

COUNCIL OF APPELLATE LAWYERS

STATE APPELLATE COURT STRUCTURE

STATE:	PERSON SUBMITTING REPORT:
Pennsylvania	Chuck Craven
FIRST LEVEL OF APPELLATE COURT	
Court's name	A. Superior Court of Pennsylvania B. Commonwealth Court of Pennsylvania
Total number of judges	A. Fourteen plus eight senior judges B. Nine plus seven senior or trial court judges
Number on panels for oral argument	A. and B. Three En banc: A. Nine; B. Seven
Jurisdiction discretionary or mandatory	Mandatory in all appeals of right; discretionary for certain interlocutory appeals.
If discretionary, standard (e.g. "important to the jurisprudence of the state")	Most discretionary appeals require certification by the trial court; for those and for other discretionary appeals, the appellate court determines whether an immediate appeal will settle a question of first impression and will advance the ultimate resolution of the case.
Jurisdiction (criminal, civil, or both)	A. Superior Court has no original jurisdiction; its appellate jurisdiction includes both civil and criminal cases which do not fall within the jurisdiction of the Commonwealth Court. B. The Commonwealth Court has original jurisdiction over cases filed by the Commonwealth and its agencies; the Court also has appellate jurisdiction over civil cases involving the Commonwealth, its agencies, and all political subdivisions and their agencies, and over civil and criminal appeals from administrative tribunals.
Oral argument discretionary or allowed as of right	A. As a matter of right, but waivable by the appellant; the appellant can also choose to have the case placed on the "expedited"

	<p>argument list, where each side gets 5 minutes argument time, or on the “standard” list, where each side gets 15 minutes.</p> <p>B. Discretionary. If allowed, each side gets 7 minutes before a three judge panel; 15 before a court en banc.</p>
Geographical coverage - number of courts and whether their coverage is statewide or district-wide	Both are state-wide.
Opinions published -- some, all, or none (if some, estimate percentage) Note whether unpublished opinions may be cited, and if so, whether they are binding or merely persuasive.	Approximately 10-20% of opinions are published; unpublished decisions may not be cited.
Bound by precedent of which other courts	Pennsylvania Supreme Court and, where applicable, U.S. Supreme Court.
Opinions are binding precedent on which other courts	All lower courts and administrative tribunals whose decisions are reviewable by the particular appellate court..
Other unique characteristics of the system	The Superior Court and the Commonwealth Court are co-ordinate courts. While they give deference to each other’s decisions, those decisions are not binding.

SECOND LEVEL OF APPELLATE COURT

Name	Supreme Court of Pennsylvania
Total number of justices	7
Number who sit on oral argument panel	7
Jurisdiction (criminal, civil or both)	Criminal, civil and administrative
Jurisdiction discretionary or mandatory; if discretionary, give standard (e.g., “important to the jurisdiction”)	Mandatory in capital criminal cases and in election cases; discretionary in all other cases under acceptance standards similar to U.S. Supreme Court.
Opinions published -- some, all, or none (if some, estimate percentage) Note if unpublished opinions may be cited, and if so, whether they are binding precedent or merely persuasive.	All opinions are published.
Geographical coverage -- if divided into districts, give number of districts and whether their coverage is statewide or only district-wide.	State-wide
Bound by precedent from which other courts	Only bound by U.S. Supreme Court decisions in cases taken on certiorari and on purely federal questions
Opinions are binding precedent on which other courts	All Pennsylvania lower courts and federal courts applying Pennsylvania law
Other unique characteristics of the system	The Pennsylvania Supreme Court allows consideration of questions certified by the United States Courts of Appeals. It also exercises discretionary “King’s Bench” power, which allows it to take over a case of unique importance at any stage of its development. Also, as the supervisory court for Pennsylvania’s Unified Judicial System, the Court will hear mandamus cases, and ultimately decides all judicial and attorney discipline cases. The Court also promulgates procedural rules.

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