You and Pennsylvania's Judiciary

Jury Service

Jurors must be U.S. citizens, 18 years of age and able to read and understand English. Prospective jurors are selected in each county from various sources. Modest juror compensation is set by state law. Citizens 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 or visit www.pacourts.us/learn/jury-duty.

Marriage Licenses, Adoptions, Wills, Deeds, Case Files

In most counties clerks of court and prothonotaries maintain criminal and civil records in each Common Pleas Court. The clerk's office maintains criminal and civil case information. The prothonotary's office maintains most civil case information. The register of wills/recorder of deeds maintains deeds, wills, marriage licenses and other information. Orphans' court clerks maintain records for adoptions and termination actions in most counties. In Philadelphia these cases are heard, and records maintained, in family court. With the exception of adoption records, civil and criminal court records, deeds, marriage license records and estate records are generally open to the public.

Child Support, Divorce, Custody, PFAs

Pennsylvania's Common Pleas Courts have jurisdiction over family law matters including divorce, property division, alimony, child custody, child and spousal support, paternity and protection from abuse orders. 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.

Problem-Solving Courts

Problem-solving courts focus on nonviolent crimes that often are interwoven with social problems such as drug addiction, untreated mental illness and alcohol abuse. In a cooperative rehabilitation effort, defendants who qualify are given intense supervision, counseling and treatment for their addictions or illnesses, educational assistance and healthcare support. Judges strictly monitor a defendant's progress.

Delinquency and Dependency

Each Common Pleas Court 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. Judges assigned to juvenile court have a wide 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

Those criminally charged and unable to afford a lawyer should consult their county public defender's office. The Pennsylvania Legal Aid Network assists those who cannot afford a lawyer for civil matters (www.palegalaid.net.) The PA Bar Association Lawyer Referral Service can refer others needing representation and can be reached 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 jurists. For more information please visit www.judicialconductboardofpa.org.

...have a complaint about a lawyer's conduct?
The **Disciplinary Board of the Supreme Court** investigates complaints regarding the conduct of Pennsylvania's attorneys. For more information, please visit www.padisciplinaryboard.org.

...believe a lawyer improperly took your money?
The **Pennsylvania Lawyers Fund for Client Security** helps to recover money improperly retained by an attorney. For more information please visit www.palawfund.com.

...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. For more information please visit www.pabarexam.org.

...want to find online case or financial information?
Please visit www.pacourts.us and click on *Docket Sheets* for available court case information or *Public Records* for state judiciary financial information. (Case information for Common Pleas civil cases is not available.)

...want to become a magisterial district judge?
The Minor Judiciary Education Board offers education and certification for non-lawyer Pennsylvanians who seek election as magisterial district judges or Philadelphia Traffic Court judges. It also conducts continuing education for all jurists in these courts. For more information please visit www.mjeb.org.

...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 administrators' 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 minor courts, and these employees can serve as information sources as well. Most counties also have independently elected clerks of (criminal) courts, prothonotaries (civil court clerks), registers of wills, recorders of deeds and orphans' court clerks. Telephone numbers for all of these court offices may be found in the Blue Pages of local phone directories.

AOPC

ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

As the administrative arm of the Pennsylvania Supreme Court, the Administrative Office of Pennsylvania Courts (AOPC) carries out the Court's policy and management directives while also providing policy guidance, administrative support, technical assistance and legal representation for jurists and court administration within he 60 judicial districts. The AOPC is led by the Court Administrator of Pennsylvania.

For information about any court agencies, please visit the Pennsylvania Judiciary's website at: www.pacourts.us.

Pennsylvania's state court system was the second system 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.

On the cover: Independence Hall, Philadelphia, the Pennsylvania Supreme Court's first permanent home, dating to 1743

A CITIZEN'S GUIDE

THE JUDICIAL BRANCH

Pennsylvania's Unified Judicial System

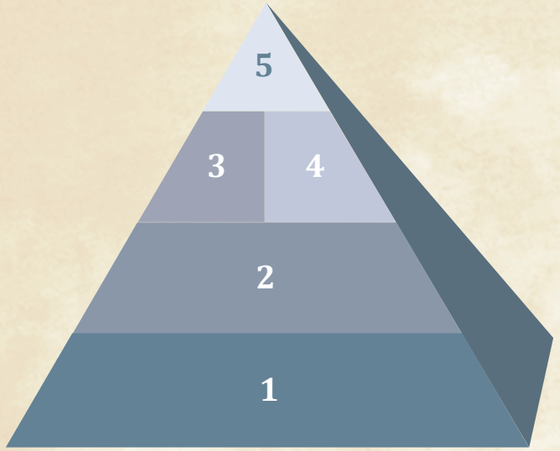
WWW.PACOURTS.US

On behalf of the Supreme Court of Pennsylvania,

welcome to this "Citizen's Guide"

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.

Pennsylvania's Constitution provides for a Unified Judicial System. The entry level into the court system for most Pennsylvanians is at the bottom of the pyramid.



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At base level are the **Philadelphia Municipal**, **magisterial district (MDJ)** and **Pittsburgh Municipal courts**, which hear:

- less serious criminal and civil cases
- preliminary arraignments and hearings and bail matters
- Philadelphia Traffic, Pittsburgh Municipal and MDJ courts hear traffic cases

2

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

- all major criminal and civil cases
- appeals from the minor courts, including traffic matters
- matters involving children and families

Supreme Court Room Stained Glass Dome, Harrisburg

The next pyramid level includes two intermediate courts.

3

The **Superior Court** hears:

- appeals in criminal cases and most civil cases from the Common Pleas Courts, including matters involving children and families

4

The **Commonwealth Court** hears:

- original civil cases brought by and against the Commonwealth
- appeals from decisions by state agencies and from Common Pleas Courts involving the Commonwealth and local governments

5

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
- hears direct appeals from the Common Pleas Courts in certain matters, such as death penalty cases
- has the power to take control of any case pending in any Pennsylvania court
- has administrative authority over the entire Pennsylvania court system

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 trials held in Common Pleas Courts. There are no juries in Supreme, Superior and magisterial district courts. Only rarely are juries used in Commonwealth Court. Even 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 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 the 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 witnesses' testimony and attorneys' arguments and determines the outcome of the case based on 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. Felony charges, such as murder or arson, carry the most severe penalties, while misdemeanors and summary offenses carry lesser penalties. If the prosecutor proves to the jury or to a judge hearing the case without a jury that a defendant is guilty beyond a reasonable doubt, that person stands convicted and can face penalties such as prison, fines and/or probation.

Criminal Case Flow Chart

Alleged crime occurs/Arrest takes place

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At one of three base-level courts, preliminary arraignment is held to set bail and advise defendant of rights, followed by preliminary hearing to determine whether to bring the case to trial

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Trial takes place (jury or non-jury) or defendant pleads guilty

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If there is a conviction, a sentencing hearing is held

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Defendant can appeal conviction to Superior Court and, if unsuccessful, to Supreme Court

Civil Cases

Civil matters include every type of legal action except criminal actions, such as personal injuries, contract disputes, adoptions, divorces and faulty consumer goods. The party bringing suit, the 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. — who are appointed by the court to make recommendations to the judge.

Civil Case Flow Chart

Dispute develops

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Complaint is filed and served

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Defendant may be required to file an answer

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Both sides gather evidence

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Pre-trial conference takes place between judge and attorneys for both sides to discuss possible settlement

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If no settlement is reached, trial takes place and a verdict is rendered

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Either party can appeal the decision to appellate courts