



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 to you this Report of the Administrative Office of Pennsylvania Courts for the calendar year 1996. I hope we have achieved, in this brief overview of the work of the Administrative Office and the boards and committees of the Supreme Court, our goal of providing you with a clear, concise general reference document.

## **A Year of Change for Supreme Court**

The composition of the Supreme Court changed this year with the resignation of Chief Justice Robert N. C. Nix, Jr. and the addition of two new members to the Court, including the first elected female Justice. Chief Justice Nix ended almost a quarter century of distinguished service on the nation's oldest appellate court when he retired July 31. Chief Justice Nix was the first African-American to head any state's highest court. He graduated first in his class from Villanova University and received his law degree from the University of Pennsylvania. He served as a deputy state attorney general before joining his father, Congressman Robert N. C. Nix, Sr., in the law firm of Nix, Rhodes and Nix. In 1968 Chief Justice Nix became a Common Pleas Court judge in Philadelphia, ascending to the state Supreme Court in 1972 and becoming Chief Justice in 1984.

With the resignation of Chief Justice Nix, the Honorable John P. Flaherty, Jr., became Chief Justice of Pennsylvania. Chief Justice Flaherty was graduated from Duquesne University and the University of Pittsburgh School of Law. He was a professor at Carnegie Mellon University and also engaged in the private practice

# **Preface from the Court Administrator**

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of law from 1958 to 1973. He was elected to the Court of Common Pleas in 1973, became administrative judge of the Civil Division of the Allegheny County Court of Common Pleas in 1978, and has served as a Justice on the Supreme Court since 1979.

Philadelphia Common Pleas Court Judge Russell M. Nigro and Commonwealth Court Judge Sandra Schultz Newman, who were elected to the Supreme Court in 1995, were sworn in as Justices this year as well.

### **Supreme Court Rules in State Funding Issue**

The Supreme Court handed down an opinion in the litigation involving state funding of a Unified Judicial System. Ruling in *Pennsylvania State Association of County Commissioners et al. v. Commonwealth of Pennsylvania*, the Court directed implementation of the Supreme Court's decision in the 1987 suit, *County of Allegheny v. Commonwealth of Pennsylvania*. Essentially, *County of Allegheny* ordered state funding of the courts in Pennsylvania based on the state constitution's establishment of a Unified Judicial System in *substance* versus that merely of *form*.

Following its 1987 decision, the Supreme Court delayed ordering the transition to state funding so that the Legislature might formulate a plan and enact funding legislation to accommodate the change. The 1996 ruling of the Court in *Pennsylvania State Association of County Commissioners* effectively lifted that stay by appointing Senior Judge (former Justice) Frank J. Montemuro, Jr., as the Special Master to prepare recommendations to the Court as to the implementation of a Unified Judicial System and by establishing several due dates for implementation of the original order. Justice Montemuro pledged, in accepting the appointment as Master, to get as much input as possible in preparing his report. In seeking input, the Master met with members of the Executive and Legislative Branches, held a series of regional meetings with president judges and county officials, and met with a variety of other influential parties from the public and private sectors.

### **Pennsylvania Remains Automation Leader**

The AOPC's automation efforts did not go unnoticed by other states. The North Carolina Administrative Office of Courts toured the AOPC's computer facility at Mechanicsburg in February to discuss Pennsylvania's experiences in automating the state's district justice offices.

In the closing hours before adjourning for the summer, the Legislature increased to \$100 million the lifetime "cap" on deposits

into the Judicial Computer Project Augmentation Fund. The \$10 million annual cap on deposits into the fund was not changed. The action on the annual cap followed unsuccessful efforts to have the Legislature remove both the annual and lifetime caps on deposits into the fund. Although the increase postponed the inevitable -- the day when the “cap” would be reached -- it did not provide the solid financial foundation needed for the AOPC to expand automation to the Common Pleas level.

### **In Memoriam: Judges Wieand and Blatt**

The Judiciary this year lost a renowned pioneer when retired Commonwealth Court Judge Genevieve Blatt died on July 4. Blatt was the first woman to serve on the Commonwealth Court when she was appointed by then Governor Milton J. Shapp to fill an unexpired term in 1972. She became the first woman elected to statewide office in Pennsylvania when elected to Commonwealth Court in 1973. After her mandatory retirement in 1983, she continued to serve as a senior judge until her retirement in 1993.

The Judiciary also lost a sitting member of the appellate courts when Superior Court Judge Donald E. Wieand died April 11. Judge Wieand was elected to Common Pleas Court in 1963 and won a retention election in 1973. He was appointed to Superior Court in 1978, reappointed in 1980, elected in 1981, and won a retention election in 1991.

### **Honors in Pennsylvania Judiciary**

The Pennsylvania Superior Court was cited by the National Center for State Courts (NCSC) for the expeditious handling of cases, despite a “tidal wave of work.” Roger A. Hanson of the NCSC’s Research Division wrote in a letter to Pennsylvania Superior Court President Judge Stephen J. McEwen, Jr., “Comparing your court with 27 randomly selected courts (e.g., New York, Texas, Colorado) from across the country, yours is one of the most expeditious courts, despite the large number of case filings per judge. In my opinion, every intermediate appellate court in the country will want to know how you have managed to achieve timeliness with one of the nation’s heaviest caseloads.”

I had the honor of being selected by my peers as president-elect of the Conference of State Court Administrators during the organization’s annual meeting in Nashville, Tennessee. Election to the office is a prelude to my being named president of the conference. As president-elect, I also serve on the Board of Directors of the National Center for State Courts.

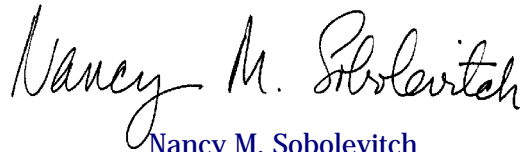
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Thomas B. Darr was named Deputy Court Administrator of Pennsylvania in May 1996. Darr, who joined the AOPC in 1988 as the Administrative Office's principal contact person with the media and the Pennsylvania General Assembly and subsequently assumed direct supervision of the financial, human resources, and administrative functions of the Administrative Office of Pennsylvania Courts, now also assists me in a broad range of other tasks.

When we review this summary of events, we truly can say the past is a prelude to the future, for the Judicial Branch of government will face many challenges during the forthcoming years. Two of our greatest challenges are expansion of the automated system to the Common Pleas level -- an absolute necessity for effective operation of a complex court system in a diverse state such as ours is -- and both anticipation of and preparation for the changes which are sure to come with the expected shift to statewide funding. As always, our staff is committed to working with others at the state and local level to ensure that those challenges are successfully met.

Sincerely,



Nancy M. Sobolevitch  
Court Administrator of Pennsylvania