

COMMONWEALTH COURT OF PENNSYLVANIA

2005

STATISTICAL REPORT



President Judge

HON. JAMES GARDNER COLINS

Judges

HON. BERNARD L. MCGINLEY
HON. DORIS A. SMITH-RIBNER
HON. DANTE R. PELLEGRINI
HON. ROCHELLE S. FRIEDMAN
HON. BONNIE BRIGANCE LEADBETTER
HON. RENÉE L. COHN JUBELIRER
HON. ROBERT E. SIMPSON, JR.
HON. M. HANNAH LEAVITT

HON. JAMES R. KELLEY, Senior Judge
HON. JIM FLAHERTY, Senior Judge
HON. JESS S. JULIANTE, Senior Judge
HON. JOSEPH F. McCLOSKEY, Senior Judge

By: C.R. Hostutler, Deputy Prothonotary/Chief Clerk
Michelle S. Proper, Deputy Chief Clerk

G. RONALD DARLINGTON, EXECUTIVE ADMINISTRATOR
DANIEL R. SCHUCKERS, PROTHONOTARY
KRISTEN W. BROWN, DEPUTY PROTHONOTARY FOR LAW
NICHOLAS L. DiLORENZO, DEPUTY PROTHONOTARY FOR ADMINISTRATION

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SUMMARY

The Commonwealth Court of Pennsylvania was created by an amendment to the Pennsylvania Constitution in 1968. The court hears appeals from county courts of common pleas and state administrative agencies. From county courts, the Commonwealth Court hears appeals in matters involving zoning, taxation, civil service, negligence cases involving state and local government, and eminent domain, among others. From state administrative agencies, the court hears appeals in matters including workers' and unemployment compensation, environmental issues, welfare claims, and public utility rate disputes. In addition, the court acts as a trial court in certain types of cases where the Commonwealth is a party to the case.

In 2005, there were 4,056 new cases filed. This represents a decrease of 11% over the number of new cases filed in 2004.

New cases filed by inmates declined slightly in 2005. The number of new inmate cases in 2005 was 419. This represents a decrease of 14% compared to the number of inmate cases filed in 2004. Nevertheless, inmate cases represent 69% of the total cases filed in the court's original jurisdiction.

In its appellate jurisdiction, workers' compensation and unemployment compensation appeals continued to be filed in large numbers. There were 582 new workers' compensation appeals filed in 2005. There were 511 unemployment compensation appeals filed in 2005. With respect to appeals from courts of common pleas, there was a 4% increase in the number of new appeals filed.

The court disposed of a total of 4,450 cases in 2005. There were 1,571 majority opinions filed in 2005. The average elapsed time from assignment of the case to the filing of the opinion was 57 days in 2005 compared to 68 days in 2004. This is significantly better than the American Bar Association's standard for assignment to disposition of 90 days. The court disposed of 6,426 ancillary motions, applications and petitions in 2005.

The court's mediation program continued to be successful in 2005. A total of 220 cases were mediated, and 95 cases were settled, thus eliminating the need for further litigation.

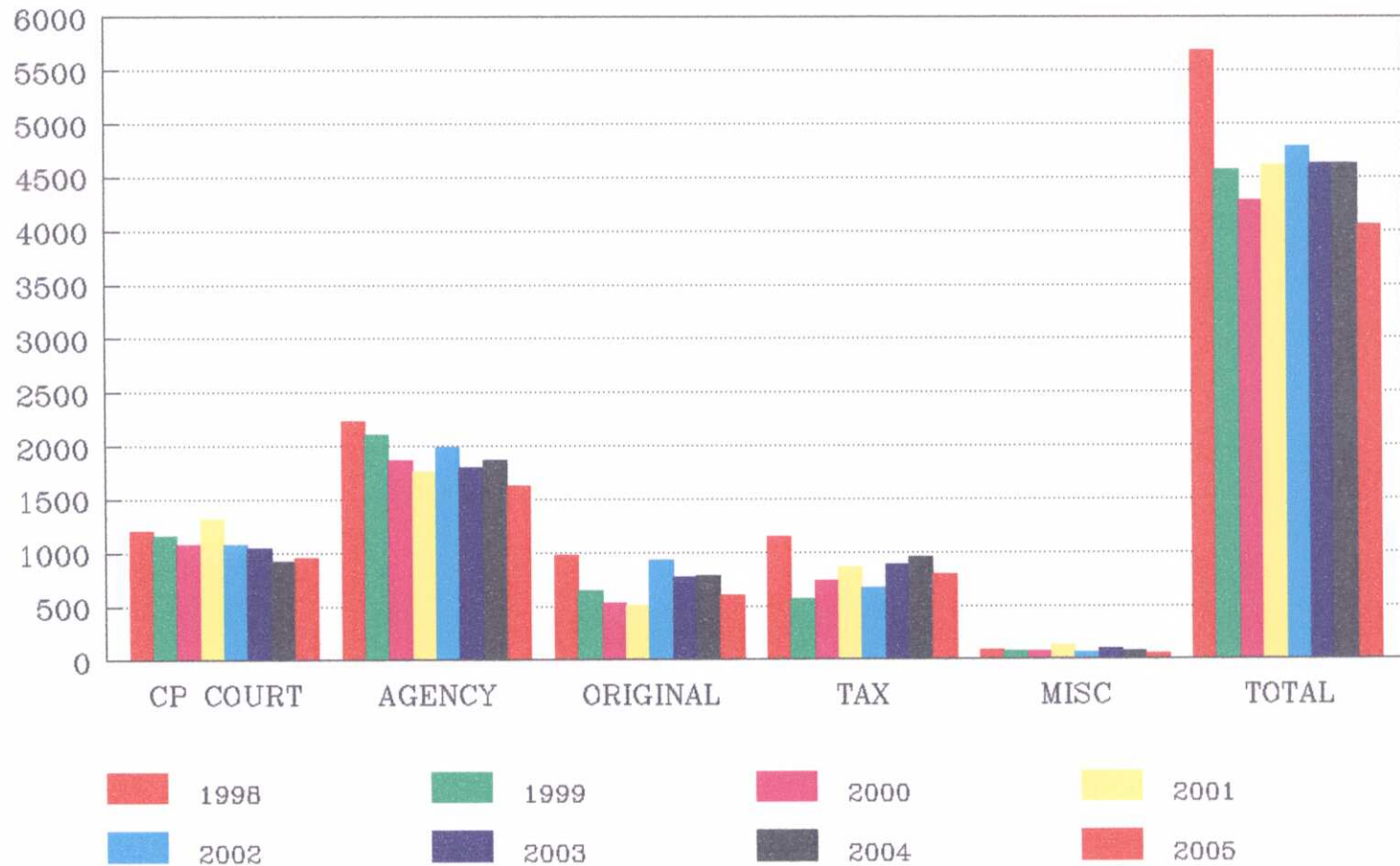
Finally, this high level of productivity resulted in the fewest cases in inventory in the modern history of the court. There were 1,064 appeals pending at the end of 2005 compared to 2,790 appeals pending as recently as 1997. By way of further contrast, there were 3,439 pending appeals in 1988.

G. Ronald Darlington
Executive Administrator
Commonwealth Court of Pennsylvania

Cases Filed

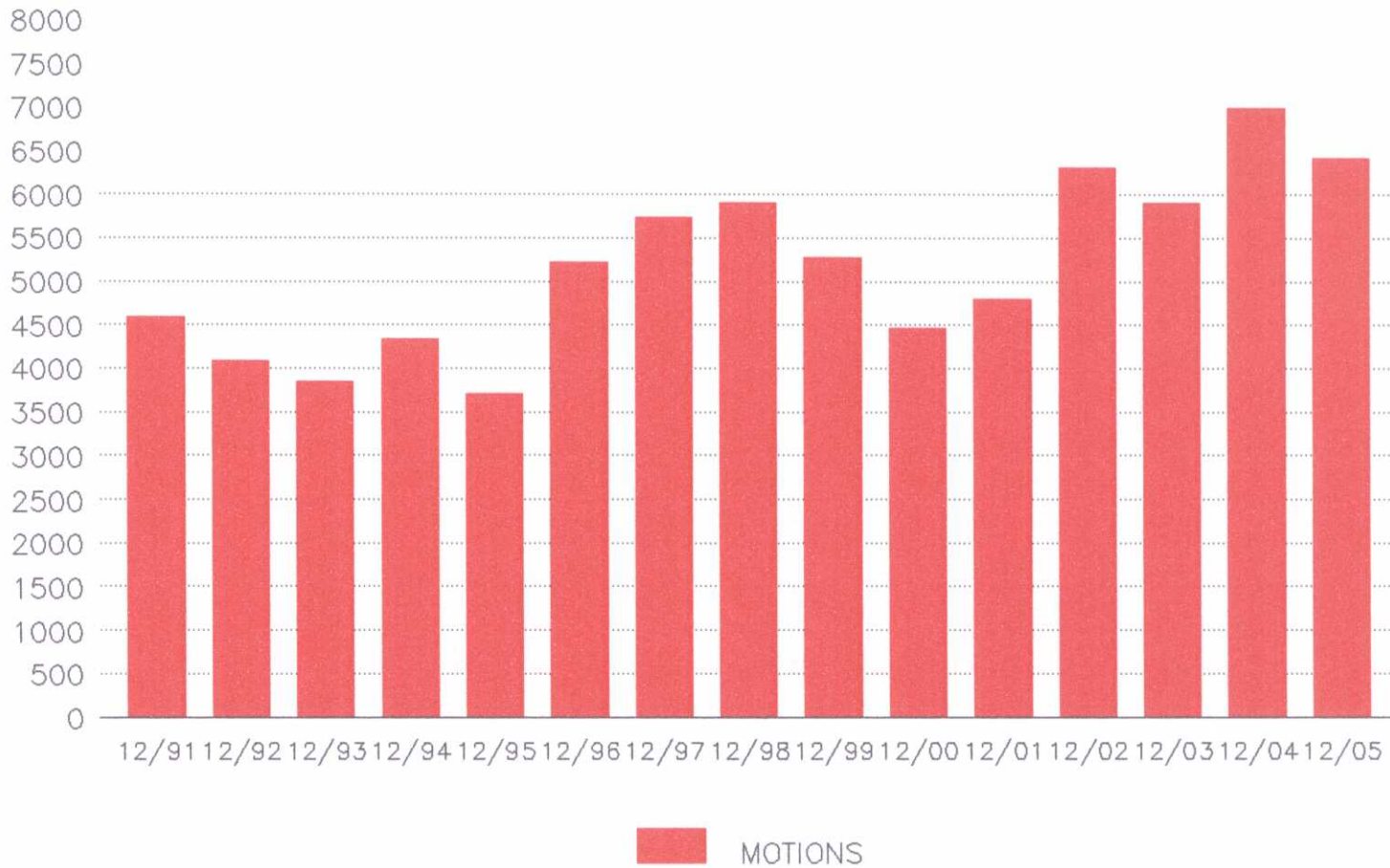
	2003	2004	2005
Appeals from Courts of Common Pleas	1040	918	955
Appeals from Administrative Agencies	1807	1865	1628
Discretionary Appeals	36	38	36
Original Jurisdiction	772	776	599
Appeals from Board of Finance & Revenue	882	952	786
Original & Appellate (Combined)	3	3	4
Miscellaneous	95	72	48
Total Actions Filed	4635	4624	4056
Motions Filed	5910	6992	6426

COMMONWEALTH COURT NEW CASES FILED



1998-2005

COMMONWEALTH COURT MOTIONS PRACTICE

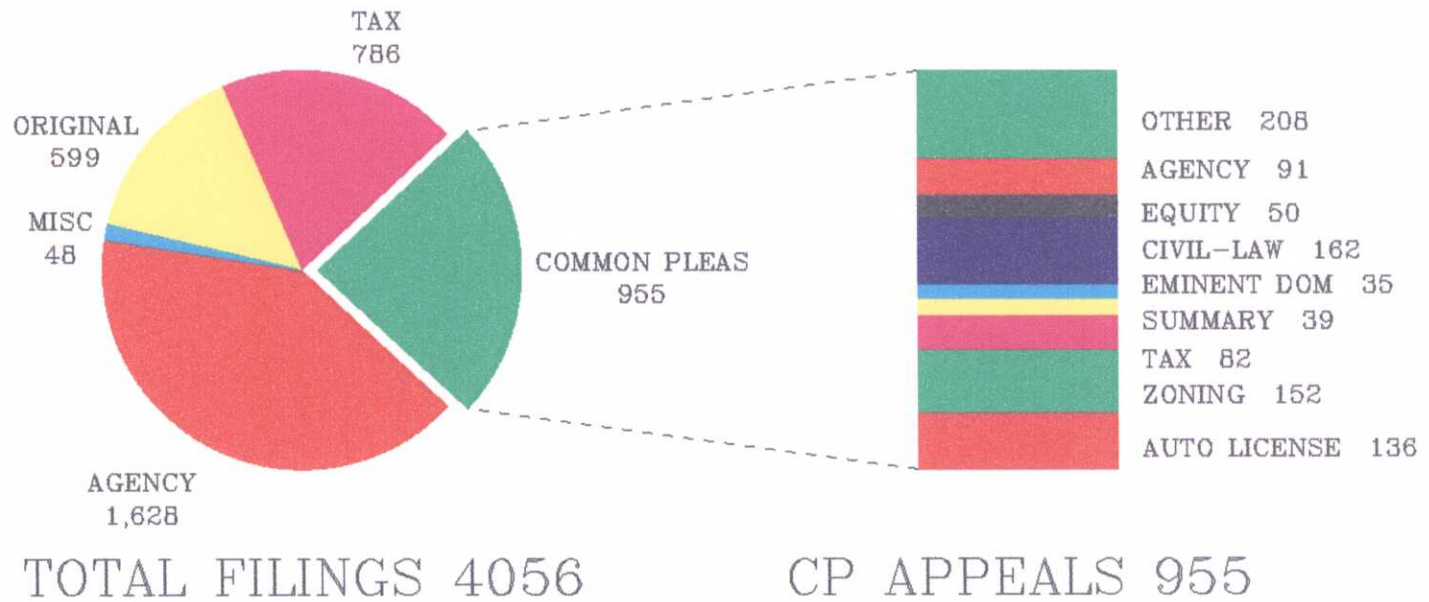


1991 - 2005

Types of Appeals from Courts of Common Pleas

	2003	2004	2005
Motor Vehicle License Suspension	218	163	136
Zoning/Subdivision	194	151	152
Local Tax Appeals	96	69	82
Liquor Control Board	11	8	8
Eminent Domain	35	43	35
Civil Action Law	158	192	162
Civil Action Equity	66	61	50
Local Agency Law	52	79	91
Declaratory Judgment	11	15	20
Forfeiture Actions	24	15	15
Mandamus	17	15	17
Summary Conviction (Local Ordinance)	55	41	39
Right To Know	3	3	6
Election	33	8	42
Other	67	55	100
Total	1040	918	955

COMMONWEALTH COURT FILINGS – 2005



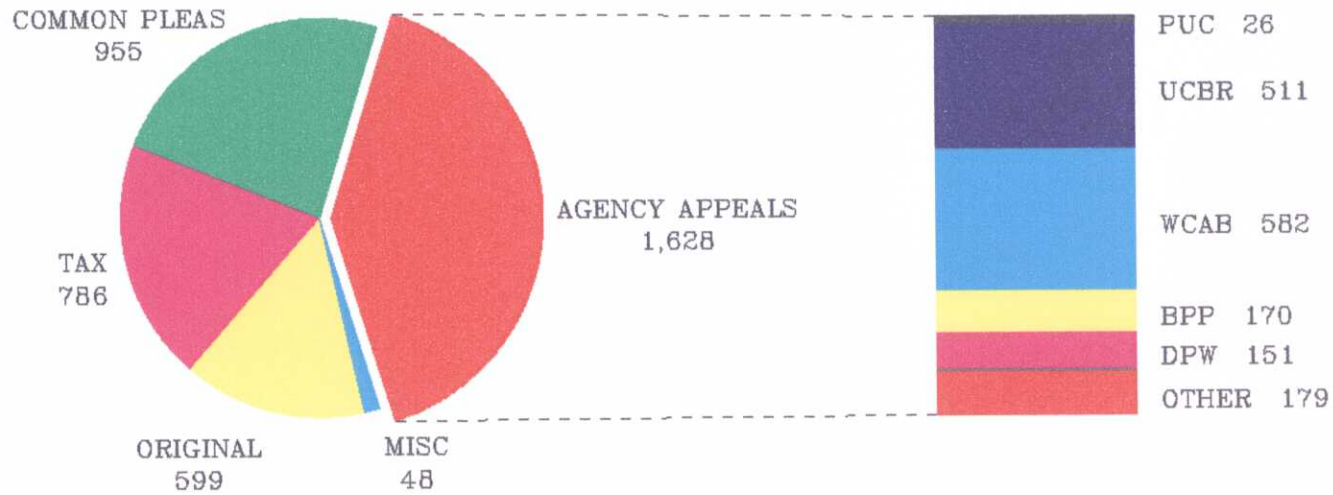
COMMON PLEAS BREAKOUT

Administrative Agency Appeals

	2003	2004	2005
Unemployment Compensation Board of Review	577	623	511
Workers' Compensation Appeal Board	629	679	582
Board of Probation & Parole	239	206	170
Department of Public Welfare	122	113	151
Public Utility Commission	25	23	26
Civil Service Commission	36	21	24
Environmental Hearing Board	10	12	9
Bureau of Professional and Occupational Affairs	21	33	28
Education Department	16	16	8
Board of Claims	4	2	6
Insurance Department	2	8	11
Labor and Industry	9	4	8
Fee Review - WCAB	0	2	8
Special Education Due Process Board	11	12	9
Human Relations	3	8	9
Department of Corrections	20	14	6
"Other"*	83	89	62
Total	1807	1865	1628

*"Other" - When five or fewer petitions for review are filed challenging decisions of a single Commonwealth Agency in the current year, the agency is included in this category.

COMMONWEALTH COURT FILINGS – 2005



TOTAL FILINGS 4056

AGENCY APPEALS 1628

AGENCY BREAKOUT

Appeals from the Board of Finance & Revenue

	2003	2004	2005
Corporate Net Income Tax	161	128	128
Franchise Tax	188	266	202
Sales & Use Tax	335	327	274
Sales Tax	20	49	21
Use Tax	7	10	10
Capital Stock Tax	60	68	49
Personal Income Tax	12	12	28
Realty Transfer Tax	6	7	12
Motor Carrier Road Tax	13	8	8
Public Utility Realty Tax	53	35	26
Employee Withholding	7	6	9
Bank Shares	9	4	10
Other*	11	32	9
Total	882	952	786

*Includes types of matters in which 5 or less Petitions for Review were filed within the last year.

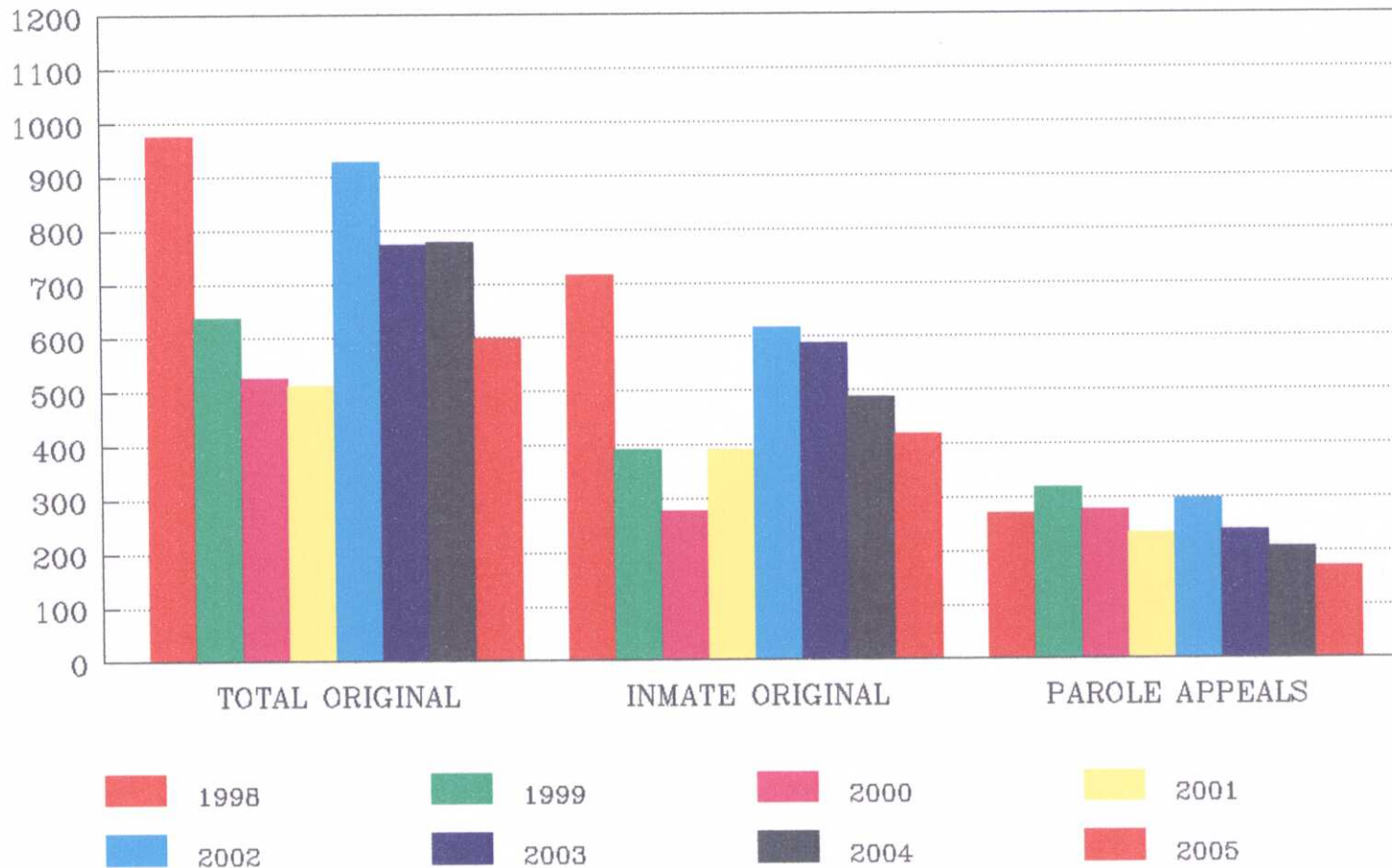
Original Jurisdiction

	2003	2004	2005
Complaints			
Civil Action - Law	30	82	11
Civil Action - Equity	49	29	19
Petitions for Review			
Civil Action - Law	5	14	28
Declaratory Judgment	15	24	23
Mandamus	11	15	18
Equity	20	6	21
Inmate Petitions for Review	588	487	419
"Other"	1	4	2
Enforcement Proceedings	31	36	45
Election Petitions	22	79	13
Total	772	776	599

Miscellaneous

Assurance of Voluntary Compliance	65	34	24
Liquidation Petition (Ins. Dept.)	1	1	0
Other	29	37	24
Total	95	72	48

Commonwealth Court PRISONER LITIGATION

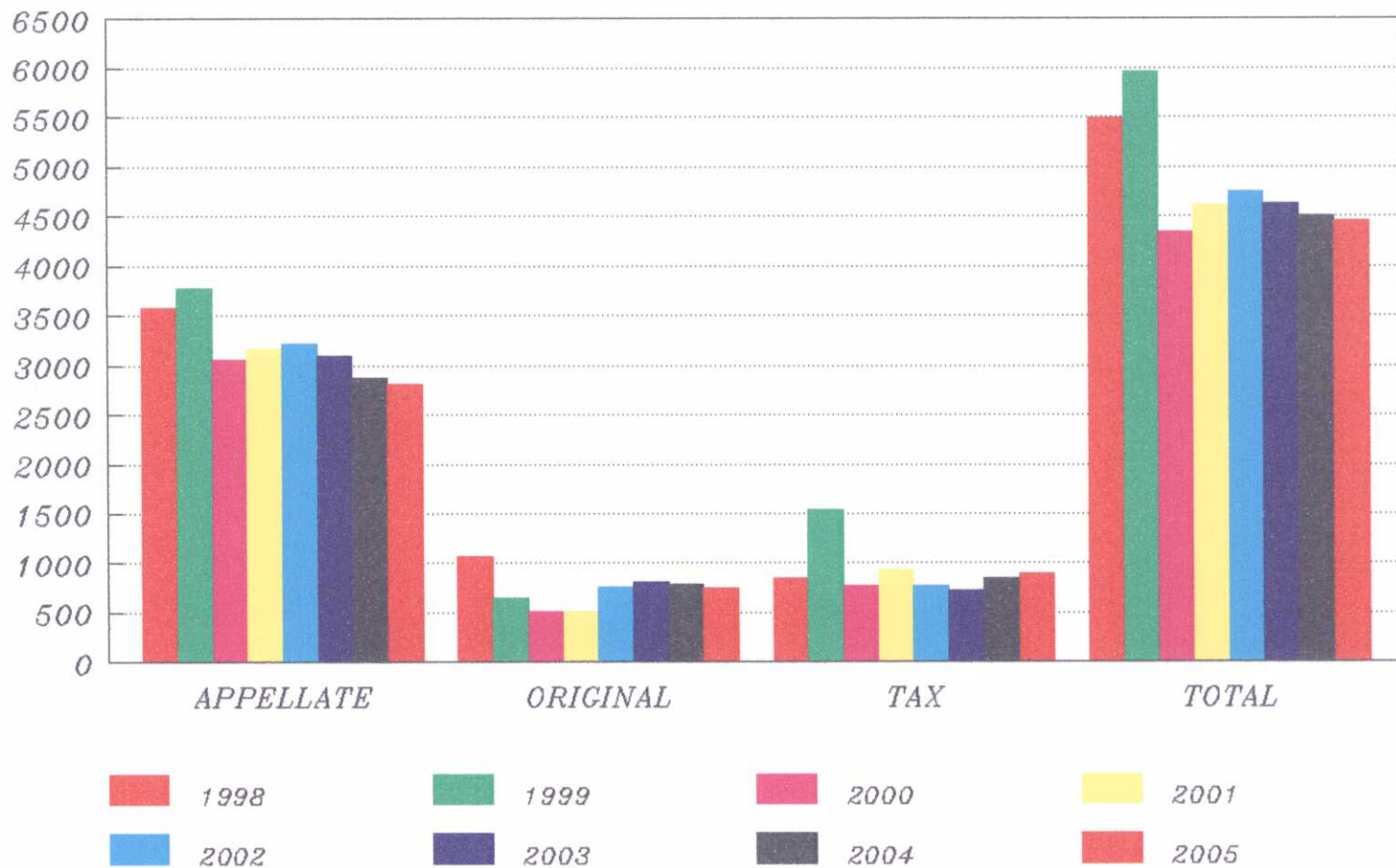


NEW FILINGS

Dispositions

	2003	2004	2005
<u>Appellate</u>			
Majority Opinion	1637	1561	1474
Consolidated	185	119	154
Withdrawn	386	306	331
Dismissed	641	683	598
Remanded	145	80	90
Transferred	49	37	52
Stricken: Pa. R.A.P. 1701	27	30	40
Permission to Appeal Denied	12	18	29
Nunc Pro Tunc Denied	24	33	35
Summary Relief	4	4	1
Sub-Total	3110	2871	2804
<u>Original</u>			
Majority Opinion	80	56	59
Consolidated	1	0	5
Duty Week Opinions/Orders	51	35	41
Election Opinion/Order	16	59	13
Withdrawn (election)	1	12	0
Withdrawn	99	139	138
Dismissed	451	391	413
Transferred	91	69	66
Consent Decrees	13	27	11
Sub-Total	803	788	746
<u>Board of Finance & Revenue</u>			
Majority Opinion	4	8	9
Consolidated	2	31	2
Withdrawn	174	182	158
Stipulation for Judgment	518	597	698
Dismissed	24	31	33
Sub-Total	722	849	900
Total Dispositions	4635	4508	4450

COMMONWEALTH COURT DISPOSITIONS



1998-2005

Summary of Opinions

	2003	2004	2005
Majority Opinion	1762	1665	1571
Reported	488	464	404
Not Reported	1274	1201	1158
Duty Week Opinions	62	106	67
Reported	1	20	0
Not Reported	61	86	67
Concurring Opinions	17	11	11
Dissenting Opinions	114	134	95
Concurring & Dissenting Opinions	30	18	12
Total Opinions Filed	1985	1934	1756
Dissents	110	86	75
Concurred in Result Only	60	32	39
Types of Cases in which opinions were filed:			
Administrative Agency Appeals			
Unemployment Compensation Board of Review	204	261	234
Workers' Compensation Appeal Board	530	436	418
Board of Probation & Parole	127	114	125
Other Agencies	151	154	147
Total	1012	965	924
Common Pleas Appeals			
Zoning/Land use	96	92	89
Drivers License Suspension	179	140	117
Tort/Immunity	16	27	27
Other Common Pleas Appeals	342	344	320
Total	633	603	553
Board of Finance & Revenue	8	10	10
Original Jurisdiction	109	83	84
Election Cases	2	41	0
Submitted on Briefs	1328	1250	1173
Argued before a panel	373	365	356
Argued before court en banc	61	50	42
Average time from argument or submission to decision (days)	72	68	57

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2005	57,013	11,355	13,382	81,750
Cases Disposed 1987 through 2005	60,089	11,493	14,711	86,293
Cases Pending Dec. 31, 2005	1064	312	1512	2888
% Change	-74 %	-31 %	-47 %	-61 %

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2005	1249	459	1626	3334
Cases Filed 2005	2619	599	786	4004
Cases Disposed 2005	2804	746	900	4450
Cases Pending Dec. 31, 2005	1064	312	1512	2888
% Change	-15 %	-32 %	-7 %	-13 %

* Does not include certain "miscellaneous" and dual jurisdiction cases.

COMMONWEALTH COURT CASE INVENTORY



1988 - 2005

**The following reflected the counties from which appeals
from trial courts were filed:**

	2003	2004	2005
Pittsburgh Region			
Allegheny	150	130	144
Armstrong	3	5	1
Beaver	14	14	10
Butler	15	18	12
Cambria	15	6	6
Clarion	0	8	1
Crawford	6	2	6
Erie	21	12	15
Fayette	11	7	8
Forest	1	1	1
Greene	8	15	5
Indiana	3	2	3
Jefferson	3	4	2
Lawrence	3	7	14
Mercer	5	10	6
Venango	3	3	2
Warren	3	5	2
Washington	15	11	19
Westmoreland	19	16	27
Total	298	276	284
Philadelphia Region			
Bucks	46	41	52
Chester	53	44	47
Delaware	45	33	44
Montgomery	50	53	52
Philadelphia	145	110	130
Total	339	281	325

NOTE: Includes discretionary appeals.

	2003	2004	2005
Harrisburg Region			
Adams	7	4	0
Bedford	3	1	3
Berks	56	22	42
Blair	10	5	11
Bradford	0	5	1
Cameron	0	0	0
Carbon	10	7	8
Centre	19	7	7
Clearfield	3	3	1
Clinton	1	5	1
Columbia	3	6	3
Cumberland	16	9	14
Dauphin	26	22	22
Elk	0	0	3
Franklin	3	2	4
Fulton	0	1	0
Huntingdon	4	6	5
Juniata	2	1	0
Lackawanna	16	14	24
Lancaster	25	11	16
Lebanon	3	8	10
Lehigh	41	35	27
Luzerne	31	31	26
Lycoming	5	10	9
McKean	1	6	2
Mifflin	2	3	4
Monroe	17	31	24
Montour	1	1	0
Northampton	24	25	14
Northumberland	6	4	3
Perry	1	4	1
Pike	4	6	3
Potter	3	4	1
Schuylkill	14	18	21
Snyder	5	1	1
Somerset	10	4	10
Sullivan	0	0	2
Susquehanna	1	1	4
Tioga	3	4	1
Union	0	3	1
Wayne	12	6	6
Wyoming	0	3	3
York	15	23	23
Total	403	362	361

Argument Court

	2003	2004	2005
Days of Argument Court	30	29	33
Number of Cases Submitted on Brief	1382	1263	1172
Argued before Court En Banc	59	47	48
Argued before a Panel	384	349	380
Cases Consolidated	181	99	77
Cases Continued	36	42	41

APPELLATE CASES*
TIME TO DISPOSITION
2005

Cases Disposed (minus consolidations)	2650
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1176
Ave. time to disposition	158 days
Cases Disposed on Merits	1474
% of cases disposed on merits	56 %
Argued orally	427
Submitted on briefs	1047
Cases Disposed under 365 days	2574 (97%)
Cases Disposed under 290 days	2424 (91%)

Cases Decided on Merits

Cases Reviewed	1474
Ave. filing to record	35 days
Ave. filing to Appellant brief	89 days
Ave. filing to Appellee brief	127 days
Ave. filing to argument/submission	162 days
Ave. filing to decision	220 days
Record to Appellant brief	54 days
Appellant brief to Appellee brief	38 days
Briefs to argument/submission	35 days
Assignment to decision	58 days

*Does not include consolidated cases.

Argued Cases

Cases reviewed	427
Ave. filing to record	45 days
Ave. filing to Appellant brief	91 days
Ave. filing to Appellee brief	124 days
Ave. filing to argument	204 days
Ave. filing to decision	254 days
Record to Appellant brief	46 days
Appellant brief to Appellee brief	33 days
Briefs to argument	80 days
Assignment to decision	50 days

Submitted Cases

Cases reviewed	1047
Ave. filing to record	31 days
Ave. filing to Appellant brief	89 days
Ave. filing to Appellee brief	128 days
Ave. filing to submission	145 days
Ave. filing to decision	206 days
Record to Appellant brief	58 days
Appellant brief to Appellee brief	39 days
Briefs to submission	17 days
Assignment to decision	61 days