

COMMONWEALTH COURT OF PENNSYLVANIA

2006

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. RENÉÉ L. COHN JUBELIRER
HON. ROBERT E. SIMPSON, JR.
HON. MARY HANNAH LEAVITT

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

By: Michael F. Krimmel, 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 2006, there were 3,896 new cases filed. This represents a decrease of 4% over the number of new cases filed in 2005.

New cases filed by inmates declined in 2006. The number of new inmate cases in 2006 was 336. This represents a decrease of 20% compared to the number of inmate cases filed in 2005. Nevertheless, inmate cases represent 54% 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 524 new workers' compensation appeals filed in 2006. There were 420 unemployment compensation appeals filed in 2006. With respect to appeals from courts of common pleas, there was no increase in the number of new appeals filed.

The court disposed of a total of 4,163 cases in 2006. There were 1,223 majority opinions filed in 2006. The average elapsed time from assignment of the case to the filing of the opinion was 67 days in 2006. This is significantly better than the American Bar Association's standard for assignment to disposition of 90 days. The court disposed of 6,271 ancillary motions, applications and petitions in 2006.

The court's mediation program continued to be successful in 2006. A total of 182 cases were mediated, and 87 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 1,107 appeals pending at the end of 2006 compared to 2,790 appeals pending as recently as 1997. By way of further contrast, there were 3,439 pending appeals in 1988.

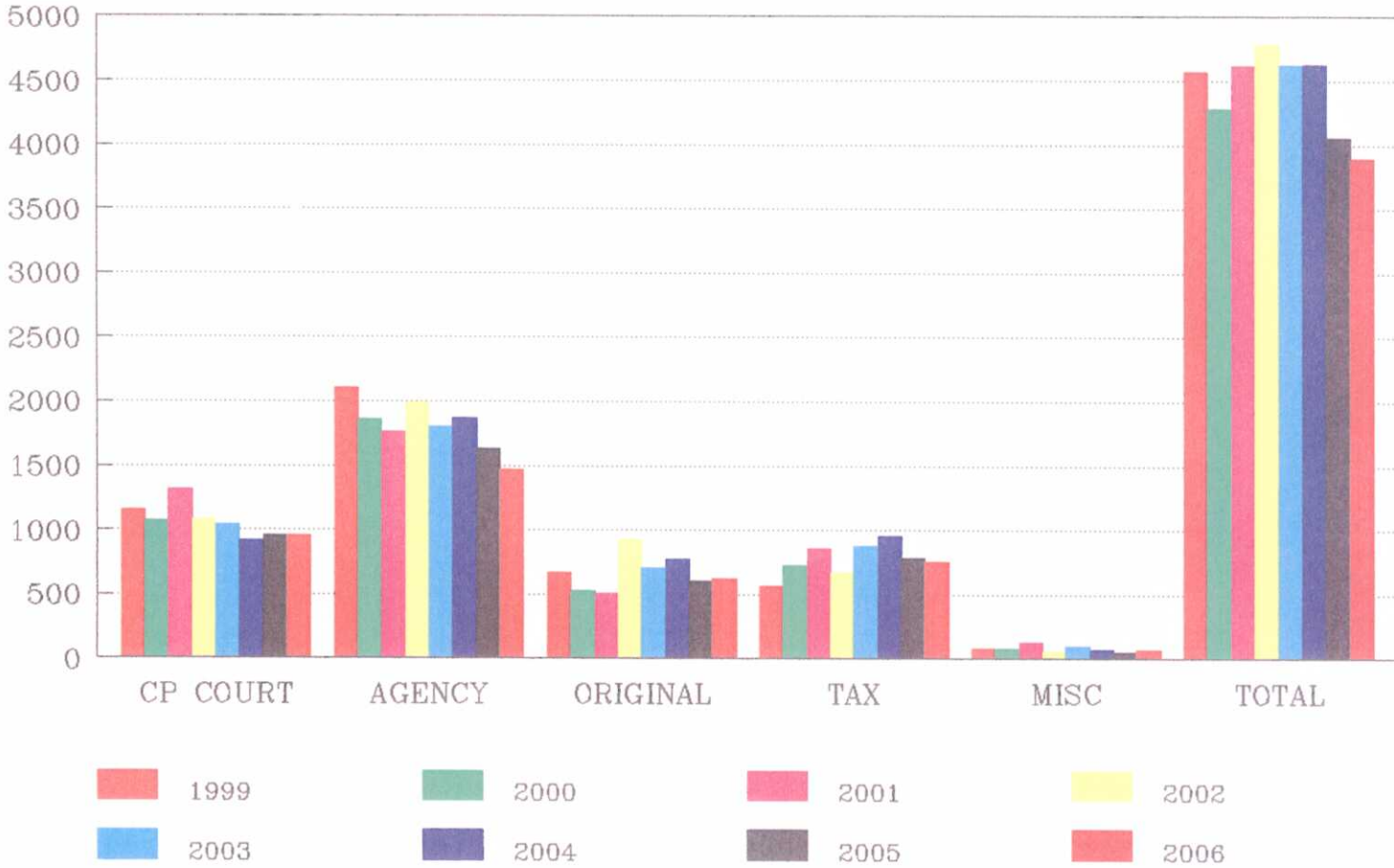
G. Ronald Darlington
Executive Administrator
Commonwealth Court of Pennsylvania

Cases Filed

	2004	2005	2006
Appeals from Courts of Common Pleas	918	955	954
Appeals from Administrative Agencies	1865	1628	1472
Discretionary Appeals	38	36	29
Original Jurisdiction	776	599	618
Appeals from Board of Finance & Revenue	952	786	751
Original & Appellate (Combined)	3	4	7
Miscellaneous	72	48	65
Total Actions Filed	4624	4056	3896
Motions Filed	6992	6426	6271

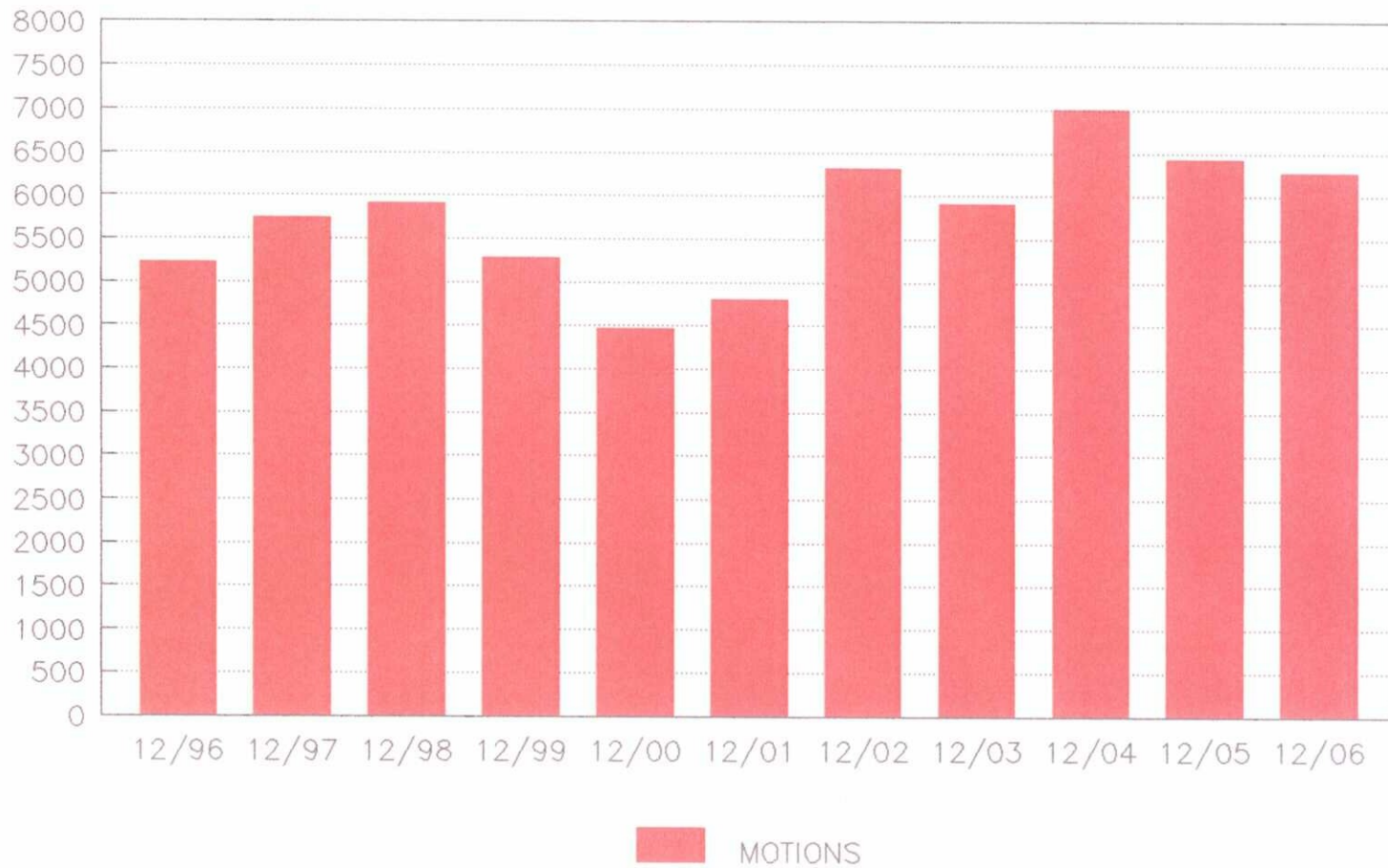
COMMONWEALTH COURT

NEW CASES FILED



1999-2006

COMMONWEALTH COURT MOTIONS PRACTICE

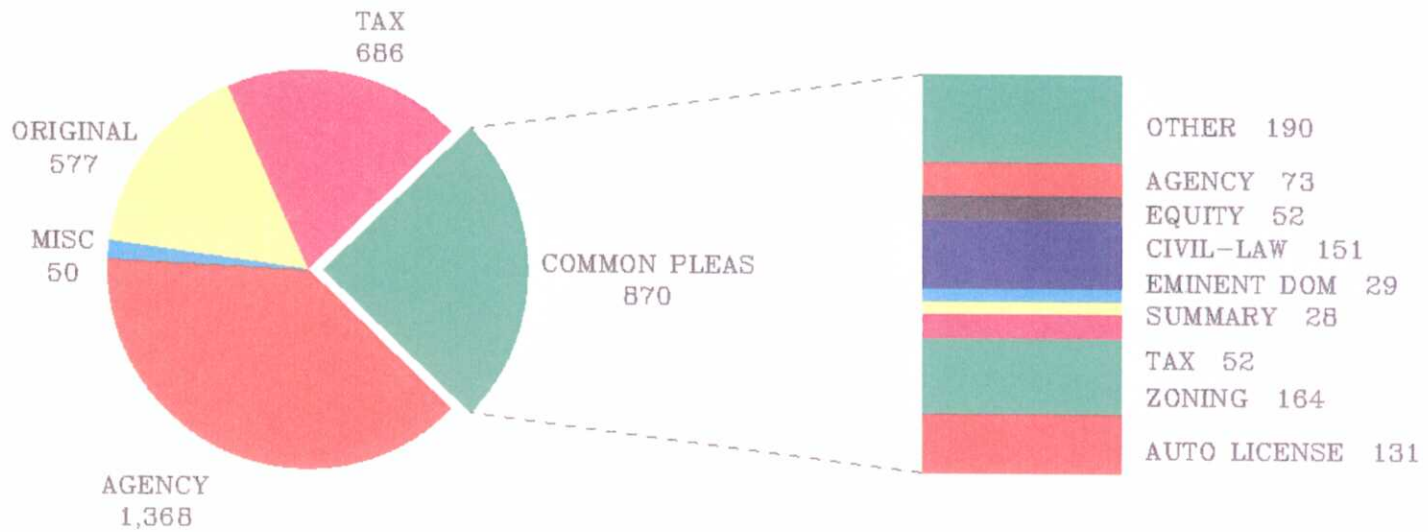


1996 - 2006

Types of Appeals from Courts of Common Pleas

	2004	2005	2006
Motor Vehicle License Suspension	163	136	148
Zoning/Subdivision	151	152	177
Local Tax Appeals	69	82	59
Liquor Control Board	8	8	29
Eminent Domain	43	35	30
Civil Action Law	192	162	163
Civil Action Equity	61	50	56
Local Agency Law	79	91	82
Declaratory Judgment	15	20	21
Forfeiture Actions	15	15	11
Mandamus	15	17	22
Summary Conviction (Local Ordinance)	41	39	29
Right To Know	3	6	12
Election	8	42	10
Other	55	100	105
Total	918	955	954

COMMONWEALTH COURT FILINGS – 2006



TOTAL FILINGS 3585

CP APPEALS 870

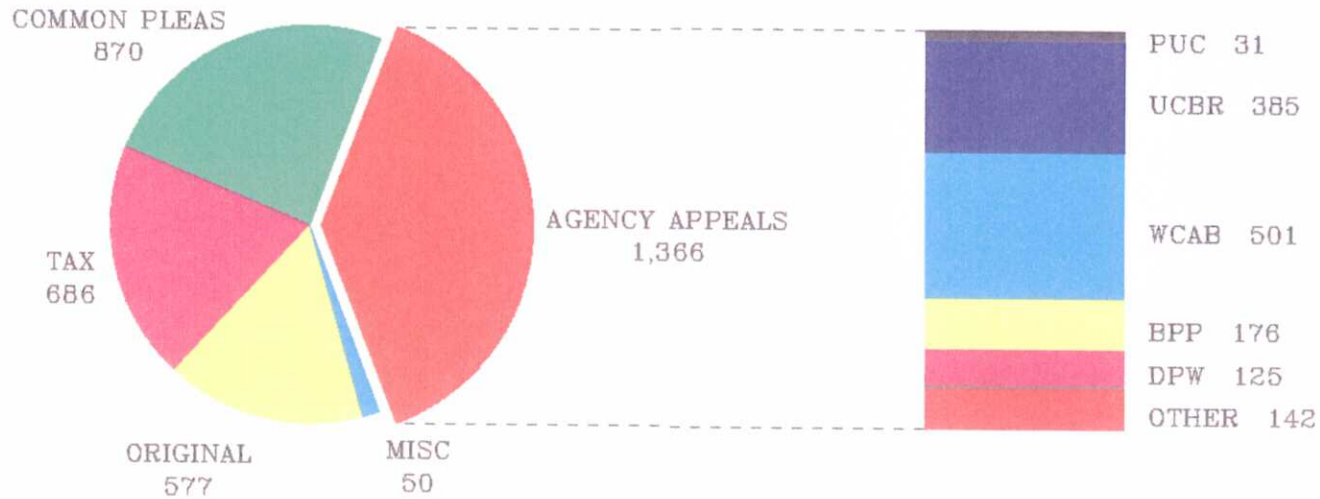
COMMON PLEAS BREAKOUT

Administrative Agency Appeals

	2004	2005	2006
Unemployment Compensation Board of Review	623	511	420
Workers' Compensation Appeal Board	679	582	524
Board of Probation & Parole	206	170	183
Department of Public Welfare	113	151	148
Public Utility Commission	23	26	36
Civil Service Commission	21	24	21
Environmental Hearing Board	12	9	9
Bureau of Professional and Occupational Affairs	33	28	26
Education Department	16	8	5
Board of Claims	2	6	5
Insurance Department	8	11	5
Labor and Industry	4	8	5
Arbitration	1	3	8
Special Education Due Process Board	12	9	7
Department of State	4	0	7
Department of Corrections	14	6	15
Department of Transportation	17	5	6
"Other"*	77	71	42
Total	1865	1628	1472

*"Other" - When four 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 – 2006



TOTAL FILINGS 3585

AGENCY APPEALS 1368

AGENCY BREAKOUT

Appeals from the Board of Finance & Revenue

	2004	2005	2006
Corporate Net Income Tax	128	128	85
Franchise Tax	266	202	183
Sales & Use Tax	327	274	280
Sales Tax	49	21	23
Use Tax	10	10	7
Capital Stock Tax	68	49	46
Personal Income Tax	12	28	40
Realty Transfer Tax	7	12	11
Motor Carrier Road Tax	8	8	9
Public Utility Realty Tax (PURTA)	35	26	27
Bank Shares	4	10	12
Other*	38	18	28
Total	952	786	751

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

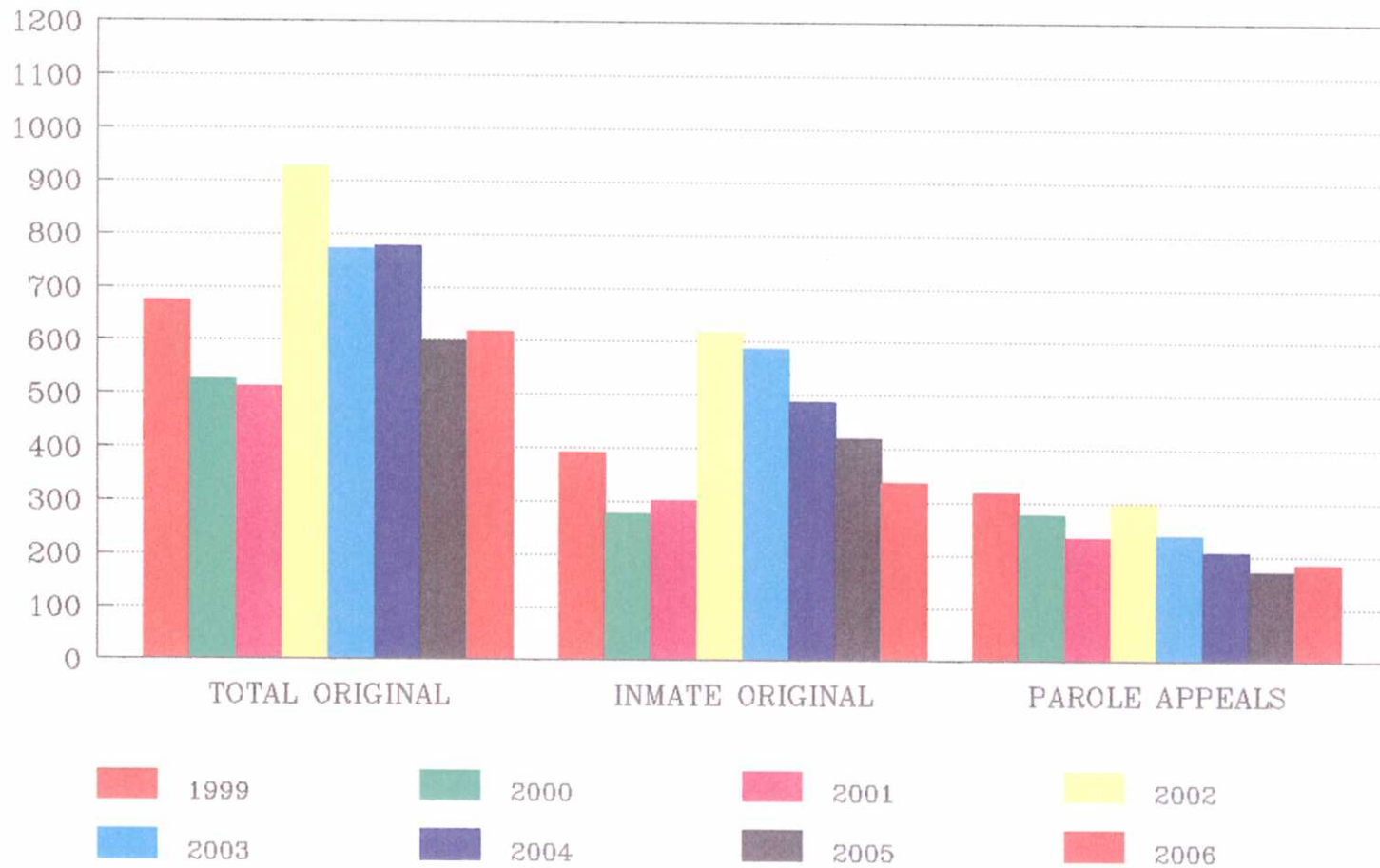
Original Jurisdiction

	2004	2005	2006
Complaints			
Civil Action - Law	82	11	9
Civil Action - Equity	29	19	23
Petitions for Review			
Civil Action - Law	14	28	7
Declaratory Judgment	24	23	50
Mandamus	15	18	18
Equity	6	21	7
Inmate Petitions for Review	487	419	336
"Other"	4	2	1
Enforcement Proceedings	36	45	50
Election Petitions	79	13	117
Total	776	599	618

Miscellaneous

Assurance of Voluntary Compliance	34	24	16
Liquidation Petition (Ins. Dept.)	1	0	0
Other	37	24	49
Total	72	48	65

Commonwealth Court PRISONER LITIGATION

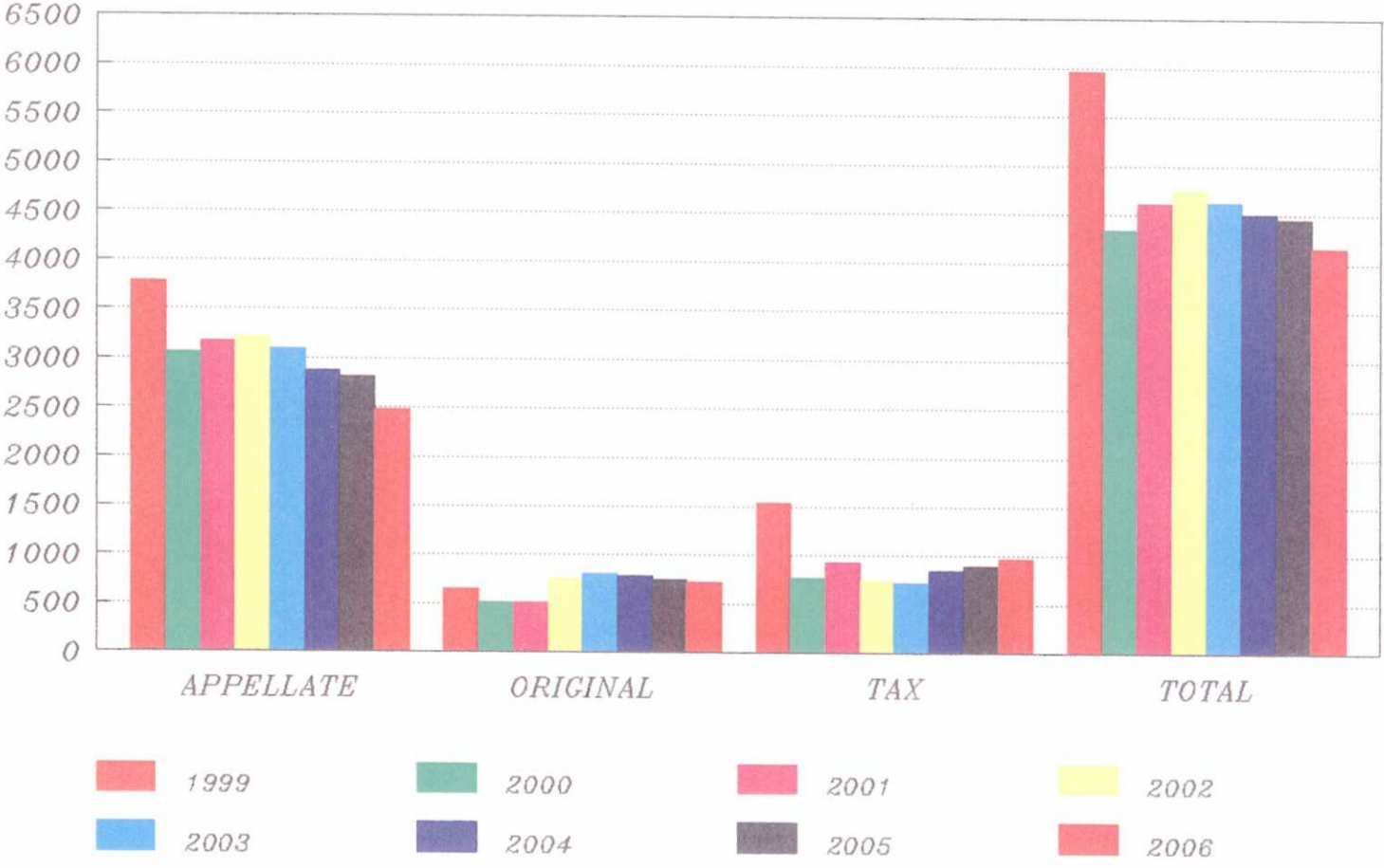


NEW FILINGS

Dispositions

	2004	2005	2006
<u>Appellate</u>			
Majority Opinion	1561	1474	1223
Consolidated	119	154	87
Withdrawn	306	331	333
Dismissed	683	598	623
Remanded	80	90	92
Transferred	37	52	47
Stricken: Pa. R.A.P. 1701	30	40	34
Permission to Appeal Denied	18	29	17
Nunc Pro Tunc Denied	33	35	10
Summary Relief	4	1	6
Sub-Total	2871	2804	2472
<u>Original</u>			
Majority Opinion	56	59	32
Consolidated	0	5	0
Duty Week Opinions/Orders	35	41	71
Election Opinion/Order	59	13	81
Withdrawn (election)	12	0	23
Withdrawn	139	138	93
Dismissed	391	413	350
Transferred	69	66	61
Consent Decrees	27	11	13
Sub-Total	788	746	724
<u>Board of Finance & Revenue</u>			
Majority Opinion	8	9	10
Consolidated	31	2	7
Withdrawn	182	158	101
Stipulation for Judgment	597	698	815
Dismissed	31	33	34
Sub-Total	849	900	967
Total Dispositions	4508	4450	4163

COMMONWEALTH COURT DISPOSITIONS



1999-2006

Summary of Opinions

	2004	2005	2006
Majority Opinion	1665	1571	1285
Reported	464	404	337
Not Reported	1201	1158	948
Duty Week Opinions	106	67	104
Reported	20	0	16
Not Reported	86	67	79
Concurring Opinions	11	11	20
Dissenting Opinions	134	95	97
Concurring & Dissenting Opinions	18	12	16
Total Opinions Filed	1934	1756	1522
Dissents	86	75	71
Concurred in Result Only	32	39	41
Types of Cases in which opinions were filed:			
Administrative Agency Appeals			
Unemployment Compensation Board of Review	261	234	186
Workers' Compensation Appeal Board	436	418	352
Board of Probation & Parole	114	125	88
Other Agencies	154	147	155
Total	965	924	781
Common Pleas Appeals			
Zoning/Land use	92	89	85
Drivers License Suspension	140	117	58
Tort/Immunity	27	27	28
Other Common Pleas Appeals	344	320	276
Total	603	553	447
Board of Finance & Revenue	10	10	11
Original Jurisdiction	83	84	46
Election Cases	41	0	44
Submitted on Briefs	1250	1173	888
Argued before a panel	365	356	357
Argued before court en banc	50	42	40
Average time from argument or submission to decision (days)	68	57	67

Inventory*

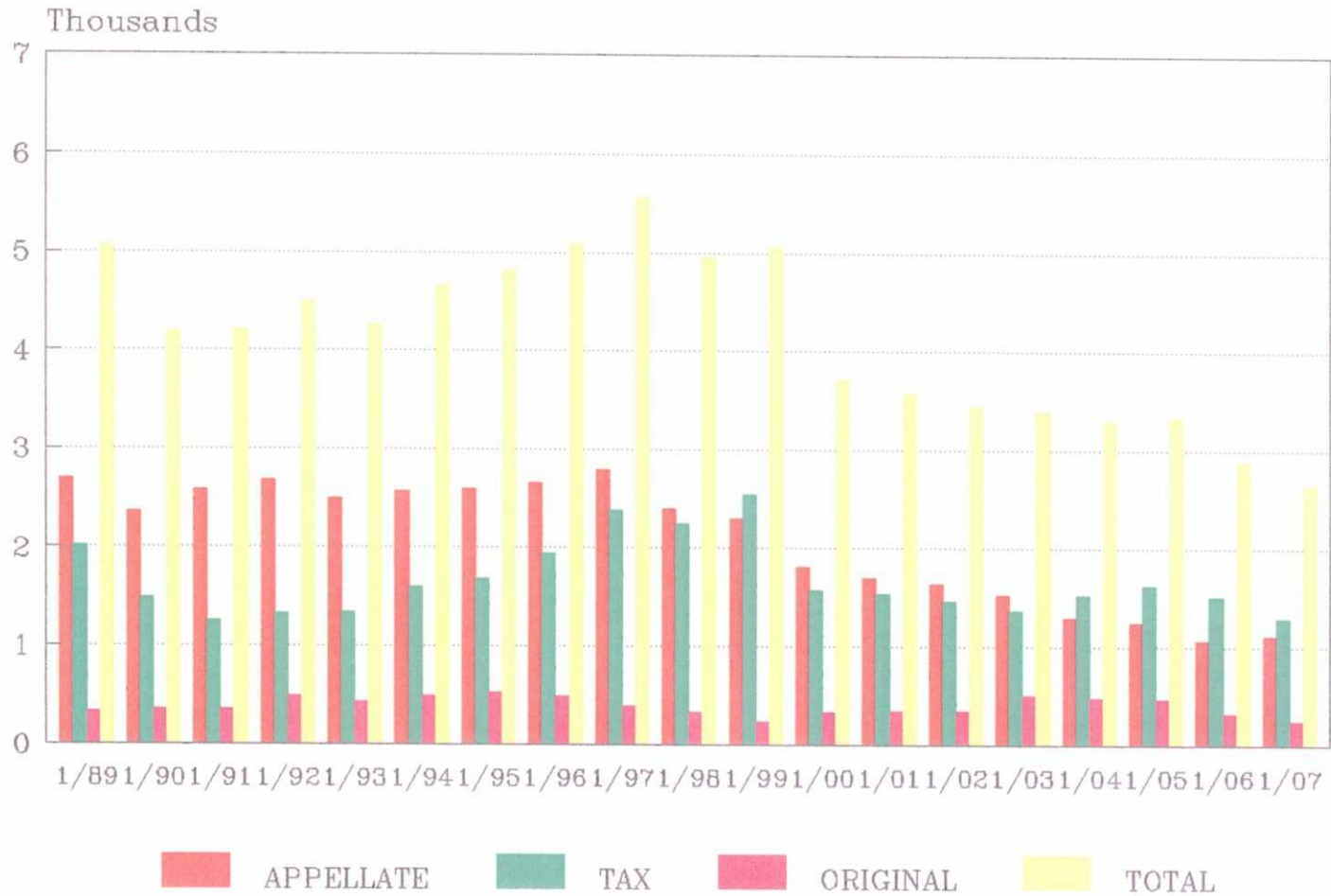
	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 1987	4140	450	2841	7431
Cases Filed 1987 through 2006	59,534	12,008	14,133	85,675
Cases Disposed 1987 through 2006	62,567	12,217	15,680	90,464
Cases Pending Dec. 31, 2006	1107	241	1294	2642
% Change	-73 %	-46 %	-54 %	-64 %

Inventory*

	Appellate	Original	Finance & Revenue	Total
Cases Pending Jan. 1, 2006	1064	312	1512	2888
Cases Filed 2006	2455	618	751	3824
Cases Disposed 2006	2472	724	967	4163
Cases Pending Dec. 31, 2006	1107	241	1294	2642
% Change	+4 %	-23 %	-14 %	-9 %

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

COMMONWEALTH COURT CASE INVENTORY



1989 - 2006

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

	2004	2005	2006
Pittsburgh Region			
Allegheny	130	144	100
Armstrong	5	1	2
Beaver	14	10	8
Butler	18	12	13
Cambria	6	6	8
Clarion	8	1	1
Crawford	2	6	0
Erie	12	15	18
Fayette	7	8	14
Forest	1	1	1
Greene	15	5	8
Indiana	2	3	0
Jefferson	4	2	4
Lawrence	7	14	5
Mercer	10	6	7
Venango	3	2	3
Warren	5	2	3
Washington	11	19	24
Westmoreland	16	27	16
Total	276	284	235
Philadelphia Region			
Bucks	41	52	32
Chester	44	47	37
Delaware	33	44	47
Montgomery	53	52	57
Philadelphia	110	130	175
Total	281	325	348

NOTE: Includes discretionary appeals.

	2004	2005	2006
Harrisburg Region			
Adams	4	0	8
Bedford	1	3	3
Berks	22	42	33
Blair	5	11	4
Bradford	5	1	1
Cameron	0	0	0
Carbon	7	8	7
Centre	7	7	4
Clearfield	3	1	2
Clinton	5	1	5
Columbia	6	3	3
Cumberland	9	14	9
Dauphin	22	22	31
Elk	0	3	3
Franklin	2	4	8
Fulton	1	0	0
Huntingdon	6	5	6
Juniata	1	0	0
Lackawanna	14	24	17
Lancaster	11	16	13
Lebanon	8	10	7
Lehigh	35	27	18
Luzerne	31	26	27
Lycoming	10	9	10
McKean	6	2	0
Mifflin	3	4	1
Monroe	31	24	18
Montour	1	0	0
Northampton	25	14	24
Northumberland	4	3	3
Perry	4	1	1
Pike	6	3	7
Potter	4	1	3
Schuylkill	18	21	16
Snyder	1	1	2
Somerset	4	10	6
Sullivan	0	2	1
Susquehanna	1	4	5
Tioga	4	1	0
Union	3	1	4
Wayne	6	6	12
Wyoming	3	3	2
York	23	23	24
Total	362	361	348

Argument Court

	2004	2005	2006
Days of Argument Court	29	33	34
Number of Cases Submitted on Brief	1263	1172	915
Argued before Court En Banc	47	48	59
Argued before a Panel	349	380	325
Cases Consolidated	99	77	123
Cases Continued	42	41	69

APPELLATE CASES*
TIME TO DISPOSITION
2006

Cases Disposed (minus consolidations)	2384
Disposed prior to decision (dismissals, withdrawn, transfer, etc.)	1160
Ave. time to disposition	166 days
Cases Disposed on Merits	1224
% of cases disposed on merits	51 %
Argued orally	417
Submitted on briefs	807
Cases Disposed under 365 days	2272 (95%)
Cases Disposed under 290 days	2118 (89%)

Cases Decided on Merits

Cases Reviewed	1224
Ave. filing to record	35 days
Ave. filing to Appellant brief	91 days
Ave. filing to Appellee brief	129 days
Ave. filing to argument/submission	171 days
Ave. filing to decision	239 days
Record to Appellant brief	57 days
Appellant brief to Appellee brief	37 days
Briefs to argument/submission	42 days
Assignment to decision	68 days

*Does not include consolidated cases.

Argued Cases

Cases reviewed	417
Ave. filing to record	45 days
Ave. filing to Appellant brief	103 days
Ave. filing to Appellee brief	138 days
Ave. filing to argument	224 days
Ave. filing to decision	290 days
Record to Appellant brief	57 days
Appellant brief to Appellee brief	35 days
Briefs to argument	87 days
Assignment to decision	65 days

Submitted Cases

Cases reviewed	807
Ave. filing to record	29 days
Ave. filing to Appellant brief	86 days
Ave. filing to Appellee brief	124 days
Ave. filing to submission	144 days
Ave. filing to decision	213 days
Record to Appellant brief	56 days
Appellant brief to Appellee brief	38 days
Briefs to submission	20 days
Assignment to decision	69 days