

Welcome TO PENNSYLVANIA'S COURTS

This guide is intended to acquaint you with Pennsylvania's judicial system. It provides an overview of how our courts are organized and the kinds of work they do. We hope you find it informative and helpful.



The Administrative Office of Pennsylvania Courts assists Supreme Court justices in managing Pennsylvania's judicial system.

Pennsylvania's Constitution provides for a Unified Judicial System.

The entry level into the court system for most Pennsylvanians is at the base of the pyramid.

The base holds the **Special Courts**, which hear:

- Less serious, non-jury criminal, civil and all traffic cases
- Matters pertaining to bail
- Whether serious criminal cases, such as murder, should go to the Court of Common Pleas

At mid-level are the **Courts of Common Pleas**, which hear:

- All major criminal and civil cases
- Appeals from the Special Courts in civil, criminal and traffic matters
- Most matters involving children and families

The next pyramid level includes two appellate courts — **Superior Court and Commonwealth Court**.

Superior Court hears:

- Criminal and certain civil appeals from the Courts of Common Pleas
- Appeals from Courts of Common Pleas on matters involving children and families

Commonwealth Court hears:

- Original civil cases brought by and against the Commonwealth
- Appeals from decisions by state agencies and from Courts of Common Pleas involving the Commonwealth and local agencies

At the top of the pyramid is the **Supreme Court**, which is the highest judicial authority in the state. The seven-member court:

- Hears discretionary appeals from the Superior and Commonwealth courts by allowance
- Hears direct appeals from the Courts of Common Pleas in cases specified by statute, including all death-penalty cases and direct appeals from Commonwealth Court in its original jurisdiction
- May hear a case from any level in certain circumstances
- Is the administrative leader of all courts in the state

HOW THE COURTS OPERATE

A case — whether *civil* or *criminal* — may be tried before a judge, or a jury with a judge presiding. Juries are primarily available in Common Pleas (trial) courts. There are no juries in Supreme and Superior courts, and only rarely are juries used in Commonwealth Court. When a jury is permitted, both sides in a case can agree to have the case tried before a judge rather than a jury.

How a Case Moves

- In a jury trial, prospective jurors are selected randomly from various sources. Each potential juror is asked questions by either the judge and/or the attorneys to ensure he/she is qualified to hear the case. After the jurors are chosen and sworn in, attorneys present an opening statement to the jury to outline what each side believes the evidence will show.
- Exhibits and testimony make up the evidence presented by each side in a case. After all the evidence is presented, each attorney presents a closing argument. If the case is being tried before a jury, the judge instructs the jury on how to apply the law to the case. Jurors deliberate privately in making a determination. In criminal cases, a jury determines whether a defendant is guilty or not guilty and in limited instances may determine a penalty. The judge, however, is responsible for formally sentencing the defendant, usually at a later hearing. In a civil case, the jury determines whether a plaintiff has proven the case and what, if any, damages to award. Under certain circumstances, the judge may overrule the jury's determination or damage award.
- A trial may be held by a judge without a jury's involvement. In this instance, the judge hears all of the testimony of witnesses and attorneys' arguments and determines the outcome of the case based upon established law.

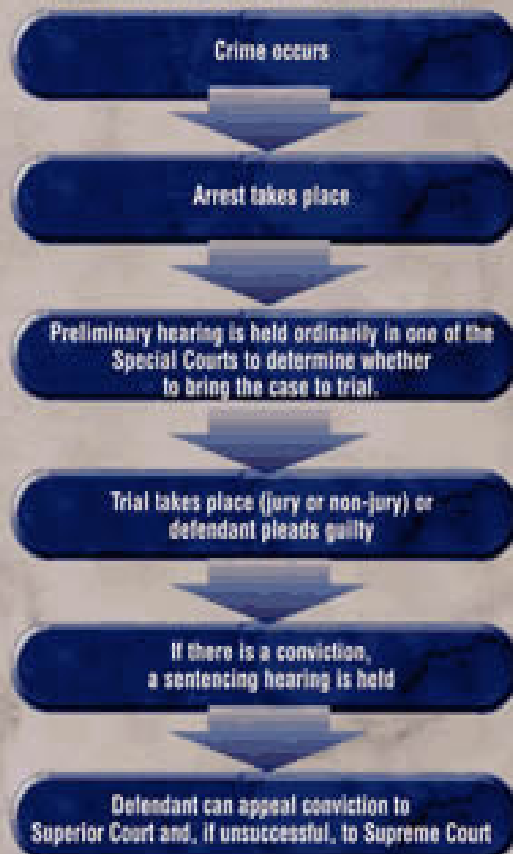
TYPES OF CASES

All court cases are either civil or criminal.

Criminal Cases

The Commonwealth, represented by the District Attorney or Attorney General, brings a criminal charge before the courts because a violation of the criminal law is considered an offense against the community. An individual can be charged with a felony, misdemeanor or summary offense. A felony charge, such as murder and arson, carry the most severe penalties while a summary offense carries the least. If the prosecuting attorney proves a defendant is guilty beyond a reasonable doubt, the person can face a prison term, fine or probation.

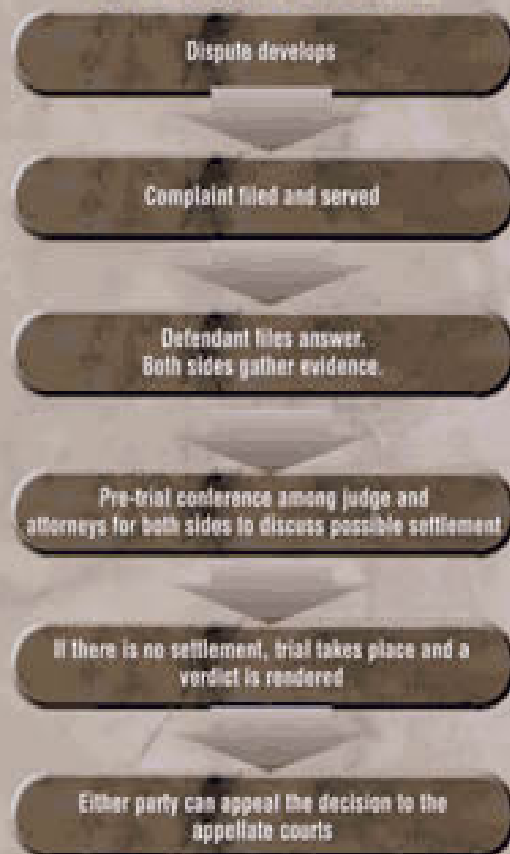
Criminal Case Flow Chart:



Civil Cases

Civil matters include every type of legal action except criminal actions: personal injuries, contract disputes, adoptions, divorces and faulty consumer goods. The party bringing suit, or plaintiff, must prove his/her case before a judge or jury by presenting evidence that is more persuasive than the opposing evidence. This is unlike a criminal case where the proof must be beyond a reasonable doubt. Some aspects of civil cases (notably in divorce, support or child custody matters) may be heard before quasi-judicial officers—masters, hearing or conference officers, etc.

Civil Case Flow Chart



You and Pennsylvania's Judiciary

Jury Service

Prospective jurors are selected in each county from various sources. Jurors must be U.S. citizens, 18 years of age and able to read and understand English. Modest juror compensation is set by state law. Citizens also are called to serve on grand juries by a county prosecutor or the state Attorney General. For more information, contact the district court administrator in your county.

Marriage Licenses, Adoptions Wills, Deeds, Case Files

In most counties, elected county-paid officials maintain criminal and civil records in each Common Pleas Court. The Register of Wills/Recorder of Deeds maintains deeds, wills, marriage licenses and other similar information. The Prothonotary's Office maintains most civil case information. The Clerk of Courts maintains most criminal case information. Clerks of the Orphans' Court maintain records for adoptions and termination actions in most counties. In Philadelphia, these cases are heard, and records maintained, in Family Court.

Child Support, Divorce, Custody PFAs

Pennsylvania's Common Pleas courts have jurisdiction over family law matters: divorce, property division, alimony, child custody, child and spousal support, paternity and Protection From Abuse orders. While most of these cases originate in the Prothonotary's Office, child and spousal support matters are handled in the Domestic Relations section of Common Pleas Court. Support is determined by a set of guidelines established by the Pennsylvania Supreme Court. Each of the Commonwealth's 67 counties has a Domestic Relations section. Look in the Blue Pages of your phone book for the office nearest you.

Law Library

Each Common Pleas Court maintains a law library that acts as a legal information center for the judiciary, prosecutors and public defenders, attorneys and public. Most libraries are free and open to the public.

Delinquent and Dependency

Each judicial district has a Juvenile Court for deciding cases involving children younger than 18 who are charged with misdemeanors or felonies, or who are alleged to be abused or neglected. Juvenile Court judges have a range of services available for assisting children found delinquent or dependent, including residential programs and foster care. For more information about delinquency, contact your county Juvenile Probation Department. For information about dependency, contact your county Children and Youth Department.

How To Get Legal Help

People charged with crimes who cannot afford their own legal counsel may find help in the Public Defender's Office. Legal Services provides legal assistance to poor Pennsylvanians in civil matters; check your local phone book for more information. Anyone may call the toll-free Pennsylvania Bar Association Lawyer Referral Service at (800) 692-7375.

Do You

... **have a complaint about a judge's conduct?** The **Judicial Conduct Board** investigates complaints of misconduct concerning Pennsylvania's appellate, trial, and special court jurists.

... **have a complaint about a lawyer's conduct?** The **Disciplinary Board of the Supreme Court** investigates complaints regarding the conduct of Pennsylvania's more than 51,000 practicing attorneys. Contact the nearest regional office.

... **believe a lawyer improperly took money?** The **Pennsylvania Lawyers Fund for Client Security** helps to recover money improperly retained by an attorney.

... **want to practice law in Pennsylvania?** The **Board of Law Examiners** administers the bar examination for new lawyers and reviews applications from attorneys in other states wishing to be admitted to legal practice in Pennsylvania.

... **want to become a district justice?** The **Minor Judiciary Education Board** offers education and certification for non-lawyer Pennsylvanians who seek election as district justices or Philadelphia Traffic Court judges. It also conducts continuing education for all special court jurists.

... **have a question about court administration, either locally or across the state?** Pennsylvania's 67 counties are divided into 60 judicial districts, each of which has a president judge and a district court administrator. The president judge is primarily responsible for local administration of a judicial district and the district court administrator carries out day-to-day management tasks on behalf of the president judge and other jurists.

District court administrator's offices are among the best places for citizens to pose questions about the general conduct of court business in each county. However, these offices are unable to give legal advice. Many counties also have administrators for the Special Courts and they can serve as an information source regarding district justice offices or the Philadelphia Traffic Court. Most counties also have independently elected clerks of (criminal) court, prothonotaries (civil court clerks), registers of wills and recorders of deeds. Telephone numbers for all of these court offices may be found in the Blue Pages of local phone directories.

As the administrative arm of the Pennsylvania Supreme Court, the **Administrative Office of Pennsylvania Courts (AOPC)** carries out that court's policy and management directives while also providing policy guidance, administrative support, technical assis-

tance, and legal representation for the jurists and court administrators within the 60 judicial districts. The AOPC is led by the Court Administrator of Pennsylvania, whose office is prescribed within the Pennsylvania Constitution. Citizens with questions about the state court system generally or with problems that can not be addressed locally or through one of the service agencies listed above, may contact one of two AOPC offices:

Administrative Office of Pennsylvania Courts
5001 Louise Drive, Mechanicsburg, PA 17055
(717) 795-2000, or
1515 Market Street, Suite 1414, Philadelphia, PA 19102
(215) 560-6300.

For information about any of the agencies call one of the administrative offices or please visit the Pennsylvania Judiciary's Web site at: www.courts.state.pa.us. Pennsylvania's state court system was the second in the country to go online and, through its Judicial Computer Project, has been among the nation's leaders in using technology to more efficiently administer its courts and broaden public accessibility.