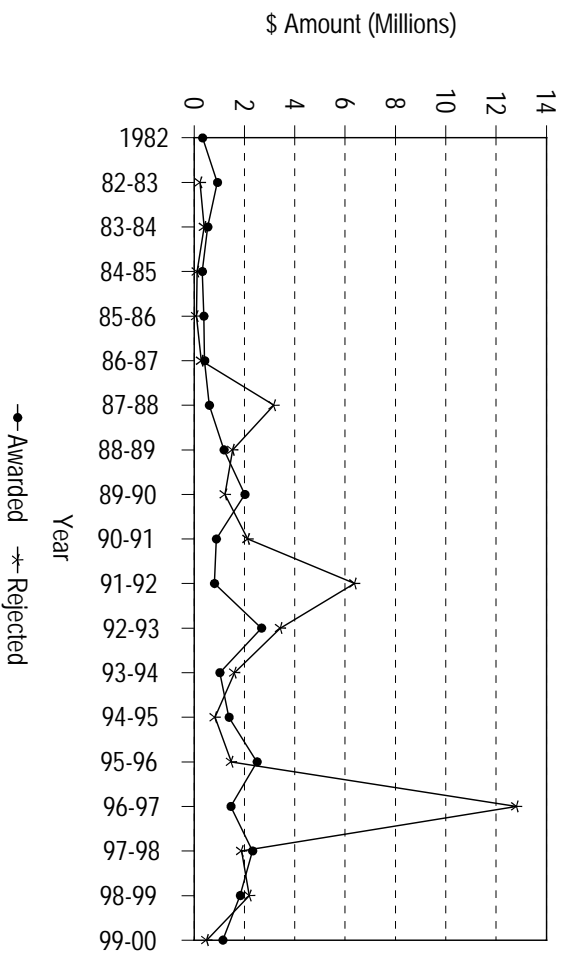


Table 3.14.2

Claim Awards v. Rejections

1982-2000



Claims Awarded v. Rejections

1982-2000

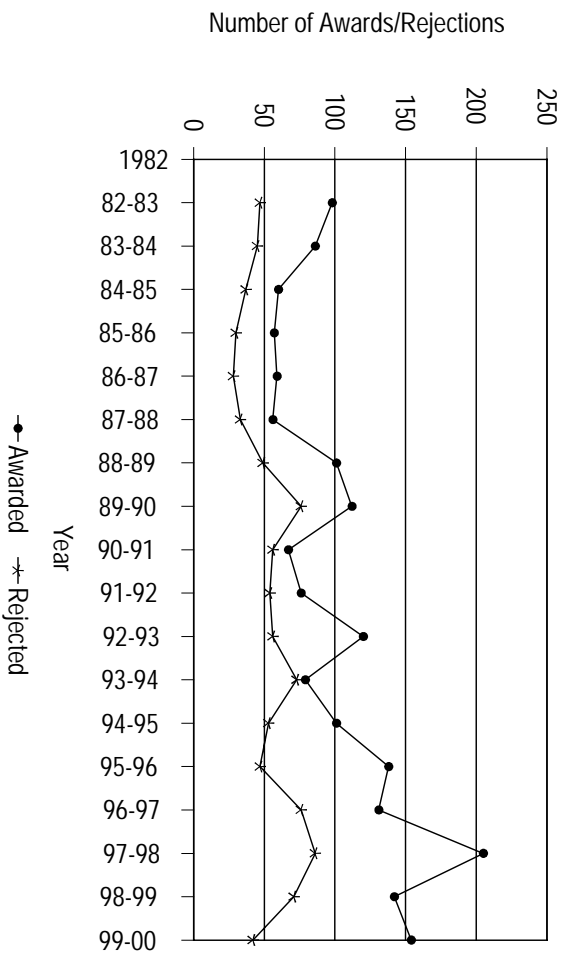
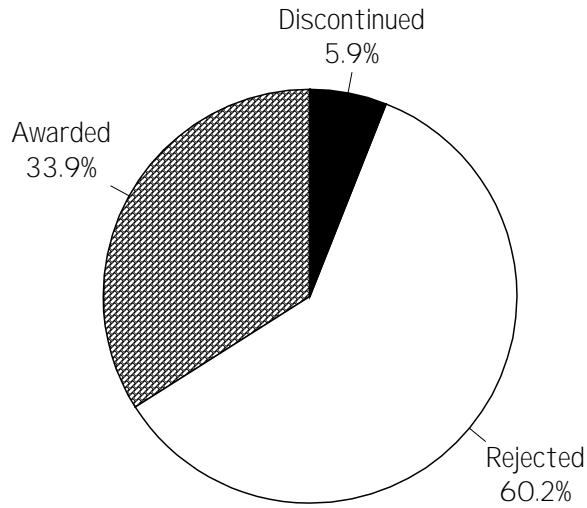


Table 3.14.3

Comparison of Claim Dispositions

Cumulative



1999-2000

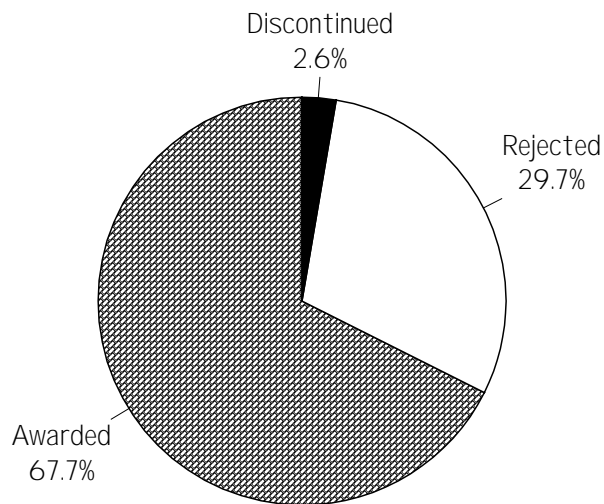


Table 3.14.4

Funding for the Unified Judicial System derives from both state and county appropriations. The state pays the salaries for all judicial officers as well as the personnel and operating costs of the entire appellate court system, including the committees and boards of the Supreme Court and the Administrative Office of Pennsylvania Courts. Beginning January 1, 2000, in accordance with Act 12 of 1999, the Commonwealth also funds the salaries and benefits for district court administrators transferred to state service effective that date. Table 4.1 on page 109 provides a break-down of these state-funded expenditures for fiscal year 1999-2000.

Of the total state government expenditures for fiscal year 1999-2000, *administrative costs for the judiciary accounted for slightly more than one-half of one percent.* Table 4.2 on page 111 shows the distribution of expenditures across the three branches of government.

County Reimbursement Program

The Commonwealth also provides reimbursement to the counties for costs incurred in support of the Common Pleas Courts. Counties are reimbursed for a percentage of juror costs incurred when a trial or grand jury proceeding lasts longer than three days.

In addition, counties have traditionally been reimbursed for personnel and operating costs associated with the administration of the Courts of Common Pleas. Reimbursement is based on a flat rate established by the General Assembly for each authorized district justice or Common Pleas judge position.

For each Common Pleas judge position, the General Assembly also requires that counties spend an amount at least equal to the flat rate per judge, which was \$70,000 for FY 1999-2000.

Table 4.3 on page 112 identifies the amounts of reimbursement provided to each county, by grant program, for fiscal year 1999-2000.

One exception to the current funding pattern is the Pittsburgh Magistrates Court, where all costs are borne by the City of Pittsburgh. In fiscal year 1995-96, however, the Commonwealth for the first time reimbursed the city for costs related to the Magistrates Court by the payment of a \$1.2 million grant. The grant was reauthorized in 1999-2000 in the amount of \$1.2 million.

Local, State Government Revenue


The Unified Judicial System is a source of considerable revenue to local and state government. An example of this revenue can be found in Table 4.4 on page 114, which lists fees collected by the appellate courts, the Minor Judiciary Education Board and the Pennsylvania Board of Law Examiners. Appropriated by the General Assembly, these fees are used to support state-funded court operations.

Although exact figures are not available, the court system raises millions of dollars in revenue for local municipalities. Depending on the police department (local or state) from which a citation is issued, a portion of fines collected is disbursed to local political subdivisions after adjudication within the Unified

Judicial System. Some examples of these fines include traffic violations under the vehicle code, violations of local ordinances and certain violations of summary offenses.

Counties also receive court-collected fines, fees and costs. Fees are generated in connection with the commencement of actions or the filing of liens, appeals and accounts, etc. On an annual basis, the collections amount to tens of millions of dollars. The monies are collected by courts at all levels of the system.

Finally, a portion of the revenues collected by the courts is earmarked for the state. Some of these funds are program specific, e.g., Pennsylvania's Emergency Medical Fund and the Crime Victims' Compensation Board. Others are used, through Act 64 of 1987 and Act 59 of 1990, to provide funding for the statewide Judicial Computer System. Still other monies collected, such as motor vehicle fines, revert to the state general fund.

As part of the reform of the judicial discipline process, the Judicial Conduct Board and the Court of Judicial Discipline were established as independent organizations responsible for their own affairs, including financial matters. Pursuant to Act 56 of 1993, however, their annual budget requests are made as separate line items in the Supreme Court's request to the General Assembly on behalf of the judicial branch. 

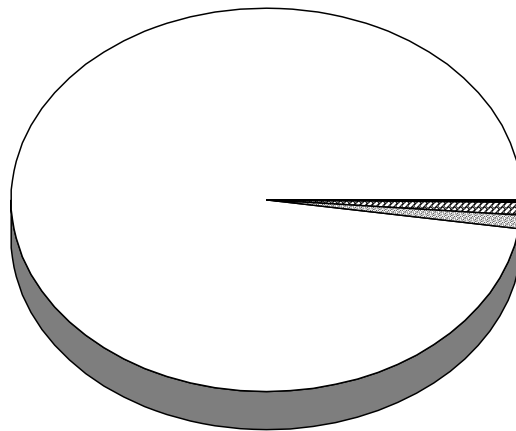
APPROPRIATIONS	
APPROPRIATION	1999-2000 (thousands)
Supreme Court*	\$10,341
Justice Expenses*	180
Civil Procedural Rules Committee*	387
Criminal Procedural Rules Committee	362
Domestic Relations Procedural Rules Committee	143
Judicial Council*	180
Juvenile Rules Project*	168
Appellate Court/Orphans' Court Procedural Rules Committees	135
Evidence Committee*	198
Equity Commission**	400
Minor Court Rules Committee*	229
Superior Court	20,921
Judges' Expenses	237
Commonwealth Court	12,508
Judges' Expenses	143
Court Security	150
Court Administrator*	6,034
Statewide Funding Appropriations:	
Study Unified Judiciary	764
District Court Administrators*	13,136
Court Management Education	150
Statewide Judicial Computer System***	14,306
Integrated Criminal Justice System (JNET)	3,375
Courts of Common Pleas	55,318
Common Pleas Senior Judges	3,527
Common Pleas Judicial Education	727
Ethics Committee*	54
District Justices*	44,555
District Justice Education	533
Philadelphia Traffic Court*	658
Philadelphia Municipal Court*	4,394
Philadelphia Law Clerks	39
Domestic Violence	200
Pittsburgh Magistrates Court	1,200

Table 4.1

APPROPRIATIONS, continued	
APPROPRIATION	1999-2000 (thousands)
Juror Cost Reimbursement*	1,469
County Court Reimbursement	30,401
Judicial Conduct Board	929
Court of Judicial Discipline	398
TOTAL	\$228,849
<p>* As authorized by Act 1-A of 1999, funds were transferred from other judiciary appropriations and made available to the Statewide Judicial Computer System as a miscellaneous augmentation for use in FY 2000-01 in the following amounts: Supreme Court - \$200,000; Supreme Court Justice Expenses - \$61,000; Civil Procedural Rules - \$50,000; Judicial Council - \$50,000; Juvenile Rules Project - \$50,000; Ethics Committee - \$140,000; Minor Court Rules - \$183,000; District Court Administrators - \$1,869,000; District Justices - \$1,008,000; Philadelphia Traffic Court - \$51,000; Philadelphia Municipal Court - \$283,000 and Juror Cost - \$110,000, for a total of \$4,415,000. These transfers reduced the funds available to the respective appropriations, but did not reduce the various appropriated amounts.</p>	
<p>** In accordance with Part XVII, Subpart C, § 1796(e) of Act 21-A of 2000, the appropriation to the Supreme Court for the Equity Commission shall not lapse until June 30, 2001.</p>	
<p>*** The Statewide Judicial Computer System is funded through a restricted account in accordance with Act 64 of 1987 and Act 59 of 1990 and not with state general fund money. This appropriation was supplemented by \$1,603,000 in augmentations which represented funds transferred from various FY 1998-99 judiciary appropriations; \$15,981 derived from fees charged to users for information generated by the District Justice System; and \$73,099 derived from augmentations mandated by Act 119 of 1996 (Jen and Dave's Law). The total amount available to the Judicial Computer Project in FY 1999-2000 was \$15,997,737.</p>	

Table 4.1, cont'd.

Pennsylvania Government FY 1999-2000 General, Special, Federal & Other Funds Expenditures



- Executive Branch - 98.84%
- ▨ Legislative Branch - .57%
- ▩ Judicial Branch - .51%
- County Reimbursement for Courts - .08%

Totals shown exclude capital budget.

Note: The Governor's budget showed FY 1999-2000 funds available to the judiciary as \$234,005. Actual total budgeted funds are \$221,349. The state total operating expenditures shown here was adjusted upward to reflect this difference.

Total shown excludes capital budget.

Source: FY 2000-01 Governor's Recommended Budget

Table 4.2

COUNTY REIMBURSEMENTS FOR COURTS FY 1999-2000			
COUNTY	JUROR COST	COUNTY COURT	TOTAL
Adams*	\$0.00	\$210,000.00	\$210,000.00
Allegheny	154,119.10	2,870,000.00	3,024,119.10
Armstrong	4,864.04	140,000.00	144,864.04
Beaver *	13,598.81	420,000.00	433,598.81
Bedford	0.00	70,000.00	70,000.00
Berks	17,557.94	700,000.00	717,557.94
Blair	1,746.05	280,000.00	281,746.05
Bradford	0.00	140,000.00	140,000.00
Bucks	27,698.46	770,000.00	797,698.46
Butler	7,776.25	280,000.00	287,776.25
Cambria	0.00	350,000.00	350,000.00
Cameron	0.00	9,800.00	9,800.00
Carbon	4,390.28	140,000.00	144,390.28
Centre*	3,622.68	210,000.00	213,622.68
Chester*	13,207.64	700,000.00	713,207.64
Clarion	538.70	70,000.00	70,538.70
Clearfield	3,406.16	140,000.00	143,406.16
Clinton	3,966.78	140,000.00	143,966.78
Columbia	384.38	109,200.00	109,584.38
Crawford	6,318.37	140,000.00	146,318.37
Cumberland	626.37	350,000.00	350,626.37
Dauphin	43,904.20	490,000.00	533,904.20
Delaware**	39,097.36	1,260,000.00	1,299,097.36
Elk	1,886.42	60,200.00	62,086.42
Erie	10,818.71	560,000.00	570,818.71
Fayette	7,157.32	350,000.00	357,157.32
Forest	0.00	7,000.00	7,000.00
Franklin*	4,226.21	252,000.00	256,226.21
Fulton	0.00	28,000.00	28,000.00
Greene*	5,559.63	140,000.00	145,559.63
Huntingdon	321.62	70,000.00	70,321.62
Indiana	0.00	140,000.00	140,000.00
Jefferson	0.00	70,000.00	70,000.00
Juniata	0.00	46,200.00	46,200.00
Lackawanna	0.00	420,000.00	420,000.00
Lancaster*	13,859.01	700,000.00	713,859.01
Lawrence	5,077.39	210,000.00	215,077.39
Lebanon	2,808.55	210,000.00	212,808.55
Lehigh*	26,931.87	630,000.00	656,931.87

Table 4.3

COUNTY REIMBURSEMENTS FOR COURTS, continued
FY 1999-2000

COUNTY	JUROR COST	COUNTY COURT	TOTAL
Luzerne	42,227.52	560,000.00	602,227.52
Lycoming*	19,418.91	350,000.00	369,418.91
McKean	4,923.38	70,000.00	74,923.38
Mercer	2,421.49	210,000.00	212,421.49
Mifflin	0.00	70,000.00	70,000.00
Monroe	961.58	280,000.00	280,961.58
Montgomery**	60,859.68	1,260,000.00	1,320,859.68
Montour	1,833.00	30,800.00	32,633.00
Northampton*	25,525.55	490,000.00	515,525.55
Northumberland	4,248.38	140,000.00	144,248.38
Perry	0.00	93,800.00	93,800.00
Philadelphia	677,820.00	9,750,316.00	10,428,136.00
Pike	376.98	70,000.00	70,376.98
Potter	365.15	70,000.00	70,365.15
Schuylkill	7,938.26	350,000.00	357,938.26
Snyder	1,543.06	70,000.00	71,543.06
Somerset*	1,056.65	210,000.00	211,056.65
Sullivan	0.00	12,600.00	12,600.00
Susquehanna	1,055.29	70,000.00	71,055.29
Tioga	328.82	70,000.00	70,328.82
Union	645.55	70,000.00	70,645.55
Venango*	4,382.38	140,000.00	144,382.38
Warren	587.06	63,000.00	63,587.06
Washington	7,982.15	350,000.00	357,982.15
Wayne	0.00	70,000.00	70,000.00
Westmoreland*	19,885.59	770,000.00	789,885.59
Wyoming	593.48	57,400.00	57,993.48
York**	29,499.53	770,000.00	799,499.53
Transfer to JCS	110,000.00	0.00	110,000.00
TOTAL	\$1,451,949.74	\$30,400,316.00	\$31,852,265.74

FUNDING METHODOLOGIES:

* Includes one additional judge per Act 2 of 1997.

** Includes two additional judges per Act 2 of 1997.

Juror Cost - The reimbursement grant funds 80 percent of juror costs (compensation and travel) beyond the third day of service if the juror is participating in a trial or grand jury proceeding.

County Court - The grant provides reimbursement for costs associated with the administration and operation of the Courts of Common Pleas. For FY 1999-2000, the reimbursement was paid at a rate of \$70,000 per authorized Common Pleas position whether filled or vacant, (including an additional 19 positions per Act 2 of 1997); however, no county will receive less than 75% of the actual reimbursement for court costs provided to them from state funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

Table 4.3, cont'd.

FEEES THAT SUPPORT STATE OPERATIONS	
APPROPRIATION (thousands)	1999-2000
Supreme Court	\$317
PA Board of Law Examiners	1,413
Judicial Computer System*	89
Superior Court	236
Commonwealth Court	214
District Justice Education	37
Court Administrator	4
TOTAL	\$2,310

*Includes revenues collected under Act 119 of 1996 (Jen and Dave's Law). These collections provided \$73,099 to support the "Jen/Dave" functions during FY 1999-2000.

Table 4.4

Supreme Court Justices

Complement 7

Flaherty, John P.
Chief Justice

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

Superior Court Judges

Complement 15

McEwen, Stephen J., Jr.
President Judge

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

Joyce, Michael T.
Stevens, Correale F.
Musmanno, John L.
Melvin, Joan Orie
Schiller, Berle M.**
Lally-Green, Maureen*
Todd, Debra B.*

* Elected 11-2-99

** Defeated for election 11-2-99;
term expired 1-2-00

Commonwealth Court Judges

Complement 9

Colins, James Gardner
President Judge

Doyle, Joseph T.
McGinley, Bernard L.
Smith, Doris A.
Pellegrini, Dante R.

Kelley, James R.
Friedman, Rochelle S.
Flaherty, James J.
Leadbetter, Bonnie Brigance

Appellate

Court

Judges

(As of 6-30-00)

**Appellate
Court
Senior
Judges**

**Superior Court
Senior Judges**

Beck, Phyllis W.
Brosky, John G.
Cercione, William F.
Cirillo, Vincent A.
Hester, John P.
Montemuro, Frank J., Jr.
Olszewski, Peter Paul
Tamilia, Patrick R.

**Commonwealth
Court Senior
Judges**

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

- * Allegheny County senior Common Pleas judge assigned to Commonwealth Court
- ** Dauphin County senior judge; sits on occasion in Commonwealth Court
- + Erie County senior Common Pleas judge assigned to Commonwealth Court
- ++ Philadelphia County senior Common Pleas judge assigned to Commonwealth Court; died 10-4-99
- # Philadelphia County senior Common Pleas judge assigned to Commonwealth Court
- ## Schuylkill County senior Common Pleas judge assigned to Commonwealth Court
- ▲ Washington County senior Common Pleas judge assigned to Commonwealth Court

‡Act 2 of 1997 added 31 new judgeships to the Courts of Common Pleas, Philadelphia Municipal Court and Philadelphia Traffic Court over the course of three years, beginning with the 1997 elections. Act 127 of 1998 added one new judgeship in district 52, Lebanon County, beginning with the 1999 election. Courts marked with the double cross symbol (‡) after the complement are those courts which received new judgeships in 1999. The number after the symbol denotes the number of judgeships given. E.g., ‡1 means the county increased by one judgeship.

ADAMS COUNTY (51)

Complement 3

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

ALLEGHENY COUNTY (05)

Complement 41

Vacancy 1

Kelly, Robert A.

Administrative Judges

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

Baldwin, Cynthia A.
Cashman, David R.
Clark, Kim B.#
Colville, Robert E.
Colville, Robert J.#

Craig, Cheryl Allen
Durkin, Kathleen A.
Eaton, Kim D.#
Farino, S. Louis▲▲
Folino, Ronald W.

Friedman, Judith L.A.
Gallo, Robert C.
Horgos, Robert P.
Jaffe, Joseph A.
James, Joseph M.

Little, Walter R.
Lucchino, Frank J.#
Lutty, Paul F., Jr.

Machen, Donald E.
Manning, Jeffrey A.

Mazur, Lee J.
McDaniel, Donna Jo
McFalls, Patrick
McGowan, Bernard J.▲
McGregor, James R.++

McVerry, Terrence F.##
Nauhaus, Lester G.
Novak, Raymond A.
O'Brien, W. Terrence
O'Reilly, Timothy P.

O'Toole, Lawrence J.
Penkower, Alan S.
Ruffner, M. Susan*
Sasinowski, Kevin G.#
Scanlon, Eugene F., Jr.#

Strassburger, Eugene B., III
Wettick, R. Stanton, Jr.
Zottola, John A.

- * Confirmed 3-17-99; defeated for election 11-2-99; term expired 1-2-00
- ** Administrative judge term expired 4-16-99
- + Appointed administrative judge effective 4-19-99
- ++ Retired 7-11-99
- # Elected 11-2-99
- ## Defeated for election 11-2-99; term expired 1-2-00
- ▲ Retired 12-16-99
- ▲▲ Retired 6-2-00

ARMSTRONG COUNTY (33)

Complement 2

Nickleach, Joseph A.
Valasek, Kenneth G.

Common

Pleas

Judges

(As of 6-30-00)

(Judicial District listed in parentheses)

(Italics denotes President Judge)

BEAVER COUNTY (36)

Complement 6

Reed, Robert C.
James, George E.*
Kunselman, Robert E.
McBride, John D.
Steege, Peter O.
Walko, Joseph S.

* Elected 11-2-99

BEDFORD COUNTY (57)

Complement 2 †1

Howsare, Daniel L.
Ling, Thomas S.*

* Elected 11-2-99

BERKS COUNTY (23)

Complement 11 †1
Vacancy 1

Keller, Scott D.
Ehrlich, Elizabeth G.**
Eshelman, Thomas J.
Grim, Arthur E.
Lash, Scott E.*

Lieberman, Stephen B.
Ludgate, Linda K.M.
Schmehl, Jeffrey L.
Schmehl, Peter W.
Sprecher, Jeffrey K.
Stallone, Albert A.

* Elected 11-2-99

** Retired 5-25-00

BLAIR COUNTY (24)

Complement 4

Peoples, Thomas G., Jr.
Callan, Norman D.
Carpenter, Hiram A., III
Kopriva, Jolene Grubb

BRADFORD COUNTY (42)

Complement 2

Smith, Jeffrey A.
Mott, John C.

BUCKS COUNTY (07)

Complement 11

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

Kane, Michael J.
Lawler, Daniel J.
Rubenstein, Alan M.+
Rufe, Cynthia M.
Rufe, John J.

Scott, Susan Devlin
Thomas, Rea, Boylan+

* Retired 6-17-99

** Elected acting president judge
effective 6-29-99; elected pre-
sident judge effective 1-6-00

+ Elected 11-2-99

BUTLER COUNTY (50)

Complement 5 †1

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

* Elected 11-2-99

CAMBRIA COUNTY (47)

Complement 5

Long, Gerard
Creany, Timothy P.
Krumenacker, Norman A., III
Leahy, Francis J.
Swope, Thomas A., Jr.

CARBON COUNTY (56)

Complement 2

Lavelle, John P.
Webb, Richard W.

CENTRE COUNTY (49)

Complement 3

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

CHESTER COUNTY (15)

Complement 11 †1

Gavin, Thomas G.
Cody, Jacqueline C.
MacElree, James P., II
Mahon, William P.*
Melody, M. Joseph, Jr.

Ott, Paula Francisco
Platt, Katherine B.L.
Riley, Howard F., Jr.
Sanchez, Juan R.
Shenkin, Robert J.

Wood, Lawrence E.

* Elected 11-2-99

CLARION COUNTY (18)

Complement 1

*Arner, James G.**

* Elected 11-2-99

CLEARFIELD COUNTY (46)

Complement 2

Reilly, John K., Jr.
Ammerman, Frederic J.

CLINTON COUNTY (25)

Complement 2

Saxton, Richard N., Jr.
Williamson, J. Michael

COLUMBIA-MONTOUR COUNTIES (26)

Complement 2

*Keller, Gailey C.***
Naus, Scott W.+
*James, Thomas A., Jr.**

- * Elected 11-2-99
- ** Term expired 1-2-00
- + Appointed president judge effective 1-3-00

CRAWFORD COUNTY (30)

Complement 2

Miller, Gordon R.
Vardaro, Anthony J.

CUMBERLAND COUNTY (09)

Complement 5

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

DAUPHIN COUNTY (12)

Complement 8 ‡1
Vacancy 1

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

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

- * Elected 11-2-99
- ** Retired 2-15-00
- + Elected president judge effective 2-16-00

DELAWARE COUNTY (32)

Complement 18
Vacancy 1

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

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

Koudelis, George
McGovern, Clement J., Jr.++
Osborne, Ann A.
Pagano, George A.
Proud, James F.

Surrick, R. Barclay
Toal, William R., Jr.
Wright, Robert C.
Zetusky, Edward J., Jr.

- * Elected 11-2-99
- ** Term expired 1-2-00
- + Elected president judge effective 1-3-00
- ++ Resigned 3-3-00

ELK-CAMERON COUNTIES (59)

Complement 1

Roof, Vernon D.

ERIE COUNTY (06)

Complement 8

*Bozza, John A.**
*Palmisano, Michael M.***
Cunningham, William R.++

Anthony, Fred P.
Connelly, Shad F.

DiSantis, Ernest J., Jr.
Domitrovich, Stephanie A.
Dunlavey, Michael E.+
Kelly, Elizabeth K.+

- * President judge term expired 2-9-99
- ** Elected acting president judge effective 2-10-99; term expired 1-2-00
- + Elected 11-2-99
- ++ Elected president judge effective 1-4-00

FAYETTE COUNTY (14)

Complement 5

Franks, William J.
Capuzzi, Conrad B.
Solomon, Gerald R.
Wagner, John F., Jr.
Warman, Ralph C.

FRANKLIN-FULTON COUNTIES (39)

Complement 4

Walker, John R.
Herman, Douglas W.
*Kaye, William H.**
*Van Horne, Carol L.***
Walsh, Richard J.

- * Resigned 9-30-99
- ** Elected 11-2-99

GREENE COUNTY (13)

Complement 2

Grimes, H. Terry
Nalitz, William R.

HUNTINGDON COUNTY (20)

Complement 1

Kurtz, Stewart L.

INDIANA COUNTY (40)

Complement 2

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

* Elected 11-2-99

JEFFERSON COUNTY (54)

Complement 1

Henry, William L.

LACKAWANNA COUNTY (45)

Complement 6

Walsh, James J.
*Barasse, Michael J.**
Corbett, Patricia
Harhut, Chester T.
Minora, Carmen D.
*Nealon, Terrence R.**

* Elected 11-2-99

LANCASTER COUNTY (02)

Complement 11 †1

*Eckman, D. Richard**
*Georgelis, Michael A.***
Allison, Paul K.
Ashworth, David L.+
Cullen, James P.

Farina, Louis J.
Gorbey, Leslie
Hummer, Wayne G., Jr.
Kenderdine, Henry S., Jr.
Madenspacher, Joseph C.+

Perezous, Michael J.
Stengel, Lawrence F.

* Retired 8-8-99
** Elected acting president judge effective 8-9-99; elected president judge effective 1-3-00
+ Elected 11-2-99

LAWRENCE COUNTY (53)

Complement 3

*McCracken, Glenn, Jr.***
Pratt, Ralph D.+
*Cox, J. Craig**
Motto, Dominick

* Elected 11-2-99
** Term expired 1-2-00
+ Appointed president judge effective 1-3-00

LEBANON COUNTY (52)

Complement 4 †1

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

* Elected 11-2-99

LEHIGH COUNTY (31)

Complement 9

Gardner, James Knoll
Black, Alan M.
Brenner, Lawrence J.
Ford, William E.
McGinley, Carol K.
Platt, William H.
Reibman, Edward D.
Steinberg, Robert L.
Wallitsch, Thomas A.

LUZERNE COUNTY (11)

Complement 9 †1

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

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

* Elected 11-2-99

LYCOMING COUNTY (29)

Complement 5

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

MCKEAN COUNTY (48)

Complement 1

Cleland, John M.

MERCER COUNTY (35)

Complement 3

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

MIFFLIN COUNTY (58)

Complement 1

Searer, Timothy S.

MONROE COUNTY (43)

Complement 5 ‡1

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

* Elected 11-2-99

MONTGOMERY COUNTY (38)

Complement 18

Vacancy 1

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

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

Hodgson, Richard J.
Lawrence, Marjorie C.*
Moore, Bernard A.
Nicholas, William T.
Ott, Stanley R.

Rossanese, Maurino J., Jr.
Salus, Samuel W., II
Tressler, Paul W.

* Resigned 11-2-99

** Elected 11-2-99

NORTHAMPTON COUNTY (03)

Complement 7

Freedberg, Robert A.
Baratta, Stephen G.
Hogan, James C.

McFadden, F. P. Kimberly
Moran, William F.

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

NORTHUMBERLAND COUNTY (08)

Complement 2

Sacavage, Robert B.
Wiest, William Harvey

PERRY-JUNIATA COUNTIES (41)

Complement 2

Quigley, Keith B.
Rehkamp, C. Joseph

PHILADELPHIA COUNTY (01)

Complement 90

Vacancy 3

Bonavitacola, Alex

Administrative Judges

Herron, John W.
Panepinto, Paul P.
Tucker, Petrese B.

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

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

Chen, Ida K.
Clark, Tama Myers
Cohen, Gene D.

Colins, Mary D.
Cooperman, Amanda

D'Alessandro, Nicholas M.
Davis, Legrome D.
Dembe, Pamela Pryor
Dempsey, Thomas E.
Di Vito, Gary F.

DiBona, Alfred J., Jr.
DiNubile, Victor J., Jr.
Field, Myrna P.
Fitzgerald, James J., III
Fox, Idee

Geroff, Steven R.
Glazer, Gary S.
Goldman, Murray C.
Goodheart, Bernard J.
Gordon, Levan++

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

Jackson, Ricardo C.##
Jelin, Sheldon C.
Jones, C. Darnell, II
Joseph, Barbara A.
Kafritsen, Arthur S.

Keogh, D. Webster
Klein, Richard B.
Lachman, Marlene
Latrone, Robert A.+
Lazarus, Anne E.

Lehrer, Samuel M.*
Lerner, Benjamin**
Levin, Stephen E.
Lewis, Kathryn Streeter
Lineberger, James A.#

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

PHILADELPHIA COUNTY,
continued

Mazzola, William J.
McInerney, Patricia A.
Means, Rayford A.
Moss, Sandra Mazur
Mozenter, Joyce S.

New, Arnold L.
O'Grady, John J., Jr.**
O'Keefe, Joseph D.
Papalini, Joseph I.
Pawelec, Edmund S.

Poserina, John J., Jr.
Quinones Alejandro, Nitza I.
Ransom, Lillian Harris
Reynolds, Abram Frank
Rizzo, Annette M.**

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

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

Sylvester, Esther R.
Temin, Carolyn Engel
Tereshko, Allan L.
Watkins, Thomas D.
Wolf, Flora Barth

Woods-Skipper, Sheila A.**
Younge, John M.
Zaleski, Jerome A.

* Retired 8-30-99
** Elected 11-2-99
+ Died 11-14-99
++ Term expired 1-2-00
Retired 4-6-00
Resigned 6-29-00

PIKE COUNTY (60)
Complement 1

Thomson, Harold A., Jr.

POTTER COUNTY (55)
Complement 1

Leete, John B.

SCHUYLKILL COUNTY (21)
Complement 5

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

**SNYDER-UNION
COUNTIES (17)**
Complement 2

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

* Elected 11-2-99

SOMERSET COUNTY (16)
Complement 3

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

**SUSQUEHANNA
COUNTY (34)**
Complement 1

Seamans, Kenneth W.

TIOGA COUNTY (04)
Complement 1

Dalton, Robert E., Jr.

VENANGO COUNTY (28)
Complement 2

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

**WARREN-FOREST
COUNTIES (37)**
Complement 1

Millin, Paul H.

WASHINGTON COUNTY (27)
Complement 5

Gladden, Thomas D.
Emery, Katherine B.
Gilmore, David L.
O'Dell Seneca, Debbie
Pozonsky, Paul M.

WAYNE COUNTY (22)
Complement 1

Conway, Robert J.

**WESTMORELAND
COUNTY (10)**
Complement 11

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

Driscoll, John J.
Hathaway, Rita Donovan
*Marker, Charles E.***
*Marsili, Anthony G.**
McCormick, Richard E., Jr.

Ober, William J.
Pezze, Debra A.

* Elected 11-2-99
** Term expired 1-2-00

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 1

Vanston, Brendan J.

YORK COUNTY (19)

Complement 11

Uhler, John C.

Blackwell, Penny L.

Brillhart, Michael J.

Chronister, John H.

Dorney, Sheryl Ann

Horn, Richard H.

Kennedy, John S.

Linebaugh, Stephen P.

Renn, Richard K.

Snyder, Gregory M.

Thompson, John W., Jr.

Common

Pleas

Court

Senior

Judges

ALLEGHENY COUNTY

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

McGregor, James R.+
O'Brien, John W.**
O'Malley, Michael J.
Ridge, Joseph H.
Ross, George H.

Schwartz, Nathan*
Watson, J. Warren
Wekselman, I. Martin
Zelevnik, Richard G.

* Resigned 4-30-99
** Removed from list 6-30-99
+ Effective 7-12-99
++ Effective 12-19-99
Effective 6-5-00

ARMSTRONG COUNTY

House, Roy A., Jr.

BEAVER COUNTY

Mannix, Thomas C.
Rowley, James E.
Salmon, J. Quint

BEDFORD COUNTY

Van Horn, Ellis W., Jr.

BERKS COUNTY

Edenharter, Frederick*
Ehrlich, Elizabeth G.+
Eshelman, W. Richard**
Schaeffer, Forrest G., Jr.
Smith, Calvin E.

* Removed from list 12-31-99
** Removed from list 1-3-00
+ Effective 5-28-00

BUCKS COUNTY

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

* Effective 1-2-99
** Effective 6-20-99
+ Resigned 11-30-99
++ Effective 5-11-00

BUTLER COUNTY

Brydon, John H.
Kiestler, George P.

CAMBRIA COUNTY

Creany, Eugene A.

CHESTER COUNTY

Endy, Alexander

CLARION COUNTY

Alexander, Charles R.

CLINTON COUNTY

Brown, Carson V.

(As of 6-30-00)

**COLUMBIA-MONTOUR
COUNTIES**

Keller, Gailey C.*
Myers, Jay W.

* Effective 1-3-00

CRAWFORD COUNTY

Thomas, P. Richard

DAUPHIN COUNTY

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

* Sits on occasion in
Commonwealth Court

** Effective 2-18-00

DELAWARE COUNTY

Wright, Robert A.

ELK-CAMERON COUNTIES

Greiner, Paul B.*

* Died 10-7-99

ERIE COUNTY

Fischer, Roger M.
Levin, George E.

**FRANKLIN-FULTON
COUNTIES**

Keller, John W.

INDIANA COUNTY

Ruddock, W. Parker

JEFFERSON COUNTY

Snyder, Edwin L.

LACKAWANNA COUNTY

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

LANCASTER COUNTY

Bucher, Wilson**
Eckman, D. Richard*

* Effective 8-11-99

** Removed from list 3-3-00

LAWRENCE COUNTY

McCracken, Glenn, Jr.*

* Effective 1-3-00

LEBANON COUNTY

Gates, G. Thomas

LEHIGH COUNTY

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

LUZERNE COUNTY

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

* Died 1-26-00

LYCOMING COUNTY

Greevy, Charles F.

MERCER COUNTY

Stranahan, John Q.

MONROE COUNTY

Marsh, James R.

MONTGOMERY COUNTY

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

* Effective 4-21-99

NORTHAMPTON COUNTY

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

**NORTHUMBERLAND
COUNTY**

Feudale, Barry F.
Ranck, Samuel C.

PHILADELPHIA COUNTY

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

Halbert, Marvin R.
Hill, Louis G.*
Ivanoski, Leonard A.
Kozay, Nicholas, Jr.+
Lederer, William J.++

Lineberger, James A.**
O'Brien, Frank X.
Richette, Lisa A.
Rosenberg, Edward B.
Sabo, Albert F.+

Savitt, David N.

* Resigned 7-29-99

** Effective 4-9-00

+ Removed from list 5-11-00

++ Appointed to Commonwealth
Court effective 5-11-00

SCHUYLKILL COUNTY

Dolbin, Donald D.*
Rubright, Wilbur H.

* Died 1-12-00

SOMERSET COUNTY

Shaulis, Norman A.

TIOGA COUNTY

Kemp, Robert M.

VENANGO COUNTY

Breene, William E.

**WARREN-FOREST
COUNTIES**

Wolfe, Robert L.

WASHINGTON COUNTY

Bell, John F.
Terputac, Thomas J.

WESTMORELAND COUNTY

Marker, Charles E.*
Mihalich, Gilfert M.

* Effective 1-3-00

YORK COUNTY

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

Philadelphia Municipal Court Judges

Complement 25
Vacancy 2

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

Administrative Judge
Blasi, Robert S.

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

Deni, Teresa Carr
Gehret, Thomas F.++
Gilbert, Barbara S.
Kirkland, Lydia Y.
Krase, Morton

Lilian, Eric L.▲
McCaffery, Seamus P.
Meehan, William Austin, Jr.
Mekel, Edward G.+
Merriweather, Ronald B.

Moore, Jimmie++
Neifield, Marsha H.
O'Grady, John J., Jr.##
Palumbo, Frank++
Retacco, Louis F.

Robbins, Harvey W.
Schwartz, Harry#
Stack, Felice Rowley
Washington, Craig M.

- * President judge term expired 1-18-99
- ** Elected president judge effective 1-19-99
- + Resigned 4-30-99
- ++ Elected 11-2-99
- # Defeated for election 11-2-99; term expired 1-2-00
- ## Elected to Philadelphia Common Pleas Court; term expired 1-2-00
- ▲ Retired 6-18-00

Philadelphia Traffic Court Judges

Complement 7

Little, Francis J.

Administrative Judge
DeAngelis, Bernice A.

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

* Elected 11-2-99

Pittsburgh Magistrates Court

Complement 6

Simmons, William T.
Chief Magistrate

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

Philadelphia and Pittsburgh Special Courts Judges

(As of 6-30-00)

Philadelphia

Special

Courts

Senior

Judges

**Municipal Court
Senior Judges**

Bashoff, Martin W.
Blount, Lynwood F.**
Brady, William J., Jr.
Coppolino, Matthew F.+
Cosgrove, Francis P.

King, William A., Jr.
Lilian, Eric T.++
Mekel, Edward G.*
Rose, Meyer Charles

- * Effective 7-14-99
- ** Removed from list 2-20-00
- + Died 6-21-00
- ++ Effective 6-21-00

**Traffic Court
Senior Judges**

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

(As of 6-30-00)

ADAMS COUNTY (51)

Complement 4

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

* Elected 11-2-99
** Term expired 1-2-00

ALLEGHENY COUNTY (05)

Complement 55

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

Bova, John N.
Boyle, Mary Grace
Brletic, Thomas S.
Bubash, Cathleen Cawood+
Burnett, Edward

Cercone, Mary Ann
Cioppa, Ross C.+
Comunale, Frank, III
Conroy, Eileen M.
Cooper, Kevin E.

Costa, Ronald N., Sr.
De Angelis, Guido A.
Devlin, Mark B.
Diven, Daniel R.
Dzvonick, Robert P.

Edkins, Sally Ann
Firestone, Nathan N.+
Hanley, James J., Jr.
Hromyak, Leonard J.
Ivill, William J.

Joyce, Dennis R.
Kimberland, Susanne++
King, Richard G.
Lloyd, Betty L.*
Longo, Nancy L.

Luniewski, Walter W., Jr.
Marraccini, Ernest L.
Martin, Armand

McCarthy, Richard K.
McGraw, Elaine M.

McLaughlin, Charles A., Jr.
Miller, Thomas G., Jr.
Morrissey, Charles M.#
Olasz, Richard D., Jr.
Peglow, Lee G.

Petite, Oscar J., Jr.
Presutti, Donald H.
Ravenstahl, Robert P., Jr.
Russo, James E.
Scharding, Anna Marie

Sosovicka, David J.+
Sullivan, GiGi++
Swearingen, Carla M.+
Swearingen, John E.**
Terrick, Richard J.*

Thompson, Alberta V.
Tibbs, Edward A.
Torkowsky, Thomas R.+
Trkula, Shirley R.
Tucker, Robert E.#

Wagner, William K.
Welsh, Regis C., Jr.
Wyda, Robert C.+
Zielmanski, Eugene L.
Zoller, Richard H.

Zucco, Linda I.
Zyra, Gary M.

* Resigned 3-31-99
** Retired 6-16-99
+ Elected 11-2-99
++ Defeated 11-2-99; term expired 1-2-00
Term expired 1-2-00

ARMSTRONG COUNTY (33)

Complement 4

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

District

Justices

(As of 6-30-00)

(Judicial Districts in parentheses)

BEAVER COUNTY (36)

Complement 9

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

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

* Elected 11-2-99

BEDFORD COUNTY (57)

Complement 4

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

BERKS COUNTY (23)

Complement 18

Vacancy 1

Beck, Richard C.
Bentz, Nicholas M., Jr.
Dougherty, Timothy*
Gauby, Thomas M., Sr.
Greth, Gail M.

Hall, William N., Jr.
Hartman, Michael G.*
Horning, Anthony F.++
Korch, James M.**
Kowalski, Phyllis J.

Lachina, Deborah P.
Leonardziak, Michael J.
Mest, Ronald C.
Schock, Roland H.+
Scott, Wallace S.*

Stacherski, Felix V.
Stitzel, Gloria W.
Stoudt, Carol A.

Walley, Susanne R.
Xavios, Thomas H.

* Elected 11-2-99
** Defeated 11-2-99; term
expired 1-2-00
+ Term expired 1-2-00
++ Retired 3-5-00

BLAIR COUNTY (24)

Complement 7

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

Moran, Joseph L.
Ormsby, Craig E.

* Elected 11-2-99

BRADFORD COUNTY (42)

Complement 4

Aquilio, Daniel J., III*
Clark, Timothy M.**
Powell, James O.+
Shaw, Michael G.
Wheaton, Fred M.**

Wilcox, Jonathan M.**

* Resigned 3-13-99
** Elected 11-2-99
+ Term expired 1-2-00

BUCKS COUNTY (07)

Complement 18

Adamchak, Joanne M.
Brown, Leonard J.
Cappuccio, Charles A.
Clark, Francis E.+
Dietrich, Ruth C.

DuBree, M. Kay
Falcone, Joseph P.**

Gaffney, Robert E.
Groman, Oliver A.
Hogeland, H. Warren

Kelly, John J., Jr.
Kline, Joanne V.
Manto, Michael J.*
McEwen, Susan E.
Nasshorn, Donald

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

* Died 5-11-99
** Elected 11-2-99
+ Confirmed 10-19-99

BUTLER COUNTY (50)

Complement 5

Armstrong, Dennis C.**
Haggerty, Sue E.*
O'Donnell, Joseph D., Jr.
O'Donnell, Kevin P.*
Streib, Kelly T.D.

Woessner, Clifford J.

* Elected 11-2-99
** Defeated 11-2-99; term
expired 1-2-00

CAMBRIA COUNTY (47)

Complement 10

Barron, John W.
Berkhimer, Allan C.
Coleman, Alfred B.
Creany, Frederick S.
Decort, Galen F.

Grecek, Leonard J.
Musulin, Michael J.
Nileski, Charity L.
Pavlovich, Max F.
Zungali, Michael

CARBON COUNTY (56)

Complement 4

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

* Elected 11-2-99

CENTRE COUNTY (49)

Complement 5

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

CHESTER COUNTY (15)

Complement 17
Vacancy 1

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

Bruno, Mark A.*
Cabry, Michael J., III*
Darlington, Chester F.
DeAngelo, James V.
Farmer, Harry W., Jr.

Gill, Robert E.
Maisano, Daniel J.
Martin, Thomas E., Jr.
Michaels, Theodore P.
Scott, Stanley

Smith, Larry E.
Welsh, Susann E.**
Winther, J. Peter

* Elected 11-2-99
** Term expired 1-2-00

CLARION COUNTY (18)

Complement 4

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

CLEARFIELD COUNTY (46)

Complement 4

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

CLINTON COUNTY (25)

Complement 3

Bossert, Thomas H.+
Dwyer, Kevin R.
Frazier, John B.**
Maggs, John W.*
Sanders, Joseph L., III*

* Elected 11-2-99
** Defeated 11-2-99; term expired 1-2-00
+ Resigned 1-1-00

COLUMBIA-MONTOUR COUNTIES (26)

Complement 5

Brech, William L.**
Cashman, Richard P.
Coombe, Donna J.
Long, Craig W.*
Shrawder, Marvin K.

Stackhouse, Ola E.

* Elected 11-2-99
** Term expired 1-2-00

CRAWFORD COUNTY (30)

Complement 6

Chisholm, William D.
Hanson, Wayne E.
Herzberger, George W., III
Nicols, Amy L.
Rossi, A. Michael, Jr.
Zilhaver, Lincoln S.

CUMBERLAND COUNTY (09)

Complement 8

Bender, Harold E.*
Clement, Charles A., Jr.
Correal, Paula P.
Day, Susan K.
Elder, Gayle A.*

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

* Elected 11-2-99
** Defeated 11-2-99; term expired 1-2-00

DAUPHIN COUNTY (12)

Complement 14

Bridges, Roy C.
Johnson, Gregory D.
Judy, David H.
Lindsey, Joseph S.
Magaro, Samuel J.

Margerum, Rebecca Jo*
Pelino, Dominic A.
Pianka, James
Semic, Steven M.
Shugars, Ray F.

Solomon, Joseph S.
Stewart, Marsha C.

DAUPHIN COUNTY,
continued

Williams, Edward R.**
Yanich, Bernard B.
Zozos, George A.

* Elected 11-2-99
** Term expired 1-2-00

**DELAWARE
COUNTY (32)**
Complement 32

Berardocco, Ann
Boyden, Kenneth J. D.**
Brennan, Mary Alice
Burke, Robert R.*
Cappelli, Richard M.

Cullen, Michael G.
Davis, Horace Z.
Day, William L., Jr.
Foster, Beverly H.
Gallagher, Vincent D., Jr.

Gannon, Edward J., Jr.*
Gaspari, Rocco
Hanna, William E.**
Harkin, Edward C.**
Klein, Stephanie H.

LaRosa, Barbara**
Lacey, Thomas J.
Lang, David Hamilton
Liberace, Gerald C.
Lippart, Jack D.*

Lippincott, Nicholas S.*
Mallon, Gregory M.
McCray, C. Walter, III
McDevitt, Leonard M.
McKeon, Laurence J.*

Miller, Kenneth N.
Murphy, David J.
Nilon, James F., Jr.
Perfetti, John J.
Quinn, Joseph T.F.

Seaton, Spencer B., Jr.
Sereni-Massinger,
Christine A.
Tolliver, Elkin A.*
Tozer, Peter P.
Truscello-McHugh,
Deborah M.*

Videon, David T.

* Elected 11-2-99
** Term expired 1-2-00

**ELK-CAMERON
COUNTIES (59)**
Complement 3

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

ERIE COUNTY (06)
Complement 15
Vacancy 1

Abate, Frank, Jr.
DiPaolo, Dominick D.
Dwyer, James J., III
Hogan-Munsch, Carmelita *
Krahe, Mark R.**

Lefaiver, Joseph R.
Manzi, Paul
Nakoski, Peter P., Jr.+
Nichols, Patsy A.
Saxton, Robert C., Jr.

Southwick, Carol L.
Strohmeier, Susan D.**
Stuck-Lewis, Denise M.
Urbaniak, Paul
Vendetti, John A.

Weindorf, Arthur J.

* Resigned 10-1-99
** Elected 11-2-99
+ Defeated 11-2-99; term
expired 1-2-00

FAYETTE COUNTY (14)
Complement 13

Abraham, Randy S.
Blair, Lawrence
Breakiron, Robert W.
Cavalcante, Brenda K.
Cramer, Jesse J.

Defino, Michael J.
Dennis, Wendy D.
Haggerty, Ronald J., Sr.
Kula, Deberah L.
Mitchell, Herbert G., Jr.

Rubish, Michael
Shaner, Dwight K.
Vernon, Rick C.

**FRANKLIN-FULTON
COUNTIES (39)**
Complement 9

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

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

* Elected 11-2-99

GREENE COUNTY (13)
Complement 3

Canan, Neil M.
Dayich, Louis M.*
Watson, John C.**
Watson, Leroy W.

* Elected 11-2-99
** Term expired 1-2-00

HUNTINGDON COUNTY (20)

Complement 4

Colyer, Michael M.
Davis, Daniel S.
Jamison, Mary G.*
Whitsel, Theodore J.**
Wilt, Richard S.*

* Elected 11-2-99
** Term expired 1-2-00

INDIANA COUNTY (40)

Complement 4

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

JEFFERSON COUNTY (54)

Complement 3

Beck, Richard D.*
Chambers, Douglas R.
Hetrick, Bernard E.
Miller, George B.**

* Elected 11-2-99
** Term expired 1-2-00

LACKAWANNA COUNTY (45)

Complement 11

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

Kennedy, James P.
McGraw, Sean P.
Mercuri, John J.
Pesota, John P.*
Pieski, John E. V.**

Russell, Robert G.
Toczydlowski, Joseph S., Jr.*
Yurgosky, Donald A.**

* Elected 11-2-99
** Term expired 1-2-00

LANCASTER COUNTY (02)

Complement 20

Bomgardner, Vicki G.+
Brian, David E.
Duncan, Jayne F.
Eckert, Leo H., Jr.
Garrett, Daniel B.*

Garrett, James L.+
Good, Carl A., Jr.**
Hamill, Nancy G.
Hamilton, Maynard A., Jr.
Hartman, Cheryl N.

Hartman, Rodney H.*
Herman, Robert A., Jr.
High, Sandra L.**
Miller, David P.
Musser, Richard W.

Mylin, Stuart J.
Reuter, William G.
Roth, Bruce A.*
Savage, Ronald W.
Simms, Richard H.*

Sponaugle, Mary Mongiovi*
Stoltzfus, Isaac H.
Williams, Louise B.+
Willwerth, Jene A.
Winters, John C.

* Elected 11-2-99
** Defeated 11-2-99; term expired 1-2-00
+ Term expired 1-2-00

LAWRENCE COUNTY (53)

Complement 5

Abraham, Charles A., Jr.*
Amodie, Melissa A.**

Battaglia, Samuel A.
Lamb, J. V.
Reed, James A.

Rishel, David B.

* Died 2-26-99
** Elected 11-2-99

LEBANON COUNTY (52)

Complement 7

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

Shultz, Jo Ann*
Smith, Michael D.
Swisher, Hazel V.

* Resigned 6-30-99
** Elected 11-2-99

LEHIGH COUNTY (31)

Complement 14

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

Harding, David B.
Hartman, Edward E.
Jepsen, Diane R.
Leh, David G.*
Murphy, Thomas P.

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

* Elected 11-2-99

LUZERNE COUNTY (11)

Complement 18
Vacancy 1

Balliet, Burton E.**
Barilla, Andrew, Jr.
Collins, Michael J.+
Feissner, Gerald L.
Halesey, Joseph A.

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

Malast, Diana
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.

* Elected 11-2-99
** Term expired 1-2-00
+ Died 5-27-00

LYCOMING COUNTY (29)

Complement 6

Carn, James G.
Lepley, Jerry C.
McGee, Gerald A.**
McRae, C. Roger
Page, Allen P., III

Schriner, Kenneth T., Jr.*
Sortman, James H.

* Elected 11-2-99
** Term expired 1-2-00

MCKEAN COUNTY (48)

Complement 4

Ackerman, Thomas E.**
Boser, Barbara L.

Hauser, Christopher G.*
Kennedy, Michael J.
Yoder, John H.

* Elected 11-2-99
** Term expired 1-2-00

MERCER COUNTY (35)

Complement 5

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

MIFFLIN COUNTY (58)

Complement 2

Clare, Barbara A.
Williams, Rick A.

MONROE COUNTY (43)

Complement 10

Claypool, Richard S.
Dennis, C. William
Eyer, Charles P.
Krawitz, Jolana
Mangan, Anthony J.

Olsen, Thomas E.
Perfetti, Robert J.
Shiffer, Thomas R., Jr.
Whitesell, John D.
York, Debby A.

MONTGOMERY COUNTY (38)

Complement 30

Augustine, Albert J.
Berkoff, F. Elaine
Borek, Harold D.
Casillo, Ester J.
Crahalla, Benjamin R.

Deatelhauser, Kenneth E.
Dougherty, Joseph H.
Durkin, John J.
Gadzicki, Walter F., Jr.
Householder,
William R., Jr.**

Hummel, Catherine M.
Hunter, James B.+
Inlander, Gloria M.+
Keightly, David A.
Kowal, John L.

Lawrence, Francis J., Jr.
Leader, Loretta A.
Leo, Paul N.**
Liberti, Caroline Culley
Liss, Henry M.*

Lukens, Deborah A.
Maruszczak, William I.
Murray, John S., III
Nesbitt, Harry J., III**
Palladino, Thomas A.

Price, Juanita A.**
Price, Richard M.+
Richman, Michael C.
Sachaczewski, John T.
Saraceni, Robert A.

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

* Retired 9-11-99
** Elected 11-2-99
+ Term expired 1-2-00

NORTHAMPTON COUNTY (03)

Complement 15

Barner, Joseph K.*
Elwell, Gay L.
Frey, Elmo L., Jr.
Grigg, Sherwood R.+
Koury, Michael J., Jr.

NORTHAMPTON COUNTY,
continued

Litzenberger, Ralph W.
Marinkovits, Joan
Masut, Adrienne L.
Matos Gonzalez, Nancy
Repyneck, Diane S.

Romig, Elizabeth A.
Rudolph, Loretta M.**
Schlegel, Barbara A.
Stocklas, James F.
Strohe, Todd M.*

Weaver, Harold R., Jr.
Zemgulis, Sandra J.

* Elected 11-2-99
** Defeated 11-2-99; term
expired 1-2-00
+ Term expired 1-2-00

**NORTHUMBERLAND
COUNTY (08)**
Complement 5

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

Reddinger, Wilbur L., Sr.**

* Elected 11-2-99
** Defeated 11-2-99; term
expired 1-2-00

**PERRY-JUNIATA
COUNTIES (41)**
Complement 5

Frownfelter, Elizabeth R.
Howell, Donald F.
Leister, Jacqueline T.
Lyter, Barbara M.
Moyer, James R., Jr.

PIKE COUNTY (60)
Complement 4

Cooper, Alan B.*
Lieberman, Charles F.*
McBride, Stephen A.
Purdue, Carolyn H.**
Sanquilly, William N.

* Elected 11-2-99
** Term expired 1-2-00

POTTER COUNTY (55)
Complement 4

Bristol, Delores G.
Burton, Lisa M.*
Easton, Annette L.*
Easton, Barbara J.*
Garrote, Katherine G.+
Tasillo, Michelle M.**

* Elected 11-2-99
** Defeated 11-2-99; term
expired 1-2-00
+ Term expired 1-2-00

SCHUYLKILL COUNTY (21)
Complement 8

Ferrier, James R.
Matz, Earl H., Jr.*
Moran, Charles V.
Nahas, Bernadette J.
Pankake, Carol A.**
Plachko, David A.
Reiley, James K.
Slezosky, William A.
Zelonis, Andrew B.

* Resigned 3-5-00
** Confirmed 5-10-00

**SNYDER-UNION
COUNTIES (17)**
Complement 4

Armbruster, Leo S.
Mensch, Jeffrey L.*
Parker, Harley M.**
Robinson, John T.*
Savidge, Willis E.

Solomon, Hall E., Sr.**

* Elected 11-2-99
** Term expired 1-2-00

SOMERSET COUNTY (16)
Complement 5

Bell, Douglas McCall**
Cannoni, Joseph A.
Cook, Arthur K.
Dively, Melissa K.*
Philson, Robert M.+

Roush, William H.
Stevanus, Sandra L.**

* Resigned 2-1-99
** Elected 11-2-99
+ Term expired 1-2-00

**SUSQUEHANNA
COUNTY (34)**
Complement 3

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

TIOGA COUNTY (04)
Complement 3

Buckingham, William A.+
Carlson, James E.#
Edgcomb, Brian W.**

TIOGA COUNTY, continued

Farrell, William G.*
Signor, Daniel P.++
Sweet, Phillip L.**

* Resigned 3-2-99
** Elected 11-2-99
+ Term expired 1-2-00
++ Died 1-22-00
Confirmed 3-7-00

VENANGO COUNTY (28)

Complement 4

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

* Elected 11-2-99

**WARREN-FOREST
COUNTIES (37)**

Complement 6

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

WASHINGTON COUNTY (27)

Complement 12

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

Havelka, Gary H.
Mark, David W.

Pelkey, William
Spence, J. Albert
Teagarden, Marjorie L.

Thompson, Curtis L.
Weller, Jay H.

* Elected 11-2-99

WAYNE COUNTY (22)

Complement 4

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

**WESTMORELAND
COUNTY (10)**

Complement 19

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

DelBene, Frank, Jr.
DiClaudio, Mary S.
Eckels, Roger F.
Falcon, James N.
Franzi, Lawrence J.

King, J. Bruce
Mahady, Michael R.
Mansour, Mark S.
McCutcheon, Bernice A.
Medich, Martha

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

* Elected 11-2-99
** Term expired 1-2-00

**WYOMING-SULLIVAN
COUNTIES (44)**

Complement 4

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

YORK COUNTY (19)

Complement 18

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

Gross, Scott J.**
Haskell, Ronald J., Jr.
Heilman, Vera J.
Hodge, James D.
Kessler, Harold D.

Lafean, John W.+
Leppo, Kim S.
Martin, Richard E., II
Meisenhelter, Douglas F.
Miner, James S.

Naylor, Alan G.
Nixon, Barbara H.
Shoemaker, Gerald E.
Teyral, JoAnn L.**
Thomas, Richard T.**

Walters, Paul A.*

* Resigned 6-30-99
** Elected 11-2-99
+ Term expired 1-2-00

ADAMS COUNTY

Deardorff, Harold R.*

* Effective 2-23-00

ALLEGHENY COUNTY

Boehm, Leonard W.
Casper, Raymond L.
Conn, Arthur P.+
Diulus, Nicholas A.
Fiore, Sarge

Franci, Georgina G.
Komaromy, Paul, Jr.
Lindberg, Howard D.
Morrissey, Charles M.++
Nairn, Regis C.

Raible, Eugene L.
Secola, Rinaldo J.
Stocker, Olive S.
Swearingen, John E.**
Terrick, Richard J.*

Thomas, Raymond C.
Tucker, Robert E.++

* Effective 4-1-99
** Effective 6-19-99
+ Removed from list 8-99
++ Effective 1-3-00

ARMSTRONG COUNTY

Shaeffer, Eugene W.

BEAVER COUNTY

Keefer, Ross M., Jr.
Kirchner, Lewis E.
Loschiavo, Peter J.
Mihalic, Stephen D.

BERKS COUNTY

Dougherty, John F.
Horning, Anthony T.**

Schock, Roland H.*
Wenger, George L.

* Effective 1-3-00
** Effective 2-18-00

BLAIR COUNTY

Klepser, Frederick L.*

* Resigned 3-9-99

BRADFORD COUNTY

Ayres, Lynn E.
Wood, Fordham F., Jr.

BUCKS COUNTY

Kelly, James M.
Marks, Catherine
Spadaccino, Dominick C.

BUTLER COUNTY

Wise, Frank C.

CAMBRIA COUNTY

Rozum, Julia Ann

CENTRE COUNTY

Shoff, Robert A.

CHESTER COUNTY

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

* Effective 1-3-00

Senior

District

Justices

(As of 6-30-00)

**COLUMBIA/MONTOUR
COUNTIES**

Breech, William L.*

* Effective 1-3-00

CUMBERLAND COUNTY

Daihl, Donald W.**
Farner, Glenn R.
Klair, Ronald E.*

* Removed from list 8-99
** Removed from list 1-3-00

DAUPHIN COUNTY

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

* Effective 1-3-00

DELAWARE COUNTY

Anderson, Garland W.*
Boyden, Kenneth J.D.**
Dittert, William J., Jr.
Harkin, Edward C.+
LaRosa, Barbara**

Shaffer, Robert M.
Truscello, Anthony M.

* Removed from list 8-99
** Effective 1-3-00
+ Effective 1-21-00

ERIE COUNTY

Smith, Charles F.
Stuck, Ronald E.

**FRANKLIN/FULTON
COUNTIES**

Stover, J. William

GREENE COUNTY

Bertugli, Emil
Watson, John C.*

* Effective 1-3-00

HUNTINGDON COUNTY

Kyper, James H.

INDIANA COUNTY

Cravotta, Angelo C.
Wilkins, Geraldine M.*

* Resigned 4-12-99

JEFFERSON COUNTY

Lester, Guy M.

LACKAWANNA COUNTY

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

* Removed from list 8-99
** Effective 1-3-00

LANCASTER COUNTY

Garrett, James L.*
Horton, Murray R.

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

* Effective 1-3-00

LEBANON COUNTY

Shultz, Jo Ann*
Spannuth, Mary M.

* Effective 7-1-99

LEHIGH COUNTY

Hausman, Joan K.*
Maura, Joseph J.

* Effective 4-20-00

LUZERNE COUNTY

Harvey, Leonard D.
Marshall, Robert N.*

* Died 12-9-99

LYCOMING COUNTY

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

* Effective 2-2-00

MCKEAN COUNTY

Ackerman, Thomas E.*

* Effective 1-3-00

MONROE COUNTY

McCool, Henry*

* Removed from list 2-12-99;
readded 2-1-00

MONTGOMERY COUNTY

Dasch, Charles A.
Hunter, James B.*
Inlander, Gloria M.*
Price, Richard M.*
Riehl, Donald O.

* Effective 1-3-00

NORTHAMPTON COUNTY

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

* Effective 1-3-00

PIKE COUNTY

Purdue, Carolyn H.*
Quinn, Gudrun K.

* Effective 1-3-00

SCHUYLKILL COUNTY

Matz, Earl H.*

* Effective 2-28-00

VENANGO COUNTY

Turk, Walter S.*

* Removed from list 8-99

WASHINGTON COUNTY

Lilley, June B.
Mark, Walter A.

WAYNE COUNTY

Buckert, Charles H.*

* Removed from list 8-99

WESTMORELAND COUNTY

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

* Effective 1-3-00

YORK COUNTY

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

Stambaugh, Quentin R.

* Effective 1-3-00

District Court Administrators

Administrator

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

Cherstin M. Hamel
Michael D. Reighard
Mary Lou Vanderpool
G. Thomas Wiley
William L. Patterson

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

David Meholick
Miles D. Kessinger, III
Joseph A. Blass
John L. Shuttleworth
Richard J. Pierce

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

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

William J. Murray
Mark Dalton M.
Micheline R. Pagley
David P. Wingert, Esq.
Susan T. Schellenberg

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

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

District

Adams
Allegheny
Armstrong
Beaver
Bedford

Berks
Blair
Bradford
Bucks
Butler

Cambria
Carbon
Centre
Chester
Clarion

Clearfield
Clinton
Columbia
Crawford
Cumberland

Dauphin
Delaware
Elk-Cameron
Erie
Fayette

Franklin-Fulton
Greene
Huntingdon
Indiana
Jefferson

Lackawanna
Lancaster
Lawrence
Lebanon
Lehigh

Luzerne
Lycoming
McKean
Mercer
Mifflin

Monroe
Montgomery
Montour
Northampton
Northumberland

District Justice Court Administrators

Administrator

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

Michael F. Krimmel
Patricia M. Gildea
Mary Lou Vanderpool
Charles A. Carey, Jr.
Leslie A. Bridgeman

Donald J. Scotilla
Roberta L. Brewster
Barbara G. Gallo
Anita E. McDevitt
Tammy J. Slike

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

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

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

James A. Doherty, Jr., Esq.
Thomas N. Weaver, Esq.
Micheline R. Pagley
Edward J. Rutter
H. Gordon Roberts

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

Lyn Bailey-Fenn
Michael J. Morris, Jr.
Joseph A. Blass
Debra C. French
Lawrence E. Diorio

Court

Administrators

(As of 6-30-00)

**Court
Administrators,
continued**

**District Court
Administrators**

Administrator

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

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

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

J. Robert Chuk

District

Perry-Juniata
Philadelphia
Pike
Potter
Schuylkill

Snyder-Union
Somerset
Susquehanna
Tioga
Venango

Warren-Forest
Washington
Wayne
Westmoreland
Wyoming-Sullivan

York

**District Justice
Court
Administrators**

Administrator

Kaye V. Raffensperger

Colleen E. Kellam
Patricia Ann Fluty
Bruce D. Heffner

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

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

Terry R. Baker

Court Administrator

Nancy M. Sobolevitch*
*Court Administrator of
Pennsylvania*

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

Andrea Tuominen, Esq.
*Executive Assistant to the
Court Administrator*

Dawn Brown
Administrative Assistant

Diane Bowser
Controller

* Retired 12-31-99

** Effective 1-1-00

Director for Judicial District Administration

Joseph J. Mittleman, Esq.

Judicial Services

Bunny Baum
Director of Judicial Services

Nicholene DiPasquale
Administrative Assistant

Policy Research & Statistics

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

Rosemary A. Figazzotto
Research Assistant

Charlotte Kirschner
Research Analyst

Fred W. Stakelbeck
Statistical Analyst

Chief Counsel

Zygmunt A. Pines, Esq.
Chief Legal Counsel

Ellen L. Conaway
Executive Secretary

David M. Donaldson, Esq.
Chief of Litigation

Howard M. Holmes, Esq.
Deputy Legal Counsel

A. Taylor Williams, Esq.
Assistant Legal Counsel

Staff Attorneys:

Maryellen Gallagher, Esq.

Mary Keane, Esq.

Timothy McVay, Esq.

David S. Price, Esq.

Daryl Walker, Esq.

Administrative Office of Pennsylvania Courts Philadelphia

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

(As of 6-30-00)

**Administrative
Office
of
Pennsylvania
Courts
Mechanicsburg**

**Deputy Court
Administrator**

Thomas B. Darr
*Deputy Court Administrator
of Pennsylvania*

Rhonda J. Hocker
Administrative Assistant

Arthur J. Heinz
*Communications/
Legislative Coordinator*

David Lane
*Assistant for
Intergovernmental Affairs*

David A. Frankforter
*Manager of Human
Resources*

Joseph W. Chernesky
*Manager of Administrative
Services*

Deborah B. McDivitt
*Manager of Financial
Systems*

Steven F. Angle
Payroll Manager

Daryl Walker, Esq.
Staff Attorney

**Judicial Computer
System/Information
Technology/Special
Projects**

Amy J. Ceraso, Esq.
Director of Court Projects

Candace Y. Frye
*Administrative Coordinator
for Special Projects*

C. Sue Willoughby
*Director of Statewide
Automation*

Pamela Stager
Administrative Assistant

Barry L. Potteiger
*Common Pleas Project
Administrator*

David S. Price, Esq.
Staff Attorney

John H. Davenport
*Director of Information
Technology*

Kay Shaffer
Administrative Assistant

Eric Sick
*Manager of Computer
Operations*

Arese O. Ness
*Manager of Software
Systems*

Nicholas Melnick, Jr.
*EDI (Public Access)
Coordinator*

Ralph W. Hunsicker
Director of Special Projects

Timothy McVay, Esq.
Staff Attorney

Keyoung J. Gill
Administrative Assistant

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

Alphabetical Order

District Order

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

Judicial Districts

**Judicial
Districts,
continued**

Alphabetical Order

District Order

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

Glossary

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

A

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

abeyance Incomplete or undetermined state of affairs.

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

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

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

Accelerated Rehabilitative Disposition (ARD) Voluntary program established by Pennsylvania's Supreme Court in 1972 for first-time, non-violent offenders whereby offenders undergo a probation supervision program for two years without conviction. If the program is successfully completed, charges against the offender are dismissed.

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

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

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

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

- acquittal** Verdict after a criminal trial that defendant is not guilty of charged crime. Compare **guilty**.
- action** A judicial proceeding. An action **in personam** is against a person. An action **in rem** is against a thing, usually where property is involved.
- actus reus** (ACK tus REE us) Proof that a criminal act has occurred. See **elements of a crime**.
- ad litem** (add LYE dem) For the purposes of the lawsuit. E.g., a **guardian ad litem** is appointed to prosecute or defend a suit on behalf of an incapacitated person or a minor.
- additur** (ADD ih tur) Increase by judge in amount of damages awarded by jury.
- adjudication** Pronouncing judgment or decree; the judgment given.
- administrator** One who administers estate of person who dies without a will. See **personal representative**. Compare **executor**.
- admissible evidence** Evidence which can be legally and properly introduced in a trial.
- adversary proceeding** Proceeding having opposing parties; contested. Differs from **ex parte** proceeding.
- adversary system** Trial method used in U.S. and some other countries, based on belief that truth can best be determined by giving opposing parties full opportunity to present and establish evidence and to test by cross-examination evidence presented by adversaries under established rules of procedure before an impartial judge and/or jury.
- affiant** Person who makes and signs an **affidavit**.
- affidavit** Voluntary written statement of facts given under oath. In criminal cases affidavits are often used by police officers seeking to obtain search or arrest warrants. In civil cases affidavits of witnesses are often used to support motions for summary judgment.
- affirmative defense** Without denying the charge, defendant raises extenuating or **mitigating circumstances** such as insanity, self-defense or entrapment to avoid civil or criminal responsibility.
- affirmed** Decree or order at issue is declared valid by appellate court and will stand as rendered in lower court.
- aggravated assault** See **assault**.
- aggravating circumstances** Circumstances occurring in commission of an offense which occur above and beyond the offense itself and which serve to increase offense's guilt or enormity or add to its consequences. May increase sentence of individual convicted of offense. Compare **mitigating circumstances**.
- aid and abet** To actively, knowingly or intentionally assist another person in commission or attempted commission of a crime. See **accomplice**.
- alibi** Proof offered by defendant that he/she was at some other place at time of crime and thus could not have committed crime charged.
- allegation** Statement of **issues** in a **pleading** that a party expects to prove. E.g., an **indictment** contains allegations of a crime against a defendant.
- allocatur** (AL lo CAH tur) "It is allowed." Petition to **appeal**.
- alternative dispute resolution (ADR)** Settling a dispute without a full, formal trial. Methods include **mediation**, **conciliation**, **arbitration** and **settlement**, among others.
- amicus curiae** (uh ME kus KYU ree EYE) Friend of the court. One not a party to a case who, having a strong interest in the outcome, offers information on a point of law or some other aspect of the case.
- answer** Defendant's response to plaintiff's **allegations** as stated in a **complaint**. Item-by-item, paragraph-by-paragraph response to points made in complaint. Part of the **pleadings**.
- appeal** Request to have a decision made by a lower court reviewed by a higher court.
- appearance** Coming into court. Formal act by which a defendant submits to the jurisdiction of a court. Compare **arraignment**.
- appellant** Party who initiates an appeal.
- appellate court** Court having jurisdiction to review decisions of lower courts or administrative agencies.

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

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

arraignment Proceeding in which an accused person appears before a judge to hear the criminal charges filed against him/her and to enter a plea of guilty or not guilty. Compare **preliminary hearing** and **initial appearance**. See also **appearance**.

arrest To take into custody by legal authority.

arrest of judgment Act of delaying the effect of a **judgment** already entered.

assault Threat to inflict injury with an apparent ability to do so. Also, any intentional display of force which would give victim reason to fear or expect immediate bodily harm. Aggravated assault must include another act which is also criminal, e.g., an attempt to cause serious bodily injury or commit another crime or use of a deadly weapon. Compare **battery**.

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

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

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

attorney-at-law Advocate, counsel or official agent employed in preparing, managing and trying cases in the courts.

attorney-in-fact Private person, not necessarily an attorney, authorized by another to act in his place and stead, either for a particular purpose or for transaction of business in general that is not of legal nature. Authority is conferred by an instrument in writing called a letter of attorney or, more commonly, **power of attorney**.

attorney of record Principal attorney in a lawsuit who signs all formal documents relating to suit.

B

backlog Number of pending cases exceeding the capacity of a court which is engaged in acting on other cases.

bail Money or other security (such as a **bail bond**) given to a court to temporarily secure a person’s release from custody and assure his/her appearance in court. May be forfeited should individual subsequently fail to appear before the court. Bail and bond are often used interchangeably.

bail authority In Pennsylvania the district justice, magistrate, Philadelphia bail commissioner or judge with jurisdiction over the case in question authorized by law to set, modify, revoke or deny bail.

bail bond (often referred to simply as bond) Obligation, signed by accused, to secure his/her presence at trial and which he/she may lose by not properly appearing for trial.

bailiff Court attendant who keeps order in the courtroom and has custody of the jury.

bankruptcy Statutes and judicial proceedings involving persons or businesses who cannot pay debts and seek assistance of court in getting a fresh start.

bar Historically, partition separating general public from space occupied by judges, lawyers and other participants in a trial. More commonly, the whole body of lawyers. A “case at bar” is a case currently being considered.

bar examination State examination taken by prospective lawyers in order to be admitted to practice law.

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

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

battered wife syndrome or battered spouse syndrome.

battery Physical contact intended to harm someone. Threat to use force is **assault**; use of it is battery, which usually includes an assault. Aggravated battery is unlawful use of force with unusual or serious consequences, e.g., use of a dangerous weapon.

bench Seat occupied by the judge. More broadly, the court itself.

bench trial Trial with no jury, in which the judge decides the facts.

bench warrant Arrest warrant issued directly by a judge.

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

bequeath To give someone a gift through a will.

bequests Gifts made in a will.

best evidence Primary evidence; best evidence available. Evidence short of this is “secondary.” E.g., an original letter is the best evidence; a photocopy is secondary evidence.

beyond a reasonable doubt Standard in a criminal case requiring the jury to be satisfied “to a moral certainty” that every element of the crime has been proven by prosecution. Does not require state to establish absolute certainty by eliminating all doubt, but does require that evidence be so conclusive that all **reasonable doubts** are removed from the mind of the ordinary person.

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

bill Formal written declaration, petition, complaint or statement. E.g., a declaration of wrong a complainant has suffered is a bill of complaint. Also, a draft of a new or amended law presented to a legislature for action.

bill of evidence Transcript of testimony heard at trial.

bill of particulars Statement detailing charge/s made against defendant.

bind over To hold a person for trial on bond (**bail**) or in jail. If the judicial official conducting the preliminary hearing finds **probable cause** to believe accused committed a crime, he/she will “bind over” accused, normally by setting bail for the accused’s appearance at trial.

binding instruction Instruction in which jury is told that if it finds certain conditions to be true, to find for the plaintiff or defendant, as the case may be. Compare **directed verdict**.

black letter laws Informal term encompassing basic principles of law generally accepted by courts or present in statutes of a particular jurisdiction.

blue sky laws State statutes regulating sale of securities.

bond See **bail bond**.

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

breach of contract Legally inexcusable failure to perform contractual obligation.

brief Written statement prepared by one side in a lawsuit to explain to the court its view of the facts of a case and applicable law.

burden of proof Necessity or duty to prove a fact in a dispute. Not the same as standard of proof. Burden of proof deals with which side must establish a point or points; standard of proof indicates degree to which point must be proven.

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

C

calendar List of cases scheduled for hearing in court.

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

capital crime Crime punishable by death.

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

- caselaw** Collection of reported cases that form the body of law within a jurisdiction. Also known as jurisprudence.
- caseload** Total number of cases filed in a given court or before a given judicial officer for a given period of time.
- causa mortis gift** (KAH zuh MOR tis) Gift made in expectation of donor's death and upon condition that donor die as anticipated.
- cause** Lawsuit, litigation or action. Any question, civil or criminal, litigated or contested before a court of justice.
- cause of action** Facts that give rise to a lawsuit.
- caveat** (KA vee OTT) Warning; note of caution.
- cease and desist order** Order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.
- certiorari** (SIR she oh RARE ee) Writ issued by appellate court directing lower court to deliver record of case for review. Often referred to as "granting cert."
- challenge** Objection, such as when attorney objects at **voir dire** hearing to seating of a particular individual on a jury. May be **challenge for cause** or **peremptory challenge**. See also **challenge to the array**.
- challenge to the array** Questioning the qualifications of an entire jury panel, usually on grounds of some legal fault in composition of the panel, e.g., racial discrimination.
- challenge for cause** Objection to seating of a particular juror for a stated reason, usually bias or prejudice for or against one party in the lawsuit. Judge has discretion to deny challenge. Also known as challenge to the poll. Compare **peremptory challenge**.
- change of venire** (veh NI ree; popularly pronounced veh NEER) Bringing in a jury from another county to hear a trial, usually because of concerns that pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venue**.
- change of venue** Moving a lawsuit to another place for trial, usually because pretrial publicity has made empaneling an impartial jury difficult. Compare **change of venire**.
- character evidence** Testimony of witnesses who know the general character and reputation of a person in the community in which that person lives. May be considered by jury as either **substantive evidence** as to the likelihood of the defendant to commit crime or as **corroborating evidence** of the credibility of a witness's testimony.
- charge** A formal complaint issued accusing an individual of a crime. Compare **indictment** and **information**. Also, judge's instruction to jury concerning law which applies to the facts of a case. Also called **instruction**. Compare **binding instruction** and **directed verdict**.
- circuit court** Court whose jurisdiction extends over several counties or districts and which holds sessions in all of those areas. Pennsylvania's appellate courts are circuit courts, holding sessions in various locations throughout the Commonwealth.
- circumstantial evidence** Evidence which suggests something by implication, from which an inference can be drawn, e.g., physical evidence, such as fingerprints. Also called indirect evidence. Compare **direct evidence**.
- citation** Reference to source of legal authority. Also, writ issued by a court commanding a person to appear at a specified place and time and do something specified or to give just cause why he/she should not. Also, direction to appear in court, as when a driver receives a citation for a moving or parking violation.
- civil actions** Noncriminal cases in which one private party sues another for redress of private or civil rights.
- civil procedure** Entire process by which a civil case is tried.
- class action** Lawsuit brought by one or more persons on behalf of a larger group.
- clear and convincing evidence** Evidence indicating that which is to be proven is highly probable or reasonably certain. Greater than **preponderance of evidence**, which is generally the standard applied in civil trials, but less than the evidence **beyond a reasonable doubt** required in criminal trials.

- clemency** (also called executive clemency) Act of grace or mercy by president or governor to ease consequences of criminal act, accusation or conviction. May take form of **commutation** or **pardon**.
- clerk of court** Officer appointed by court or elected to oversee administrative, nonjudicial activities of the court.
- closing argument** In a trial, closing statements by counsel to the judge or jury after evidence has been presented.
- code** Complete, systematic collection of laws.
- codicil** (KOD I sill) Addition to a will.
- cognovit actionem** (KOG NO vit ACK she OH nem) “He has confessed the action.” Written confession by defendant of plaintiff’s claim. Usually upon condition. Authorizes plaintiff’s attorney to sign judgment and issue execution.
- collateral** Property pledged as security for satisfaction of a debt. See **secured debt**.
- commit** To send a person to prison, asylum or reformatory pursuant to court order.
- common law** Law arising from tradition and judicial decisions rather than from laws passed by the legislature. Originated in England and has been followed as law in most American jurisdictions. Compare **statute**.
- Common Pleas Court** See **Court of Common Pleas**.
- community service** Sentencing option whereby offender performs volunteer work for government, non-profit or community-based organizations.
- commutation** Form of **clemency** reducing one’s sentence, as from death to life imprisonment.
- comparative negligence** Legal doctrine by which negligence of plaintiff determines amount plaintiff may recover from defendant. Compare **contributory negligence**.
- complainant** See **plaintiff**.
- complaint** Legal document that usually begins a civil lawsuit. States facts and identifies action court is asked to take.
- conciliation** Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps reach a solution. Nonbinding. Similar to **mediation**, but may be less formal.
- concur** To agree, act together or consent. Compare concurring opinion under **opinion**.
- concurrent sentence** Two or more sentences served at same time rather than one after another. Three five-year terms served concurrently add up to no more than five years in prison. See also **consecutive sentence**.
- condemnation** Legal process by which government invokes its powers of **eminent domain** and takes privately owned property for public use, paying owners just compensation. Also, act of judicially pronouncing someone guilty. Usually called **conviction**.
- confession of judgment** Act of a debtor in permitting judgment to be entered against him/her by a creditor. Also known as cognovit judgment.
- consecutive sentences** Successive sentences, one beginning at the expiration of another. Three five-year terms served consecutively impose a 15-year sentence. Also called cumulative sentence. See also **concurrent sentence**.
- consent decree** Disposition in juvenile court in which proceedings are suspended and child is continued under supervision in his/her own home under terms and conditions negotiated with probation services and agreed to by all parties concerned. Also, a court decree to which all parties agree.
- consent judgment** See **judgment**.
- conservatorship** See **guardianship**.
- consideration** Inducement for which a party enters into a contract.
- conspiracy** Two or more people joining together for the purpose of committing an unlawful act.
- contempt of court** Willful disobedience of judge’s command or official court order.
- continuance** Postponement of a legal proceeding to a later date.
- contract** Legally enforceable agreement between two or more competent parties made either orally or in writing.
- contributory negligence** Legal doctrine that says if plaintiff in a civil action for negligence was also negligent, he/she cannot

recover damages from defendant for defendant's negligence. Most jurisdictions have abandoned this doctrine in favor of **comparative negligence**.

conviction Act of judicially declaring a criminal defendant guilty. Also called condemnation.

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

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

corroborating evidence Supplementary evidence that strengthens or confirms initial evidence.

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

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

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

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

Court of Common Pleas Intermediate original court in some states, including Pennsylvania, that usually has civil and criminal jurisdiction. In Pennsylvania Common Pleas Courts also hear appeals from certain state and most local government agencies and from the minor courts. May also be referred to as trial courts or county courts.

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

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

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

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

criminal history record information Information collected by criminal justice agencies on individuals with arrest records. Consists of descriptions and notations of arrests, detentions, indictments or other formal criminal charges, dispositions, sentencing, correctional supervision and release. Also referred to as a prior record or rap sheet.

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

criminal summons Order commanding accused to appear in court. May be issued in lieu of arrest warrant for misdemeanors when issuing official believes accused will appear in court without being placed under bail.

cross-claim Claim by codefendants or coplaintiffs against each other.

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

cumulative sentence See **consecutive sentence**.

D

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

de facto In fact. Exercising power as if legally constituted. Compare **de jure**.

de jure (dee JOOR ee) By right; by the law. Exercising power in accordance with the law. Compare **de facto**.

de novo (deh NO vo) Anew. A "trial de novo" is a new trial of a case.

- decedent** Person who has died.
- decision** Judgment reached or given by a court.
- declaratory judgment** Judgment in a civil case that declares rights and responsibilities of the parties or interpretation of the law without awarding damages or requiring action. E.g., a court may be asked to issue a declaratory judgment on constitutionality of a statute or whether an insurance policy covers a given activity. Usually requested by plaintiffs in order to avoid future legal difficulties.
- decree** Order of the court. A final decree fully and finally disposes of litigation. An interlocutory decree settles preliminary or subordinate points or pleas, but not entire case.
- defamation** Harming the reputation of another by making false statements to a third party, thus exposing the individual to ridicule, hatred, contempt or condemnation. May be criminal or civil. Includes **libel** and **slander**.
- default** Failure to fulfill a legal or contractual obligation.
- default judgment** Judgment entered against a defendant who does not respond to a claim or does not appear at trial.
- defendant** In a civil case, the person being sued. In a criminal case, the person charged with a crime.
- demurrer** (dih MUR rer) Motion still used in Pennsylvania to dismiss a civil case because the complaint is legally insufficient. In most states this is now called a **motion to dismiss**.
- deponent** One whose deposition is being taken.
- depose** To testify, bear witness. Also, to examine a witness via **deposition**.
- deposition** Sworn testimony of a witness taken under oath outside of court. Also, the session at which such testimony is recorded.
- descent and distribution statutes** State laws that provide for distribution of estate property when a person dies without a will. Same as intestacy laws.
- direct evidence** Proof of facts by witnesses who saw acts done or heard words spoken, as distinguished from **circumstantial**, or indirect, evidence.
- direct examination** First questioning of a witness by the party who called him/her.
- directed verdict** Instruction by judge to jury to return a specific verdict, usually because one of the parties failed to prove its case. Compare **binding instruction**.
- disbarment** Form of disciplining a lawyer whereby he/she loses, permanently or temporarily, the right to practice law.
- disclaim** To renounce one's legal rights or claims.
- discovery** Pretrial process by which one party reveals, at other party's request, relevant information about the litigation.
- dismissal** Termination of a lawsuit. A "dismissal without prejudice" permits the suit to be filed again at a later time. A "dismissal with prejudice" prevents the lawsuit from being refiled later.
- dissent** Disagreement by one or more appellate court judges with the decision the majority.
- diversion** Process of removing certain minor criminal, traffic or juvenile cases from full judicial process on condition that accused undergo some sort of rehabilitation or training, e.g., job training. If defendant completes probation successfully, the charges may be dropped.
- docket** List of cases to be heard by court. Also, log containing brief entries of court proceedings.
- domicile** Place where a person has his/her permanent, legal home. A person may have several residences, but only one domicile.
- double jeopardy** Putting a person on trial more than once for the same crime. Forbidden by the Fifth Amendment to the U.S. Constitution.
- due process of law** Right of all persons to receive guarantees and safeguards of law and judicial process. Includes such constitutional rights as adequate notice; assistance of counsel; and rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

E

- electronic monitoring** Type of sentencing or arrest wherein an individual is required to wear an electronic device which transmits the individual's whereabouts to a receiver that is monitored for violations. Usually used in connection with **house arrest**.
- elements of a crime** Specific factors that define a crime, which the prosecution must prove **beyond reasonable doubt** in order to obtain conviction. Elements that must be proven are (1) that a crime actually occurred (**actus reus**), (2) that the accused intended the crime to happen (**mens rea**), (3) a timely relationship between the first two factors.
- embezzlement** Fraudulently taking property or money entrusted to one individual by another.
- eminent domain** Power of the government to take private property for public use, after paying the owner reasonable compensation. See **condemnation**.
- en banc** All judges of a court sitting together. Appellate courts often hear cases in panels of three judges. If a case is heard or reheard by the full court, it is heard en banc.
- encumbrance** A claim against property.
- enjoin** To require a person, via an **injunction**, to perform or to abstain from performing some specific act.
- entrapment** Defense to criminal charges alleging that agents of the government induced a person to commit a crime he/she otherwise would not have committed.
- equal protection of the law** Guarantee in the Fourteenth Amendment to the U.S. Constitution that all persons or classes of persons be treated equally by the law.
- equitable action** Action which seeks just, fair, nonmonetary remedy, e.g., an **injunction**.
- equity** Generally, justice or fairness; body of principles that determine what is just or fair. Historically, refers to a system of law developed in England in reaction to the legal inability of common law courts to consider or provide remedy for every injury. The king established a court of chancery to do justice between parties in cases where common law would give inadequate redress.
- escheat** (iss SHEET) Process by which the property of one who has died goes to the state if no heir can be found.
- escrow** Money or documents, (e.g., a deed), which are held ("in escrow") by a neutral third party until all conditions of an agreement are met.
- estate** All properties owned by an individual when he/she dies.
- estate tax** Tax paid on an estate as it passes to the heirs.
- estoppel** Principle that prevents someone from claiming or denying something in court that contradicts what has already been established as fact.
- et al.** And others.
- evidence** Information presented in court to prove or disprove alleged facts. See also specific types, including **admissible, best, character, circumstantial, clear and convincing, corroborating, direct, hearsay** and **expert evidence**.
- ex delicto** (ex dee LICK toh) Arising from a tort; breach of duty.
- ex parte** (ex PART ee) On behalf of only one party, without notice to any other party. E.g., request for a search warrant is an ex parte proceeding since person subject to the search is not notified of proceeding.
- ex parte proceeding** One in which only one side is represented. Differs from **adversary system** or **proceeding**.
- ex post facto** (ex post FAC toh) After the fact. E.g., ex post facto laws permit conviction and punishment for a lawful act performed before law was changed and act was made illegal. The U.S. Constitution prohibits these.
- exception** Formal objection to a court's ruling by either side in a civil or criminal case in order to reserve right to appeal judge's ruling upon a motion. Also, in regulatory cases, objections by one side to points made by the other side or to rulings by an agency or one of its hearing officers.

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

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

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

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

exempt property Certain property protected by law from creditors.

exhibit Document or other article introduced as evidence in court.

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

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

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

extenuating circumstances See **mitigating circumstances**.

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

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

F

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

false arrest Arresting an individual without proper legal authority.

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

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

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

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

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

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

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

fine Money penalty imposed in criminal or civil actions.

first appearance See **initial appearance**.

forcible entry and detainer Summary proceeding for restoring possession of land to one who has been wrongfully deprived of it.

forgery Falsely and fraudulently making or altering a document, e.g., a check.

fraud Intentional deception to deprive another person of property or to injure that person in some other way.

G

garnishment Legal proceeding in which a debtor's money is applied to the debts of the debtor, such as when one's wages are garnished.

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

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

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

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

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

granting cert See **certiorari**.

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

gravamen (gruh VAY men) The significant point of a grievance or complaint.

guardian ad litem (add LYE dem) Person appointed by a court to look after interests of a minor or incapacitated person involved in legal proceedings.

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

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

H

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

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

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

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

homicide Killing of one human being by another.

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

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

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

hung jury Jury unable to reach a verdict.

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

I

immediate cause Last event in a series of events which causes another event, particularly an injury, to occur. May or may not also be the **proximate cause**. An event may have more than one proximate cause, but only one immediate cause.

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

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

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

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

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

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

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

intestate One who dies without leaving a will.

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

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

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

issue Disputed point between parties in a lawsuit.

J

joinder Joining parties or claims in a suit.

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

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

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

judgment Final disposition of a lawsuit. **Default judgment** is judgment entered because defendant fails to answer or appear. **Summary judgment** is judgment entered when there is no dispute as to the facts of a case, and one party is entitled to judgment as a matter of law. **Consent judgment** occurs when a judge sanctions an agreement reached between parties. See also **declaratory judgment** and **non obstante veredicto**.

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

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

Judiciary Act Repealer Act (JARA) Act of 1978 that enacted 42 Pa.C.S., Pennsylvania's Judicial Code.

judicial (juh RID ih kul) Relating to law, judicial proceedings and administration of justice.

judicial day Day on which a court is in session.

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

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

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

jurist One skilled or versed in the law.

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

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

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

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

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

K

kidnapping Unlawfully taking and carrying away a person by force and against his/her will.

King's Bench power Extraordinary jurisdiction given some high courts, including Pennsylvania's Supreme Court, to assume **adjudication** of any case pending before a lower court which involves issue/s of immediate public importance. In Pennsylvania the Supreme Court can do this on its own or upon petition from any party.

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

L

lack of jurisdiction Court's lack of power to act in a particular manner or to give certain kinds of relief.

lapsed gift Gift made in a will to a person who died before will-maker.

larceny Unlawfully taking personal property with intent to deprive owner of it permanently. Also called theft. Differs from **robbery**.

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

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

leading question Question which suggests the answer desired of witness. Generally may be asked only of a **hostile witness** and on cross-examination.

leave of court Permission received from a court to take a nonroutine action.

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

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

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

letters testamentary Legal document authorizing executor to settle estate.

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

liable Legally responsible for.

libel Published words or pictures that falsely and maliciously defame a person. Compare **slander** and **fair comment**.

lien Legal claim against another person's property as security for a debt, lasting until the debt has been paid.

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

limited jurisdiction Courts limited in types of cases they may hear. In Pennsylvania these courts include district justice courts, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court. Also called minor courts. See **inferior court**. Compare **general jurisdiction**.

lis pendens (liss PEN DENZ) Pending suit. Also, legal notice that a dispute exists which may affect title to a certain piece of land.

litigant Party to a lawsuit.

litigation Lawsuit or process of carrying through a lawsuit.

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

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

M

magistrate Local judicial official having limited original jurisdiction, especially in criminal cases. Also often used to refer to a judge.

mala in se (MAL uh in see) "Evil in itself." Behavior universally regarded as criminal, e.g., murder. Also called *malum in se*. Compare **mala prohibita**.

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

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

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

malice aforethought Mental state required to prove murder.

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

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

mandate Judicial command or order directing an officer of the court to enforce judgment, sentence or decree.

manslaughter Unlawful killing of another without intent to kill. May be voluntary, i.e., upon sudden impulse, e.g., a quarrel erupts into a fistfight in which a participant is killed; or involuntary, i.e., committed during commission of an unlawful act not ordinarily expected to result in great bodily harm, or during commission of a lawful act without proper caution, e.g., driving an automobile at excessive speed, resulting in fatal collision. Compare **murder**.

master Official appointed by a court to assist with its proceedings. Masters may take testimony, rule on pre-trial issues, compute interest, handle uncontested divorces, etc. Usually must present written report to court.

material evidence Evidence that is relevant and goes to substantiate issues in a dispute.

mediation Form of **alternative dispute resolution** in which parties bring their dispute to a neutral third party, who helps them agree on settlement. Nonbinding. Similar to **conciliation**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

murder Unlawful killing of a human being with **malice aforethought**. First degree murder is premeditated, i.e., planned. Second degree murder is sudden, instantaneous intent to kill or to cause injury without caring whether injury kills or not. Pennsylvania and some other states also allow for third degree murder, which is murder committed by a person engaged in commission of a felony. Compare **manslaughter**.

N

negligence Failure to use that degree of care which a reasonable person would use under the same circumstances. See also **comparative negligence** and **contributory negligence**.

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

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

no contest See **nolo contendere**.

no-contest clause Language in a will providing that a person who makes a legal challenge to the will's validity will be disinherited.

"no-fault" proceeding Civil case in which claim is adjudicated without finding of error or fault.

nol pros Abbreviation of **nolle prosequi**.

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

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

nominal party One joined as a party or defendant in a lawsuit because the technical rules of pleading require his/her presence in the record.

non compos mentis (non COM pos MENT iss) Not of sound mind.

non obstante veredicto (non ob STANT ee ver eh DICK toh) "Notwithstanding the verdict." Verdict entered by judge contrary to jury's verdict.

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

non pros Abbreviation of **non prosequitur**.

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

notice Formal notification to a party that a civil lawsuit has been filed against him/her. Also, any form of notification of legal proceeding.

nuisance Offensive, annoying, unpleasant or obnoxious thing or practice that interferes with use or enjoyment of a property.

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

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

O

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

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

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

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

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

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

opinion evidence What a witness thinks, believes or infers regarding disputed facts. Generally admissible only when given by an

expert witness unless opinion is based on matters common to lay persons.

oral argument Summary by attorneys before court (particularly appellate court) of positions regarding legal issue being litigated.

order Command, written or oral, from a court.

ordinance Law enacted by a municipality such as a county or city council.

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

overt act Act done to carry out or in furtherance of intention to commit a crime. Compare **actus reus**.

P

pain and suffering Physical and/or emotional distress compensable as an element of damage in **torts**.

pardon Form of **clemency** releasing one from the penalties of a criminal conviction.

parens patriae (PAH renz PATE ree eye) Doctrine under which the government protects the interests of a minor or incapacitated person.

parole Supervised, conditional release of a prisoner before expiration of his/her sentence.

party One who files a lawsuit or against whom a lawsuit is filed.

patent Government grant giving an inventor exclusive right to make or sell his/her invention for a term of years.

penal Of, relating to or involving punishment or penalties.

penal code Code of laws concerning crimes and offenses and their punishment.

pendente lite (pen DEN tee LYE tee) During the progress of a lawsuit; contingent on the outcome of the suit.

per curiam (per KYUR ee uhm) See **opinion**.

peremptory challenge (peh REMP teh ree) Challenge which may be used to reject a certain number of prospective jurors without giving a reason. Compare **challenge for cause**.

perjury Deliberately making a false or misleading statement under oath.

permanent injunction Court order requiring or forbidding action, granted after final hearing has been held on its merits. (Does not necessarily last forever.) Compare **preliminary injunction**.

personal jurisdiction Adjudicative power of a court over an individual.

personal property Any movable physical property or intangible property which may be owned. Does not include real property such as land or rights in land.

personal recognizance Release of a defendant without bail upon promise to return to court as required. Also known as releasing one "on his own recognizance."

personal representative Person who administers legal affairs of another because of incapacity or death.

petit jury (PEH tee) Jury composed of six to twelve persons who hear evidence presented at a trial and determine the facts in dispute. Compare **grand jury**.

petition Written request to a court asking for a particular action to be taken.

petitioner See **plaintiff**.

plaintiff Person, corporation, legal entity, etc., initiating a civil lawsuit. Also called complainant or petitioner.

plea Defendant's formal response to a criminal charge. Plea may be **guilty**, not guilty or **nolo contendere** (no contest).

plea bargaining Mutually satisfactory disposition of a case negotiated between accused and prosecutor. Usually defendant pleads guilty to lesser charge/s in exchange for reduced sentence or dismissal of other charges.

pleadings Written statements by parties to a lawsuit, setting forth or responding to allegations, claims, denials or defenses.

plenary action (PLEH nuh ry) Complete, formal hearing or trial on merits.

polling the jury Asking jurors individually after verdict has been announced, whether they agree with verdict.

pour-over will Will that leaves some or all estate assets to existing trust.

- power of attorney** Legal authorization for one person to act on behalf of another individual. See **attorney-in-fact**.
- praecipe** (PRESS ih pee) Writ commanding a person to do something or to show cause why he/she should not.
- precedent** Previously decided case which guides decisions of future cases. Compare **stare decisis**.
- precept** Writ issued by person of authority commanding a subordinate official to perform an act.
- prejudicial error** See **reversible error**.
- preliminary hearing** Hearing at which judge determines whether evidence is sufficient against a person charged with a crime to warrant holding him/her for trial. Compare **arraignment** and **initial appearance**.
- preliminary injunction** Court order requiring or forbidding an action until a decision can be made whether to issue a **permanent injunction**. Issued only after both parties have had opportunity to be heard. Compare **temporary restraining order**.
- premeditation** Decision or plan to commit a crime.
- preponderance of evidence** Greater weight of evidence, a common standard of proof in civil cases. Jury is instructed to find for the party which has the stronger evidence, however slight that may be. Compare **clear and convincing evidence**.
- pre-sentencing report** Report to sentencing judge containing background information about crime and defendant to assist judge in making his/her sentencing decision. Sometimes called sentencing report.
- presentment** Declaration or document issued by grand jury on its own initiative, making accusation. Compare **indictment**.
- presumption of innocence** Fundamental principle of American justice system that every individual is innocent of a crime until proven guilty in a court of law.
- presumption of law** Rule of law that courts and judges must draw a particular inference from a particular fact or evidence.
- pretermitted child** (PRE ter MITT ed) Child born after a will is executed, who is not provided for by the will. Most states have laws that provide for a share of the estate to go to such children.
- pre-trial conference** Informal meeting between judge and lawyers in a lawsuit to narrow issues, agree on what will be presented at trial and make final effort to settle case without trial.
- prima facie case** (PREE muh FAH sheh) Case that has minimum amount of evidence necessary to allow it to continue in the judicial process.
- prima facie evidence** Evidence sufficient to establish a fact or sustain a finding in favor of the side it supports unless rebutted.
- prior restraint** Restraint on speech or publication before it is spoken or published. Prohibited by constitution unless defamatory or obscene or creates a clear and present danger.
- pro bono publico** "For the public good." When lawyers represent clients without a fee. Usually shortened to "pro bono."
- pro se** (pro see) An individual who represents himself/herself in court. Also called "in propria persona."
- probable cause** Sufficient legal reasons for allowing search and seizure or arrest of a person.
- probate** Process of proving a will is valid and should be carried out. Also refers more generally to law governing estates.
- probate court** Court with authority to supervise estate administration.
- probate estate** Estate property that may be disposed of by a will.
- probation** Alternative to imprisonment allowing person found guilty of offense to stay in the community, usually under conditions and under supervision of a probation officer.
- procedural law** Law which prescribes the method of enforcing rights or obtaining redress for invasion of rights. Compare **substantive law**.
- proceeding** A legal action. Conducting judicial business before a court or judicial officer.
- promulgate** To put (a law) into action or effect. To make known publicly.
- prosecutor** Attorney representing the government in a criminal case.

protective order Court order to protect a party or witness from further harassment, service of process or discovery by the opposing party.

prothonotary Chief clerk of any of various courts in some states, including those of Pennsylvania.

proximate cause Act legally sufficient to result in liability. Act without which an action could not have occurred. Differs from **immediate cause**.

public defender Government lawyer who provides legal services for an individual accused of a crime, who cannot afford to pay.

punitive damages Damages awarded to a **plaintiff** over and above the actual damages, meant to punish the defendant and thus deter future behavior of like nature.

purge To **exonerate** or cleanse from guilt.

Q

quash To vacate, void, nullify.

quid pro quo “Something for something.” Fair return consideration; i.e., giving something of value in return for getting something of similar value.

quo warranto (quo wah RANT oh) Writ used to discover by what authority an individual holds or claims a public office, franchise or liberty.

R

rap sheet See **criminal history record information**.

ratio decidendi (RAY she oh DES ih DEN dye) Principle or rule of law on which a court decision is based.

real evidence Physical evidence that plays a direct part in incident in question, as opposed to oral testimony.

real property Land, anything growing on the land and anything erected on or attached to

the land. Also called real estate.

reasonable doubt State of mind in which jurors cannot say they feel confident that an individual is guilty of crime charged. See **beyond a reasonable doubt**.

reasonable person Hypothetical person who sensibly exercises qualities of attention, knowledge, intelligence and judgment. Used as legal standard to determine negligence.

rebuttal Evidence which disproves evidence introduced by the opposing party.

recidivism (reh SID ih vizm) Relapse into former type of behavior, as when an individual relapses into criminal behavior. A habitual criminal is a recidivist.

recognizance See **personal recognizance**.

record Official documents, evidence, transcripts, etc., of proceedings in a case.

recusal Process by which a judge excuses him/herself from hearing a case.

recusation Plea by which defendant requests that judge hearing his/her trial excuse him/herself from case.

re-direct examination Opportunity to question witness after cross-examination regarding issues brought up during the cross-examination. Compare **rehabilitation**.

redress To set right; to remedy; to compensate.

referral Process by which a juvenile case is introduced to court, agency or program where needed services can be obtained.

referee Person appointed by a court to assist with certain proceedings, such as taking testimony.

rehabilitation Reexamining a witness whose credibility has suffered during cross-examination to restore that witness’s credibility. Compare **re-direct examination**.

rehearing Another hearing of case by same court in which suit was originally heard.

rejoinder Defendant’s answer to the plaintiff’s **reply**.

relevant evidence Evidence that tends to prove or disprove a matter at issue.

relief See **remedy**.

remand To send a case back to court where originally heard for further action. Also, to

send an individual back into custody after a preliminary examination.

remedy Means by which right or privilege is enforced or violation of right or privilege is prevented, redressed or compensated. Also called relief.

remittitur (reh MID ih dur) Judge's reduction of damages awarded by jury.

removal Transfer of state case to federal court for trial.

replication Plaintiff's reply to defendant's **plea, answer** or **counterclaim**.

replevin (reh PLEV in) Action for recovery of a possession wrongfully taken.

reply Plaintiff's response to defendant's argument, **counterclaim** or **answer**. Plaintiff's second **pleading**.

respondent See **appellee**.

rest When one side finishes presenting evidence in a trial.

restitution Return of something to its rightful owner. Also, giving the equivalent for any loss, damage or injury.

restraining order Order prohibiting someone from harassing, threatening, contacting or even approaching another individual.

retainer Act of a client in hiring an attorney. Also denotes fee client pays when retaining attorney.

return Report to judge of action taken in executing writ issued by judge, usually written on the back of the writ. Also, the action of returning the writ to court.

reverse Higher court setting aside lower court's decision.

reversible error Error sufficiently harmful to justify reversing judgment of lower court. Also called prejudicial error. Compare **harmless error**.

revocable trust (REV uh kuh b'l) Trust that grantor may change or revoke.

revoke To cancel or nullify a legal document.

robbery Felonious taking of another's property in that person's presence by force or fear. Differs from **larceny**.

rule of court Rules governing how a given court operates.

rules of evidence Standards governing whether evidence is admissible.

S

sanction Penalty for failure to comply with rule, order or law.

satisfaction See **accord and satisfaction**.

search warrant Written order issued by a judge that permits a law enforcement officer to search a specific area for specific items.

secondary evidence See **best evidence**.

secured debt Debt in which debtor gives creditor a right to repossess property or goods (called **collateral**) if debtor defaults on the loan.

self-defense Use of force to protect one's self, family or property from harm or threatened harm by another.

self-incrimination, privilege against Right of people to refuse to give testimony against themselves. Guaranteed by Fifth Amendment to U.S. Constitution. Asserting right is often referred to as "taking the Fifth."

self-proving will Will whose validity does not have to be testified to in court by witnesses to it since the witnesses executed an **affidavit** reflecting proper execution of will prior to maker's death.

sentence Punishment inflicted on a person convicted of crime.

sentencing guidelines Set of guidelines introduced to ensure conformity in sentencing throughout Pennsylvania. Federal government and several other states also use.

sentencing report See **pre-sentencing** report.

separation of witnesses See **sequestration of witnesses**.

sequestration Keeping all jurors together during a trial to prevent them from being influenced by information received outside courtroom.

sequestration of witnesses Keeping all witnesses (except plaintiff and defendant) out of courtroom except for their time on the stand to prevent them from hearing testimony of other witnesses. Also called separation of witnesses.

service Delivery of legal document, such as **complaint, summons** or **subpoena**.

settlor See **grantor**.

sidebar Conference between judge and lawyers, usually in courtroom, out of earshot of jury and spectators.

slander False and defamatory spoken words tending to harm another's reputation, business or means of livelihood. Compare **libel**.

small claims court Court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.

sovereign immunity Doctrine that a government, either state or federal, is immune to lawsuits unless it gives its consent.

specific performance **Remedy** requiring person who has breached a contract to fulfill his/her part of the contract, as opposed to simply paying damages. Ordered when paying damages would be inadequate or inappropriate.

spendthrift trust Trust set up for benefit of someone whom **grantor** believes would be incapable of managing his/her own financial affairs, and to keep money out of hands of creditors.

standard of proof See **burden of proof**.

standing Legal right to bring a lawsuit.

stare decisis (STEHR ee dih SYE sis) Doctrine that courts will follow principles of law laid down in previous cases. Compare **precedent**.

state's evidence Testimony given by accomplice or participant in a crime, given under promise of immunity or reduced sentence, to convict others.

status offenders Youths who habitually engage in conduct not considered criminal if committed by an adult, but which cause charges to be brought in juvenile court and show minor is beyond parental control, e.g., being truant from school.

status offense Act declared to be an offense when committed by a juvenile, e.g., habitual truancy, running away from home, violating curfew.

statute Law enacted by legislative branch of government. Also called statutory law. Compare **common law**.

statute of limitations Timeframe within which a lawsuit must be brought or an individual charged with a crime. Differs for different types of cases/crimes or in different states.

statutory construction Process by which a court seeks to interpret legislation.

statutory law See **statute**.

stay Court order halting a judicial proceeding or the action of halting such proceeding.

stenographer See **court reporter**.

stipulation Agreement by attorneys on both sides of a case about some aspect of the lawsuit, e.g., to extend time to answer, to adjourn trial date.

sua sponte (SOO eh SPON tee) On one's own behalf. Voluntarily, without prompting or suggestion.

sub judge (sub JOO dih SEE) Before a court or judge; under judicial consideration.

sui generis (SOO ee JEN er iss) Of its own kind or class; the only one of its kind.

sui juris (SOO ee JUR iss) Of his own right. Possessing full social and civil rights.

subpoena (suh PEE nuh) Court order compelling a witness to appear and testify.

subpoena duces tecum (suh PEE nuh DOO sess TEE kum) Court order commanding a witness to bring certain documents or records to court.

subrogation Substituting one person in place of another in asserting a lawful claim, demand or right.

substantive evidence Evidence presented to prove a fact in issue.

substantive law Law which creates, defines and regulates rights. Compare **procedural law**.

summary Quickly executed.

summary judgment Judgment made when there are no disputes of the facts of a case and one party is entitled to prevail as matter of law.

summary offense In Pennsylvania a violation of law punishable by imprisonment for up to 90 days and/or a fine not exceeding \$300.

summons Notice to a defendant that he/she has been sued and is required to appear in court. Also, notice requiring person receiving it to report for jury duty or as witness in a

trial. As relates to potential jurors, also called **venire**.

sunshine laws Laws forbidding or restricting closed meetings of government bodies and providing for public access to records.

supersedeas (SOO per **SEE** dee uhss) Writ issued by appellate court to preserve the status quo pending review of a judgment or pending other exercise of its jurisdiction.

support trust Trust that instructs trustee to spend only as much as is needed for beneficiary's support.

suppress To forbid use of evidence at trial because it is improper or was improperly obtained. See **exclusionary rule**.

survivorship Another name for **joint tenancy**.

sustain Court order allowing an objection or motion to prevail.

suspended sentence Sentence postponed by order of the court. Also, decision of court to postpone pronouncement of sentence.

swindling Obtaining money or property by fraud or deceit.

T

temporary restraining order Judge's order forbidding certain actions until a full hearing can be held to determine whether injunction should be issued. Often referred to as TRO. Compare **preliminary injunction**.

tenancy by the entirety See **joint tenancy**.

tenancy in common Form of legal co-ownership of property in which survivors, when one of the owners dies, do not have rights to decedent's shares of the property. Compare **joint tenancy**.

testamentary capacity Mental ability an individual must have to make a will.

testamentary trust Trust set up by a will. Compare **living trust**.

testator Person who makes a will.

testimony Evidence given by witness under oath at trial or via affidavit or deposition.

theft See **larceny**.

third party Person, business or government agency, etc., not actively involved in a legal proceeding, agreement or transaction, but who is somehow involved.

third-party claim Action by a defendant that brings a third party into a lawsuit. Compare **intervention**.

title Legal ownership of property.

tort Injury or wrong committed on a person or property of another for which remedy can be sought in civil court, except that which involves a contract.

tortfeasor One who commits a **tort**; a wrongdoer.

transcript Official record of all testimony and events that occur during a trial or hearing.

transfer hearing Hearing in juvenile court to determine whether jurisdiction over a juvenile case should remain in juvenile court or be transferred to adult court.

trial de novo A new trial.

TRO **Temporary restraining order**.

true bill **Indictment** by grand jury. Notation on indictment that charge should go to court. Compare **no bill**.

trust Legal device used to manage real or personal property, established by one person (**grantor** or settlor) for the benefit of another (**beneficiary**). A third person (**trustee**) or the **grantor** manages the trust.

trust agreement or declaration Legal document that sets up a trust.

trustee Person or institution that manages a trust.

turncoat witness Witness whose testimony was expected to be favorable, but who later becomes a hostile witness.

U

undue More than necessary; excessive.

unlawful detainer Detention of real property without consent of owner or other person entitled to its possession.

usury (YOO seh ree) Charging higher interest rate than law allows.

V

vacate To nullify, render void.

venire (veh NI ree; popularly pronounced veh NEER) Writ summoning persons to court to act as jurors. Also, a group of people summoned for jury duty.

venue (VEN YOO) Geographical area from which a jury is drawn, where a criminal trial is held and where an **action** is brought. Also, the geographical location in which the alleged actions that gave rise to the legal action occurred.

verdict Decision reached by a jury or judge on the facts presented at a trial.

voir dire (vwahr deer) Process of questioning potential jurors.

W

waiver Voluntarily giving up right.

waiver of immunity Means by which witness relinquishes the right against self-incrimination, thereby making it possible for his/her testimony to be used against him/her in future proceedings.

warrant Writ directing or authorizing someone to do something; most commonly, a court order authorizing law enforcement officers to make an arrest or conduct a search.

weight of evidence Persuasiveness of some evidence as compared to other.

will Legal document that sets forth how an individual wants his/her property disposed of when he/she dies.

willfully Intentionally, as distinguished from accidentally, carelessly or inadvertently, but not necessarily maliciously.

with prejudice Judge's decision in a case whereby any future action on the claim is barred in any court.

without prejudice Without loss of rights.

witness One who testifies to what he/she has seen, heard or otherwise experienced.

work release Sentence under which defendant is imprisoned, but is released during day to work at a job approved by Department of Corrections or the court.

writ Judicial order directing a person to do something.

writ of certiorari See **certiorari**.

writ of execution Writ directing sheriff or other officer of the court to enforce a judgment or decree of a court.