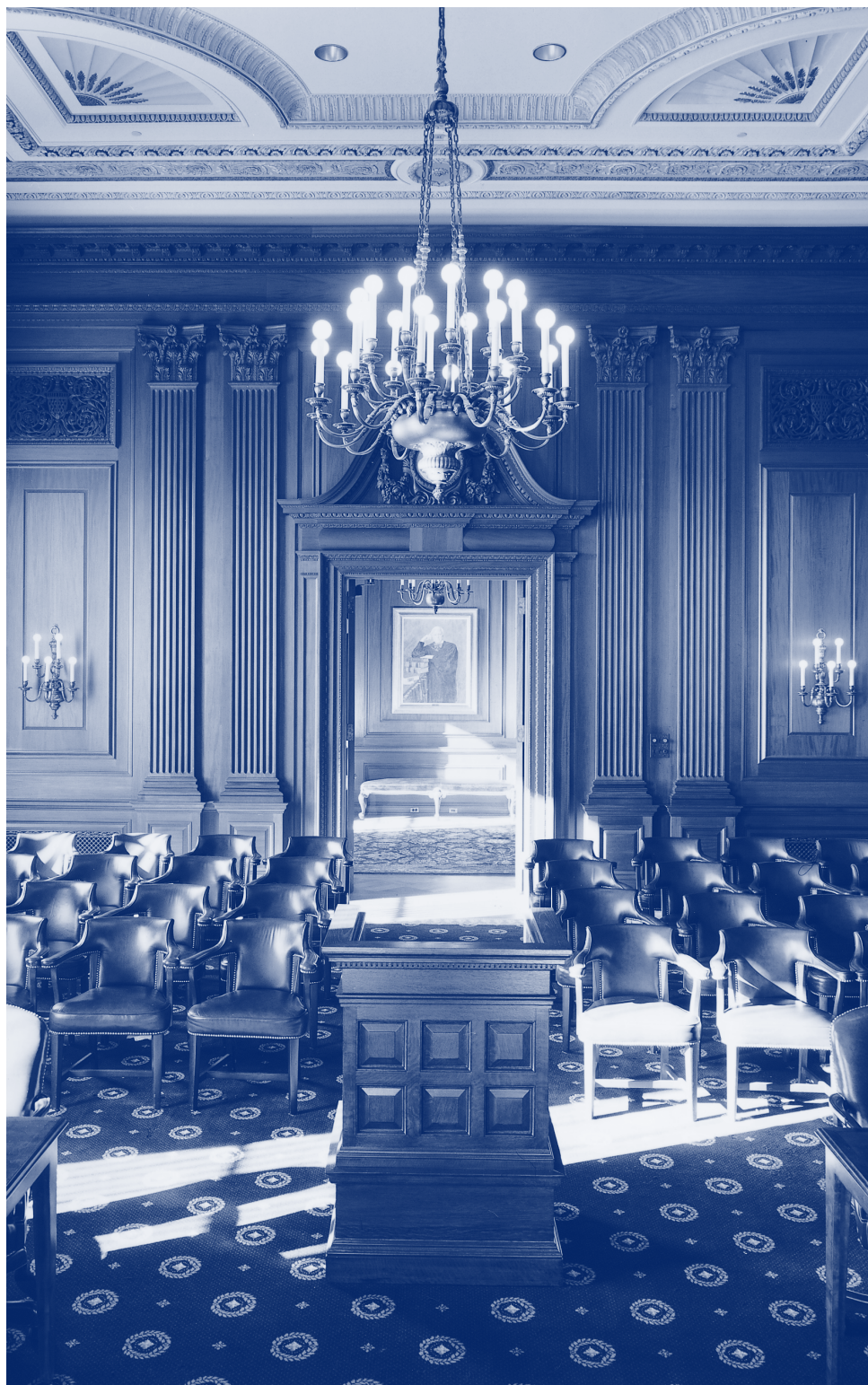


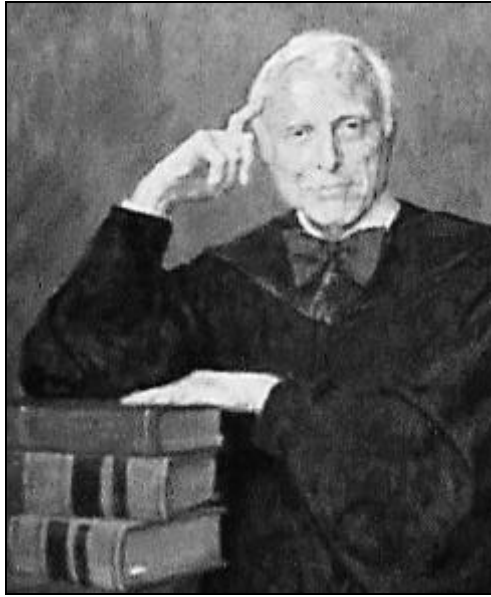
# Superior Court of Pennsylvania



1 9 9 8  
Annual Report



In Memoriam  
*Judge J. Sydney Hoffman*  
1908-1998



*This portrait is presently displayed in the vestibule of the Founders Courtroom of the Superior Court, having been commissioned for display in the J. Sydney Hoffman Library of the Court's former Philadelphia forum in the Robert N.C. Nix, Sr. Federal Building*

Legends in the Law is a title restricted to the giants - individuals who display a rare excellence of jurisprudential skill and scholarship and thereby achieve not simply fame but, more importantly, the deep esteem and admiration of the Bench and Bar.

Judge Hoffman certainly did that - but his achievement has been greater and even unique, since he remolded the criminal process of Pennsylvania and thereby changed the cast of the Pennsylvania justice systems.

As a trial judge, some 30 years ago, he conceived and molded in Philadelphia County an innovative Pre-Indictment Probation program that became the Accelerated Rehabilitation Disposition program, the accepted, even mandated, practice throughout all 67 Counties of the Commonwealth. That procedure has enabled countless thousands of Pennsylvanians through the past four decades to rise above a minor infraction and pursue purposeful lives without the stigma of a criminal record.

As an appellate jurist, his eye ranged far ahead of the obvious, for he was always hunting in the field beyond. Admired for his intellect, saluted for his gentle, tolerant spirit, fair almost to a fault, always understanding, he never allowed the stress of the moment to turn him from a disciplined and informed sense of what was right.

Literature, and even history, lesson the need for the steadfast. The clever inspire respect, but the steadfast are inspiration. And Sydney Hoffman was certainly every bit of that.

How blessed are all of us whom Sydney Hoffman called friend, because it was his view that friendship is a faith and that, as with family, to care and to nourish is to cause to flourish.

Sydney Hoffman was an individual of kindness, warmth, integrity, steadfastness, wisdom and worth. We celebrate his life. We cherish his memory. We thank him for all of it.

**THE BATTLE AT GREAT BRIDGE, 1775:** John Marshall first engaged in combat against the British Grenadiers at Great Bridge, in the Summer of 1775, as a first lieutenant in the Fauquier Rifles of the Culpeper Minutemen battalion. The Culpeper Minutemen badly defeated the British, after several days of a battle later described as a second Bunker Hill. When the smoke had cleared and the wounded were under care, the Americans, upon the initiative of Lieutenant John Marshall, buried the British grenadiers, with full military honors so as to salute the dignity of brave men who had died in battle in the service of their country.

**NEW JERSEY/NEW YORK, 1777:** Lieutenant John Marshall and his Fauquier unit of sharpshooters joined Washington's Army in April, 1777, and were dispatched through New York into the Hudson Valley of New York, their mission to reflect the presence of a well-armed, mobile force and thereby serve as a feint to the main British force which was stationed in New York.

**BATTLE OF IRON HILL, COOCH'S BRIDGE, DELAWARE, 1777:** The New York British command had targeted Philadelphia, the capital and largest city of the fledgling Republic, and opted for the strategy of sailing south from New York to the Chesapeake and then marching northward to Philadelphia. Washington selected the area along the Pennsylvania/Delaware border as the battleground, and, with the counsel of the Marquis de Lafayette, dispatched a light infantry force of 600 marksmen to harass the British advance. Marshall was one of six lieutenants assigned to this corps which so valiantly carried out its mission of swift movement and sudden strikes at the British perimeter that the enemy commander reported that half the Americans "had shot themselves out of ammunition and carried on the fight with sword and bayonet". It was at this Battle of Iron Hill, a prelude skirmish of the Battle at Brandywine, that the Stars and Stripes was first flown in battle, the Congress having adopted it as the American flag on June 14, 1777, just prior to the battle. How fitting that John Marshall, a great nationalist Chief Justice, enjoys the distinction of participating in the first battle in which our Stars and Stripes were unfurled.

**BATTLE OF THE BRANDYWINE RIVER, SEPTEMBER 11, 1777:** When the British commenced to cross the Brandywine River in the dawn light of September 11, 1777, Marshall's unit was assigned to delay and harass them at Kennett. The British and Hessian troops eventually swept the main American force from the field, except for one flare-up - the light infantry of Marshall's unit, composing an ambush rear guard, held the grenadiers at bay until finally obliged to retreat under cover of darkness. The Continental Army of Washington was defeated at the Battle of Brandywine, but the bravery of portions of the patriot force, including the Virginia regiments, enabled defeat without devastation.

**GERMANTOWN, OCTOBER, 1777:** Washington, in an effort to dislodge the British from Philadelphia, attacked the main British camp on the outskirts of Philadelphia in Germantown. The most fierce skirmish of that battle occurred in the fields around the huge stone house of Tory Pennsylvania Chief Justice Benjamin Chew, a battle in which 53 Americans were killed and John Marshall suffered wounds.

**VALLEY FORGE, WINTER 1777-1778:** The capture of Philadelphia by the British forced Washington to move his winter quarters to Valley Forge where the absence of food and clothing and shoes, and the presence of small pox, typhus, dysentery, and scurvy caused 3,000 American patriots to perish. John Marshall realized that, as a commander, he was obliged to set an example for his troops, and a splendid example he was, for he has been described as a man "idolized by his soldiers and brother officers, whose gloomy hours were enlivened by his inexhaustible fund of anecdotes". Some attribute his endurance to his excellence as a runner for he was known as the only man in the Continental Army who could

# 1998: The Year in Review

The Court year traditionally commences with the Ceremony of the Oath for a new member of the Court. January of 1998 was an especial year since four new Judges joined the Court after election victories in 1997. Each of the four brought the rich experience of years as a Common Pleas Court Judge: Judge Michael T. Joyce of Erie County, Judge Correale F. Stevens of Luzerne County, Judge John L. Musmanno of Allegheny County, and Judge Joan Orié Melvin of Allegheny County.

At the same time our esteemed colleague, Judge Thomas G. Saylor took the oath as a Justice of the Pennsylvania Supreme Court, and, happily, Governor Tom Ridge and the Senate of Pennsylvania restored to our Bench Judge Berle M. Schiller of Montgomery County, who had been our colleague through 1996 and 1997.

We greeted in May the arrival of our newest member, Judge Maureen Lally-Green of Allegheny County, who was appointed by Governor Ridge when Judge Patrick R. Tamilia of Allegheny County became a Senior Judge.



The 1998 Heritage Conference of the Court was conducted in Annapolis at the United States Naval Academy, and included:

Academic Sessions upon the new Restatement of Torts, Judicial Independence, and changes in the law upon expert testimony;

Historical lectures upon the Naval Academy, the State of Maryland, its capital city of Annapolis, and an inspirational address by Admiral Eugene B. Fluckey, whose submarine exploits during WWII won him the Congressional Medal of Honor and five Navy Crosses; and

Tours of the historic Naval Academy buildings and campus, as well as the legislative and appellate judicial chambers in the State House, and the classic baseball palace, Camden Yards, home of the Baltimore Orioles, and the shrine that is the Babe Ruth birthplace and house.



En Banc Sessions were conducted twice in Philadelphia, at which 16 50-year members of the Bar were honored, and once in Pittsburgh, at which 12 members were accorded salute.



The site of our Eastern District Court Room was moved from Philadelphia City Hall to the 17th Floor of the Penn Mutual Building, where the administrative operations of the Eastern District have been located since 1990. The room has been designated as the Founders Court Room since it overlooks Independence Hall, and Washington Square, the site of the Tomb of the Unknown Soldier of the Revolutionary War, and the burial ground for hundreds of other unknown Continental Army patriots who died in that struggle for freedom.



And, of course, as the informational portion of this Report recites, the Court once again received and decided an engulfing number of appeals. The number of appeals filed reflects the confidence of litigants and their lawyers in the institution of the Court, while the high number of appeals decided can be a source of justifiable pride on the part of the Judges of the Court.

The Pennsylvania Superior Court was one of thirty-five state intermediate appellate courts recently reviewed in *The Judges' Journal* (Summer, 1998) and singled out for specific mention as an exceptionally expeditious court. The National Center for State Courts in 1996 had studied the intermediate appellate courts of the country, and ranked this Court as the fifth most expeditious forum since seventy-five percent of the cases were decided by the Court within 370 days after the appeal had been filed. The recent *Judges' Journal* article notes that the record of the Court in 1997 was even better, indeed "striking", since the appeal time was reduced from 370 days to 281 days, a time frame surpassing the guidelines of the American Bar Association's (ABA) Judicial Division (The ABA recommends that seventy-five percent of the cases be resolved within 290 days).

These accomplishments are all rather remarkable in view of the staggering number of appeals filed with the Court. In fact, the exceptional productivity of the Court, an average of approximately 250 written decisions per Judge, caused the National Center for State Courts to conclude that our Court so wisely uses resources that our methods should be the subject of an article for publication in *Court Review*, a journal of The American Judges Association. That article has been prepared, approved by the National Center for State Courts, and awaits publication.

## Appeals by Type of Case

Adoption .....	52	Ejectment .....	26	Possession of Instrument of Crime.....	75
Aggravated Assault.....	357	Equity.....	181	Protection from Abuse Act.....	50
Arbitration.....	69	Escape.....	22	Rape .....	222
Arson.....	35	Estate .....	101	Recklessly Endangering Another Person .....	28
Assault.....	92	Forgery.....	32	Receiving Stolen Property .....	51
Assumpsit.....	172	Habeas Corpus .....	20	Robbery .....	439
Burglary .....	171	Harassment .....	26	Summary Offenses .....	50
Contempt.....	22	Indecent Assault.....	44	Support.....	234
Corruption of Minors.....	28	Involuntary Deviate Sexual Intercourse .....	119	Termination of Parental Rights.....	96
Criminal Conspiracy .....	70	Mortgage Foreclosure .....	32	Terroristic Threats .....	35
Criminal Trespass.....	21	Motor Vehicle Claims.....	28	Theft .....	194
Custody.....	204	Murder .....	356	Trespass.....	665
Declaratory Judgment .....	42	Murder 1.....	188	Vehicle Code Violations .....	113
Dependency.....	78	Murder 2.....	73	Other Civil .....	1212
Disorderly Conduct .....	35	Murder 3.....	43	Other Criminal .....	660
Divorce.....	337	Petition to Open/Strike Judgment.....	32		
Driving Under the Influence .....	242				
Drug Offenses.....	526			<b>TOTAL .....</b>	<b>8000</b>

## Opinions Filed

	CIVIL	CRIMINAL	TOTAL
Published Opinions 1998	219	149	368
Non-Published Opinions 1998	1666	2899	4565
Total 1998	1885	3048	4933
Published Opinions 1993	354	215	569
Non-Published Opinions 1993	1772	2358	4130
Total 1993	2126	2573	4699
Published Opinions 1988	355	276	631
Non-Published Opinions 1988	1163	2277	3440
Total 1988	1518	2553	4071

## Disposition of Appeals by Type of Disposition and Type of Case

TYPE OF DISPOSITION	CIVIL	CRIMINAL	TOTAL
By Filed Decision	2165	3138	5303
By Order or Discontinuance	1735	1130	2865
<b>TOTAL</b>	<b>3900</b>	<b>4268</b>	<b>8168</b>

## PRESIDENT JUDGE STEPHEN J. McEWEN, JR.

President Judge Stephen J. McEwen, Jr. commenced service on the Superior Court in 1981 after appointment by Governor Dick Thornburgh, was elected to a full ten-year term in November, 1981, was retained for a further ten-year term in the general election of November, 1991, and was elected President Judge by the members of the Superior Court for a five-year term commencing January, 1996.



awarded the degree of Master of Laws by the University of Virginia Law School.

Judge McEwen, a native of Upper Darby, was an active trial lawyer during twenty-three years of private practice, and was District Attorney of Delaware County from 1967 through 1976. He served as General Counsel for the Pennsylvania District Attorneys Association and, for ten years com-

While a Judge on the Superior Court, he was twice appointed by the Pennsylvania Supreme Court to the Board of Judicial Inquiry and Review, and in 1996, was appointed by Governor Tom Ridge to the Court of Judicial Discipline and elected President Judge by the members of that Court.

Judge McEwen pursued his study of the law at St. Joseph's College and the University of Pennsylvania Law School, and, in 1986, was

mening in 1975, was a Professor of Trial Advocacy at Villanova University Law School. In 1997 he published *Not Even Dicta*, a collection of judicial/personal lessons in the law. He has lectured at various law schools and universities, authored articles published by the St. John's Journal of Legal Commentary, the Notre Dame Journal of Law, Ethics, and Policy, the Dickinson Law Review, and the Philadelphia Legal Intelligencer, and participated in PBI seminars.

## JUDGE JAMES R. CAVANAUGH

Judge James R. Cavanaugh was born on August 26, 1931 in Philadelphia. He received his Bachelor of Science degree from St. Joseph's College and his J.D. from the University of Pennsylvania Law School.

Judge Cavanaugh has served as chairman of the advisory committee of the Prisoner's Family Welfare Association and as director of the Counseling or Referral Agency. Judge Cavanaugh was a director of the Philadelphia Bicentennial Committee. In addition, Judge Cavanaugh has served as Chairman and founding member of the Advisory Board of the Self-Help program, is a member of the Board of Managers of the Catholic Philopatrian Literary Institute and served as President of the St. Joseph's University Law Alumni.

The Judge has also served on the Governor's



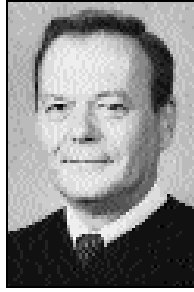
Justice Commission Regional Board, the Pennsylvania Board of Judicial Inquiry and Review, and the executive committee of the Pennsylvania Conference of State Trial Judges.

Judge Cavanaugh became a commissioned judge on the Philadelphia Court of Common Pleas in 1969, and was appointed to the Superior Court in August of 1979. He was elected to the

Superior Court in November of the same year. In April, 1991, Judge Cavanaugh moved his chambers from Philadelphia to West Chester in Chester County, Pa. In West Chester he is a member of the Italian Social Club, Monsignor Henry C. Schuyler Knights of Columbus Council 1333, Rotary International and The Benevolent and Protective Order of Elks Lodge No. 853. Judge Cavanaugh was retained in the retention election of November, 1989.

## JUDGE ZORAN POPOVICH

Judge Zoran Popovich was born on February 4, 1931, in Akron, Ohio. He received his Bachelor of Arts from the University of Pittsburgh in 1954 and his LL.B. from the University of Pittsburgh Law School in 1957. He was on active duty with the



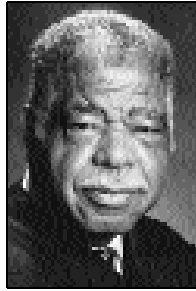
United States Air Force from 1951-53. Judge Popovich was elected to the Court of Common Pleas of Allegheny County in 1973. In 1980, he was appointed to the Superior Court, and he was elected to a full ten-year term in 1985.

## JUDGE JUSTIN MORRIS JOHNSON

Justin Morris Johnson was appointed to the Superior Court in 1980 and elected to a ten-year term in 1985. His chambers are in Pittsburgh.

Judge Johnson was born at Wilksburg on August 19, 1933. He received his A.B. and J.D. degrees from the University of Chicago and has attended the Graduate Program for Judges at the University of Virginia. His active military duty, 1954-59, and his reserve duty 1963-73, including two active duty flights into Vietnam during 1971, were with the United States Air Force as an aircraft commander.

In March, 1989, Judge Johnson completed twenty years service on the Pennsylvania Board of Law Examiners, the last six as its chairman. He served on the Board of Managers of the National Conference of Bar Examiners from 1984 to 1989. From 1977 until his appointment to the bench, he was a member of the Pennsylvania Crime Commission. Judge Johnson sat upon the



Permanent Judicial Commission of the General Assembly, Presbyterian Church (U.S.A.) from 1981 to 1989. He completed a six-year term on the Advisory Committee on the Constitution of that national, churchwide body in June, 1996. In August, 1993, Judge Johnson was appointed to a two-year term

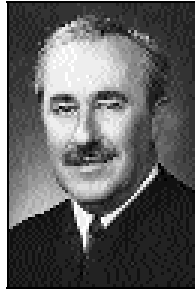
on the newly-established Court of Judicial Discipline by then Acting Governor Mark S. Singel.

Judge Johnson served for five years as an Adjunct Professor, Duquesne University School of Law. He has served as chairman of Hearing Committee 4.11, Disciplinary Board of the Supreme Court of Pennsylvania, and is a Past President and Director of Neighborhood Legal Services Association (Pittsburgh). He is an active member of the American Bar Association, the National Bar Association, the Pennsylvania Bar Association, the Homer S. Brown Law Association and a Fellow of the American Bar Foundation.



## JUDGE J. MICHAEL EAKIN

Judge J. Michael Eakin was elected to a ten-year-term as a Superior Court judge in November, 1995. Born in Mechanicsburg, Pennsylvania on November 18, 1948, Judge Eakin graduated from Franklin & Marshall College in 1970 and earned a J.D. from the Dickinson School of Law in 1975.



From 1975 to 1983, Judge Eakin served as an assistant district attorney in Cumberland County, and in 1983 was elected District Attorney, an office in which he served until 1995. He also maintained a pri-

vate law practice from 1980 to 1989. Judge Eakin served on the executive committee of the Pennsylvania District Attorneys Association for seven years, and in 1992-93, served as president of that organization. He also served on the board of directors and as president of the Pennsylvania District Attorneys Institute, and on the Criminal

Law Symposium Planning Committee of the Pennsylvania Bar Institute. He is currently Vice-Chair of Pennsylvania Supreme Court Criminal Rules Committee.

## JUDGE MICHAEL T. JOYCE

Judge Michael T. Joyce was born Feb. 24, 1949 in Pittsburgh. He received his B.A. from the Pennsylvania State University in 1973 and was awarded a J.D. from the Franklin Pierce Law Center in 1977. Judge Joyce served as a staff sergeant, U.S. Army Intelligence, from 1967-70. He served with the 25th Infantry Division in Vietnam from 1969-70. He was a Presidential Law Clerk in The White House in 1975, and maintained a private law practice from 1977-85.

He was appointed judge, Erie County Court of Common Pleas in July 1985, elected to a



ten-year term in November 1985, and retained for an additional term in November 1995.

The Judge is a member of the Pennsylvania Trial Lawyers Association, Pennsylvania Trial Judges Association, American Judicature Society, the Domestic Relations Association of Pennsylvania, the Kiwanis Club

of Erie, Veterans of Foreign Wars, Vietnam Veterans of Pennsylvania, American Legion, Millcreek Youth Athletic Association and serves as an Explorer leader, Boy Scouts of America. He was elected a judge of the Superior Court in November 1997.

## JUDGE JOAN ORIE MELVIN

Judge Joan Orie Melvin was born in Pittsburgh. She attended the University of Notre Dame, where she received a B.A. in Economics in 1978, and Duquesne University School of Law, where she was awarded a J.D. in 1981. From 1981-1985 Judge Orie Melvin served as corporate counsel and was engaged in a private law practice, concentrating in civil litigation before she was appointed Magistrate, City of Pittsburgh Municipal Courts, in 1985. She was then named Chief Magistrate in 1987 for the City of Pittsburgh Municipal Courts. In this position Judge Orie Melvin established Pennsylvania's first Domestic Violence Court.

In 1990, Judge Orie Melvin was appointed Judge to a vacancy on the Allegheny County Court of Common Pleas and later was elected to a full term in 1991. There, she served in the



civil, criminal and family divisions.

Judge Orie Melvin is a member of the Allegheny County Bar Association and the Allegheny County Women's Bar Association. She is Past President of the Allegheny County Prison Board. She has also served as a member of the Board of Directors of the Vincentian Home, member of the United Way Community Problem

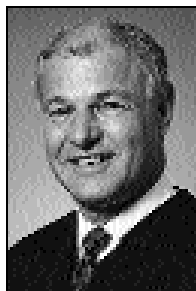
Solving Troubled Youth Committee, American Heart Association; St. Lucy's Guild for the Blind; and the Make-A-Wish Foundation. Judge Orie Melvin was the recipient of the YMCA of Greater Pittsburgh - A Tribute to Women Leadership Award in Government/Public & Civic Service. She was elected to the Superior Court in November of 1997.

## JUDGE BERLE M. SCHILLER

Judge Schiller was born June 17, 1944 in Brooklyn, N.Y. He received a B.A. from Bowdoin College in 1965 and a J.D. from N.Y.U. Law School in 1968.

In 1971, Judge Schiller served as Deputy Director of Personnel for the Commonwealth of Pennsylvania. In 1971-72, while a member of the Pennsylvania Department of Justice, he established and directed the Narcotics Strike Force. He was commissioned a Captain in the Pennsylvania National Guard, Judge Advocate General Corps. Judge Schiller was a litigator and senior partner with Astor, Weiss & Newman from 1972 to 1994.

The Supreme Court of Pennsylvania appointed Judge Schiller to the Disciplinary



Board of the Supreme Court, where he served from 1989 to 1995. He also has served as chairman of the Board of Directors of PATH, Inc. (a non-profit community-based mental health center); board member and general counsel, Northeast Center for Mental Health/Mental Retardation; and president and member of the

Lower Merion Home and School Association.

Judge Schiller was named Chief Counsel for the Federal Transit Administration of the U.S. Department of Transportation, a post he held from 1994 to 1996. In May 1996, Governor Tom Ridge appointed him to the Superior Court of Pennsylvania.

## PRESIDENT JUDGE EMERITUS WILLIAM F. CERCONO

Judge William F. Cercone was born in Stowe Township, Pennsylvania. He received his B.A. from the University of Pittsburgh in 1936, and his LL.B. from Duquesne Law School in 1941. During World War II he served as lieutenant in the U.S. Navy with the amphibious forces in the Pacific.



Judge Cercone has served as Assistant District Attorney of Allegheny County, Special Deputy Attorney General of Pennsylvania, Special Assistant to the U.S. Attorney General in assisting in the preparation of appeals in the communist cases during the 1960-70 period on behalf of the Government, and attorney for the U.S. Army Engineers in Pennsylvania and Ohio. He is past president of the Pennsylvania Judicial Board of Inquiry and Review.

Judge Cercone served on the Court of Common Pleas of Allegheny County from 1956-68. He was elected to the Superior Court in 1968 and became President Judge on January 2, 1979, whereupon he arranged for the American Judicature Society study of the work

of the Superior Court. Upon completion of study, the report stated, "The Pennsylvania Superior Court has for some years been one of the most overworked appellate courts in America in terms of caseload and number of written opinions per judges per year...it is evident that the judges of the court have had as much work to do, and have evidently done as much work as human beings reasonably could be

expected to do." As a result of Judge Cercone's efforts, the people of Pennsylvania approved, by referendum and the legislature by law, an increase in the court of eight additional members.

He has been a senior judge since his retirement in 1983. He was honored by the Academy of Trial Lawyers of Western Pennsylvania "for achieving undelayed justice through sympathetic understanding, distinguished ability and tireless dedication to the eternal principles of right." Judge Cercone and wife Amelia have 8 children and 9 grandchildren. His chambers are located in Pittsburgh.

## SENIOR JUDGE JOHN P. HESTER

Judge John P. Hester is a native of McKeesport, Allegheny County. He received his B.A. from Duquesne University and his J.D. from the Law School of the University of Pittsburgh.

Judge Hester has lectured at the Institute of Legal Medicine at the University of Rome, and at the International Institute of Comparative Law in Rome. He has served as a trustee of Mercy Hospital and the Mercy Hospital Foundation. He is the recipient of the Saint Thomas More Award, and was selected by Duquesne University as one of the University's one hundred outstanding graduates. He was an original member of the Allegheny County Hospital Financing Authority where he served as Vice President. He is President of the Stephen



Foster Community Center and the C.Y.A. He is Chairman of the Allegheny District Chapter of the National Multiple Sclerosis Society.

Judge Hester served on the Court of Common Pleas of Allegheny County from 1960 to 1977 and as administrative judge of that court during 1976 and 1977. Prior to ascending the bench, he had been a Deputy Attorney General. He

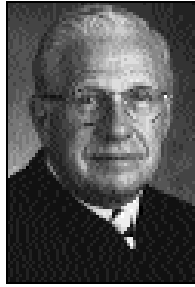
was elected to the Superior Court of Pennsylvania in 1977 and served the Commonwealth in that capacity until his retirement in 1983 when he was designated as a senior judge by the Supreme Court. Judge Hester's chambers are in Pittsburgh.

## SENIOR JUDGE PETER PAUL OLSZEWSKI

Judge Peter Paul Olszewski, of Wilkes-Barre, Pennsylvania, graduated from Wyoming Seminary, Lafayette College, and St. John's University School of Law. He is a member of Pi Delta Epsilon (honorary collegiate journalism fraternity). Instructor, King's College, Wilkes-Barre, "Constitutional Limitations on Evidence in Criminal Cases" - 1969-70. During World War II, Judge Olszewski served with the United States Army in the China-Burma-India Theatre of Operations.

Judge Peter Paul Olszewski was a trial lawyer for fifteen years before he was elected to the Court of Common Pleas of Luzerne County, where he served as a trial judge for sixteen years. In 1983, Judge Olszewski was elected to the Superior Court of Pennsylvania.

Judge Olszewski has served on the boards of



trustees of College Misericordia and the Wilkes-Barre Campus of the Pennsylvania State University. He is an honorary Director of St. John's University Law School Alumni Association. He has received the Liberty Under Law Award, Fraternal Order of Eagles, the Distinguished Law and Justice

Award of the Deputy Sheriffs' Association of Pennsylvania and the Distinguished Law and Justice Award of County and State Detectives Association of Pennsylvania. In addition, Judge Olszewski serves on the Interfaith Council of Wyoming Valley. He is also active in the American Bar Association, the Pennsylvania Bar Association, and the Wilkes-Barre Law and Library Association, and is a Fellow of the American Bar Foundation. He is also an Honorary Lifetime Member, Frank Albert State Police Lodge.

## JUDGE PHYLLIS W. BECK

Since 1981 Judge Phyllis W. Beck has been a member of the Superior Court. Initially appointed by Governor Thornburgh in 1981, she was elected statewide to a ten-year term in November 1983 and retained in 1993. She is the first woman to serve on the Court.



In July 1987 Judge Beck was appointed by Governor Casey to head a special 23 person Commission on Judicial Reform. The Commission, which presented its report to the Governor in January 1988, recommended major structural reform in Pennsylvania's judicial system.

Judge Beck assumed the judgeship after serving as Vice-Dean of the University of Pennsylvania Law School where she also taught. Prior to that time she was a faculty member at Temple Law Center. Her route to the bench included a bachelor's degree from Brown University, Magna Cum Laude, and a law degree in 1967 from Temple Law School, night division, where she was first in her class.

Prior to her academic career, Judge Beck engaged in the general practice of law. She is the author of many scholarly articles. She is a member of the American Law Institute, National Association of Women Judges, an overseer at the University of Pennsylvania School of Nursing. She is pres-

ident of the Foundation for Cognitive Therapy and Chair of the Independence Foundation. She is a fellow of the American Bar Foundation, a consultant at Villanova Law School, and a visitor at Temple School of Law. She is a board member of the Philadelphia Free Library, the American Judicature Society, serves on the Commission on Women in the Profession of the Pennsylvania Bar Association, and the Joint State Government Commission on Domestic Relations. She won the Herbert Harley Award of the American Judicature Society, the Judicial Award and the Anne X. Alpern Award of the Pennsylvania Bar Association and the Justice William Brennan Award of the Philadelphia Bar Association.

## JUDGE PATRICK R. TAMILIA

Judge Patrick R. Tamilia was born in Pittsburgh. He attended Duquesne University, where he received his B.S., did graduate work, and received his J.D. from the School of Law. Judge Tamilia served with the U.S. Marine Corps, and received a commission as an officer in the U.S. Army Artillery.



He has served as Chairman of the Family Law Sections of the Pennsylvania and Allegheny County Bar Associations and the Juvenile Judges section of the Pennsylvania Conference of State Trial Judges; member of the Supreme Court Domestic Relations Committee and the Pennsylvania Department of Welfare, Task Force on Mental Health. Judge Tamilia was instrumental in the creation of the Neuropsychiatric Assessment Unit for Violent Children, the Parental Stress Center, and Infant Abuse Agency; Booth Parenting Program for unwed mothers and numerous other treatment programs for delinquent and dependent children. He has authored numerous articles on juvenile delinquency, mental health and family court.

Judge Tamilia is the Professor of Family

Law, Duquesne University School of Law, and a member of the Supreme Court Committee on Comprehensive Education. Among his numerous awards are the Duquesne University Distinguished Alumnus Award, College of Arts and Science; Charter Membership in the Century Club of Distinguished

Alumni of Duquesne University; the Columbus 500 Distinguished Citizen Award; and the ACBA Juvenile Justice Award, 1991. He was chairman of the Public Safety and Criminal Justice Task Force of the Allegheny County 2001 Project. After serving two terms as National President of the Italian Sons and Daughters of America, he now holds the position of Honorary National President. He is a Board Member of the Program for Female Offenders and Counselor of the Matrimonial American Inn of Court.

Judge Tamilia was elected to the Court of Common Pleas in 1969. In 1983 he was elected to a ten-year term on the Superior Court and won retention in 1993. Judge Tamilia's chambers are in Pittsburgh.

## JUDGES OF THE COURT

Charles E. Rice	1895	Chester H. Rhodes	1935	John G. Brosky	1980**
James A. Beaver	1895	William E. Hirt	1939	Richard B. Wickersham	1980
Howard J. Reeder	1895	Charles E. Kenworthy	1941	Richard DiSalle	1980
George B. Orlady	1895	Claude T. Reno	1942	Justin M. Johnson	1980*
John J. Wickham	1895	F. Clair Ross	1945	Frank J. Montemuro, Jr.	1980**
Edward N. Willard	1895	W. Heber Dithrich	1945	Zoran Popovich	1980*
Henry J. McCarthy	1895	John C. Arnold	1945	Perry J. Shertz	1980
Peter P. Smith	1896	John S. Fine	1947	Phyllis W. Beck	1981**
William W. Porter	1897	Blair F. Gunther	1950	Stephen J. McEwen, Jr.	1981*
William D. Porter	1898	J. Colvin Wright	1953	Vincent A. Cirillo	1982**
Dimner Beeber	1899	Robert E. Woodside	1953	James E. Rowley	1982
John I. Mitchell	1900	Harold L. Ervin	1954	Peter Paul Olszewski	1984**
Thomas A. Morrison	1902	Phillip O. Carr	1956	Joseph A. Del Sole	1984*
John J. Henderson	1903	G. Harold Watkins	1957	Patrick R. Tamilia	1984**
John B. Head	1906	Harry M. Montgomery	1960	John T.J. Kelly, Jr.	1986*
John W. Kephart	1914	Gerald F. Flood	1961	James R. Melinson	1988
Frank M. Trexler	1914	Robert Lee Jacobs	1965	Joseph A. Hudock	1990*
J. Henry Williams	1916	J. Sydney Hoffman	1965	Kate Ford Elliott	1990*
William H. Keller	1919	Theodore O. Spaulding	1966	Thomas G. Saylor	1994
William B. Linn	1919	John B. Hannum	1968	D. Donald Jamieson	1995
Robert S. Gawthrop	1922	William F. Cercone	1969**	J. Michael Eakin	1996*
Jesse E.B. Cunningham	1926	Israel Packel	1971	Berle M. Schiller	1996*
Thomas J. Baldridge	1929	Edmund B. Spaeth, Jr.	1973	Michael T. Joyce	1998*
J. Frank Graff	1930	Gwylm A. Price, Jr.	1974	Correale F. Stevens	1998*
John G. Whitmore	1930	Robert Van der Voort	1974	John L. Musmanno	1998*
James B. Drew	1931	Donald E. Wieand	1978	Joan Orie Melvin	1998*
Joseph Stadtfeld	1931	John P. Hester	1978**	Maureen E. Lally-Green	1998*
William M. Parker	1932	Abraham H. Lipez	1978	<i>*Currently serving</i>	
Arthur H. James	1933	James R. Cavanaugh	1979*	<i>**Currently serving as Senior Judge</i>	

## PRESIDENT JUDGES

Charles E. Rice	1895-1915	Chester H. Rhodes	1947-1965	Edmund B.Spaeth, Jr.	1983-1986
George B. Orlady	1915-1925	Harold L. Irvin	1965-1967	Vincent A. Cirillo	1986-1991
William D. Porter	1925-1930	J. Colvin Wright	1968-1974	James E. Rowley	1991-1996
Frank M. Trexler	1930-1935	G. Harold Watkins	1974-1978	Stephen J. McEwen, Jr.	1996-
William H. Keller	1935-1945	Robert Lee Jacobs	1978-1979		
Thomas J. Baldridge	1945-1947	William F. Cercone	1979-1983		

## CENTRAL LEGAL STAFF

The Central Legal Staff is composed of 20 attorneys who assist the Court in procedural and substantive matters under the direction of the President Judge. The Staff has offices in Philadelphia and Pittsburgh under the immediate supervision of the Chief Staff Attorney. Staff responsibilities include: screening all appeals for jurisdictional defects prior to listing before the Court; reviewing and screening cases for the Court's special treatment programs; assisting the Court in the processing of miscellaneous motions, applications for relief, and petitions for reargument; preparing bench memoranda on selected cases listed before the Court; reviewing panel decisions to assist the Court

in avoiding the issuance of conflicting opinions; maintaining a computerized issue-tracking index of the Court's opinions for both conflict clearance and legal research purposes; preparing position papers and memoranda of law on various substantive and procedural issues before the Court; and, conducting seminars for new law clerks.

Through the Chief Staff Attorney, the Staff may advise the Court and President Judge, either upon request or upon the Staff's own initiative, of recommended changes in court operations and procedures due to changes in the law or administrative policy.

## OFFICE OF THE RECORDER

The Recorder is responsible for the maintenance of all records pertaining to the judges' assignments. From the time a judge receives a case assignment until the decision is filed, all records associated with the case are entered and maintained on the computer. These records include votes, judges' suggestions, no-conflict letters, reargument petitions, and citations. It is from these computer-housed records that the Recorder's office prepares statistical information for the Court and monitors late votes, file letters, en banc cases and cases six months old or older.

Each judge receives a monthly "chambers" inventory, a "total court" inventory, panel reports, and an assignment list. A monthly Superior Court inventory and a list of disposition of cases by judge is also provided by

this office to the Court.

The Recorder is the liaison with West Publishing Company, the Official Reporter of the Court. The Recorder provides West with filed opinions, lists of memorandum decisions whose text is not published, and identification of those filed decisions in which petitions for re-hearing are pending. Case summaries are reviewed for inclusion in West's Atlantic Second Reporter to ensure the accuracy of docketing information. Correction letters are forwarded to West in the event an error is discovered or in response to a judge's request. The Recorder forwards to West for publication the transcripts of special, ceremonial sessions of the Court.

The Recorder also daily transmits to the



# Court Staff

The successes of the Superior Court are due in no small measure to the dedication and effort of those who served in the administrative offices of the Court in 1998.

## Executive

### Administrator's Office

Joseph J. Mittleman, <i>Executive Administrator</i>	John Nee
Susan W. Carl	Gina M. Paone
Margaret N. Gray	Michele D. Usilton
Edward L. Kerner	Lorri E. Yeingst

### Prothonotary's Office

David A. Szewczak, <i>Prothonotary</i>	Barbara N. Lelenko
Edmund J. Adams, III	Nancy D. McClay
Denise M. Becker	Amy L. McNally
Helen M. Brinson	Robert C. Morrissey
Stephanie Brossette	Charles O'Connor
Tyree J. Bundy	Dorothy R. O'Donnell
Benther Burns	Whittington R. Patton, Jr.
Sean M. Cannon	Mary Beth Price
Theresa Capuzzi	Melanie L. Rafferty
Barbara B. Caprino	Elliott A. Sanchez
Patrick Carey	L. Stanley Stephany
D. Bruce Cassidy	Kathy M. Shanley
Shirley J. Diesenbruch	Tomilla D. Talley
Colleen R. Ferraro	Melinda Trafford
Edward Figulski	Amy Vaccaro
Patricia Franklin	Eleanor Valecko
Elizabeth K. Greenle	Raetta Jean Via
Carol Guiseppe	Andrea Warner
Elaine S. Hellen	Patricia A. Whittaker
Phyllis Holliman-Kyle	
Fern Indelicato	
Tatraina Jackson	
Karen S. Joseph	
Mary Lynn Kirk	

## Central Legal Staff

R. Mitchell Gruner, <i>Chief Staff Attorney</i>	Robert M. Levine
Paulette J. Balogh	Joseph S. McMaster
Leonard R. Blazick	Megan M. McDonough
Charles W. Bowser, Jr.	Anne P. Migatz
Marie T. Bozzi	Gerard P. Ryan
Theresa J. Collins	Sabrina Shaw
Nicholas V. Corsetti	Dawn C. Terak
Ernest N. Gennaccaro	Rita M. Tyszkiewicz

---

Francis J. Giordano	Linda Belic
Florie B. Goldhammer	MaryClaire Buckley
Owen J. Kelly	Loretta A. Candelore
Bridget Joy Laughery	Renee M. Middleton
	Kimberly M. Wright

## Recorder's Office

Kathryn M. Bann, <i>Recorder</i>	Barbetta A. Hughes
Dolores E. Belloma	Andrea Schweinberg
Tammy A. Belloma	

## Office of Legal Systems

Charles A. Thrall, <i>Legal Systems Coordinator</i>	Charles J. Lanard
Francesca Ierardi	Peter S. Liebert, Jr.
	Linda R. Ollio

# Directory

## ADMINISTRATIVE OFFICES

OFFICE OF THE  
EXECUTIVE  
ADMINISTRATOR

**JOSEPH J. MITTLEMAN**  
EXECUTIVE  
ADMINISTRATOR  
530 Walnut St, Suite 319  
Philadelphia, PA 19106  
(215) 560-6080

OFFICE OF THE  
PROTHONOTARY

**DAVID A. SZEWCZAK**  
PROTHONOTARY

---

PHILADELPHIA OFFICE  
**CHARLES O'CONNOR**  
DEPUTY  
PROTHONOTARY  
530 Walnut St., Suite 315  
Philadelphia, PA 19106  
(215) 560-5800

---

HARRISBURG OFFICE  
**PATRICIA A.  
WHITTAKER**  
CHIEF CLERK  
Fulton Bank Building  
9th Floor  
200 N. Third Street  
Harrisburg, PA 17101  
(717) 772-1284

---

PITTSBURGH OFFICE  
**ELEANOR VALECKO**  
DEPUTY  
PROTHONOTARY  
1015 Grant Building

330 Grant St.  
Pittsburgh, PA 15219  
(412) 565-7592

CENTRAL  
LEGAL STAFF

**R. MITCHELL GRUNER**  
CHIEF STAFF ATTORNEY

---

PHILADELPHIA OFFICE  
530 Walnut St. Suite 311  
Philadelphia, PA 19106  
(215) 560-5760

---

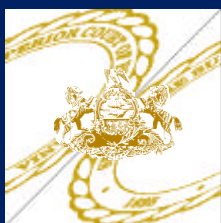
PITTSBURGH OFFICE  
1102 Grant Building  
330 Grant St.  
Pittsburgh, PA 15219  
(412) 565-7634

OFFICE OF THE  
RECORDER

**KATHRYN M.BANN**  
RECORDER  
1001 Grant Building  
330 Grant St.  
Pittsburgh, PA 15219  
(412) 565-7995

LEGAL SYSTEMS

**CHARLES A. THRALL**  
LEGAL SYSTEMS  
COORDINATOR  
530 Walnut St., Suite 307  
Philadelphia, PA 19106  
(215) 560-5836



Superior Court of Pennsylvania