

Charles R. Hostutler
Deputy Prothonotary-Chief Clerk
Commonwealth Court of Pennsylvania
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I recall well the difficult decision to resign as Court Administrator of the Court of Common Pleas of Chester County in order to accept the position as Chief Clerk of the Commonwealth Court. I was contacted in early July 1984 by The Honorable Theodore Rogers of the Commonwealth Court with a request that I consider applying for the Commonwealth Court position. I had become acquainted with Judge Rogers in my capacity as court administrator because I assisted him with his office budget annually. At the time, funds for the operation of the local offices of appellate court judges came from the county coffers with subsequent reimbursement by the state.

President Judge D. T. Marrone had announced his intention to leave the Chester County bench and return to private practice a few days before I was contacted by Judge Rogers. The most compelling reason for me to stay in Chester County was to work as court administrator with Judge John Stively, who was to become the new president judge. I had maintained a very close working relationship with Judge Stively and admired him immensely. As a matter of fact, I had great admiration for the entire Chester County bench for its industry. I was anxious to stay.

In spite of my sincere desire to stay in Chester County, I decided to explore the Commonwealth Court position. As is probably true in most courthouses, the rumor mill got the word out that I was considering a move to the Commonwealth Court. A local lawyer appeared in my office (I cannot recall to this day who that person was) and said in effect if you have the opportunity to go, do so. You will learn more from Ron Darlington in six weeks than you will if you stay here for another six years. Judge Marrone also encouraged me to "take care of myself" and not feel bound by loyalty to the Chester County courts. Judge Marrone and I ultimately left on the same day.

The Commonwealth Court Chief Clerk's Office was still operating in the Model T Ford era in 1984. We had done away with the quill pen but still maintained dockets in heavy docket books with loose leaf pages that allowed us to use large carriage typewriters to make docket entries. Clerks shared space in a large open room with no semblance of privacy. Every case that was to be decided on the merits was placed on an argument list whether it was to be argued or submitted on briefs. The court had no measure of its outstanding inventory of pending cases.

As a court administrator, I saw my primary duties were to improve the working environment of the filing office staff and speed the processing of cases through the system.

Setting the right tone for the staff was an immediate priority. I knew we had good employees who needed both guidance and freedom to do their work unfettered by unnecessary interference from supervisors. We also needed a system to fairly distribute the workload.

Before much of this could be accomplished, I needed to become familiar with the appellate rules. Fortunately, the senior staff of the court was working on the initial draft of "Pennsylvania Appellate Practice". I spent hours reading the final draft. We then began an educational program to familiarize the Chief Clerk's Office staff with the rules and the Court's Internal Operating Procedures.

Once the staff became more familiar with the appellate rules we began redistribution of the workload. When I arrived, each person had his or her own specific duties with little or no familiarity with what others did. Now that we all had a better idea of how the court operated the workload was redistributed so that each clerk was assigned a group of cases determined by the final digit of the docket number. The "number clerk" had responsibility for a case from start to finish. With this system most clerks were cross trained to handle each other's functions.

In July 1988, in order to more expeditiously move cases, the court adopted submission panels so that cases to be submitted on briefs did not have to wait to be placed on an argument list. This resulted in reducing the average time from receipt of appellee's brief to assignment to a panel from 344 days to 237 days.

Although the Court has never formally adopted the 1994 Standards for Appellate Courts of the American Bar Association, we have measured the Commonwealth Court against those standards since 1999. The standards call for disposition of 95% of all cases within one year and 75% of all cases within 290 days. In 1999, the court disposed of 90% within one year and 82% within 290 days. The Court has met or exceeded that "95/75" standard in every year since 2003.

The standards recommend that decisions be filed within 90 days of argument or assignment except when a minority opinion is filed, in which case the standard is 105 days. The court's average time from argument or assignment to the filing of a decision was 84 days in 1999 and was 68 days at the end of November 2006.

In 1987 I conducted an inventory of every file in the office in order to establish a base inventory of the number of outstanding matters pending within each major category (appellate, original and finance and revenue appeals). As of January 1,

1987 the total inventory of outstanding cases stood at 7310 (appellate-4140, original-329, finance and revenue-2841). As of November 30, 2006 the inventory stood at 2723 (appellate-1142, original-251, finance and revenue-1330).

In 1989 we began the process of converting from the paper dockets to our first electronic docketing system. We followed the lead of Superior Court by using the DOCKETRAC system originally developed by Inslaw, Inc. for law enforcement agencies under a LEAA grant. Although the system was not specifically designed for appellate court use, it was an adequate first step into automation. Its demise was hastened by the "Y2K crises".

DOCKETRAC allowed us to more closely track the progress of outstanding cases. As a result, the court was able to keep track of overdue records and briefs and to take appropriate steps to ensure timely compliance with the rules.

I also began a semi-annual review of all pending files in order to ensure that nothing had "fallen through the cracks".

My concern over the loss of archival storage space prompted me to approach Ron Darlington about the establishment of a records retention schedule. He relayed my concerns to the Supreme Court which appointed me to chair a committee including the prothonotaries of the Supreme and Superior Courts with technical assistance from the State Historical and Museum Commission. In April 1990 the Supreme Court adopted an Appellate Courts Records Retention Schedule which has been amended twice since its adoption.

As the "Y2K crises" loomed in the future we realized that it would be necessary to acquire a new electronic docketing and case management system. In cooperation with the other appellate courts and AOPC we began the search for such a system. After reviewing systems in other states, we obtained the services of a software developer to help us design a system. After numerous hours of meetings, we finally decided to develop the system on our own. In summer 1999, PACMS was tested and rolled out to the appellate courts. One of the testers from our court reported to me that "if the system works the way it should you will begin laying people off". Although that has not been the case, the efficiencies in work flow created by the system allowed me to reduce the staff by 20% through normal attrition.

In 2005, we began to scan all finance and revenue appeals in order to reduce the need for filing space and to test the system for future use in original jurisdiction matters. In 2006, we began scanning all original jurisdiction matters, except those matters commenced by individuals, pro se. We also began a project to scan some

larger files, particularly insurance liquidations, to make copying of large documents more expeditious.

I believe the Court will soon move to electronic filing at least in original jurisdiction matters.

By far, the most intense period of activity I experienced with the court was the effort to remove Ralph Nader from the 2004 presidential election ballot. The court held simultaneous hearings throughout the state over a period of several weeks. Coordinating the distribution of nominating papers to the various hearing sites and keeping all of the attorneys served with orders throughout the process was a major undertaking. The court's final opinion was over 900 pages, including exhibits. The teamwork displayed by everyone involved during the entire process was remarkable.

The truth is that any successful organization requires the effort of each of its members. The people in the Chief Clerk's office are usually the first people encountered by those doing business with the court. We are frequently the only people that litigants encounter in person. I am constantly amazed at the ability of our staff to handle sometimes very difficult people. Prior to my departure, I conducted a complete audit of every case on file with the court. I was gratified at the accuracy of the information maintained in the Court's dockets.

As I reflect on over twenty two years as Chief Clerk of the Commonwealth Court, it's not the cases that have been decided during those years but the people who decided them and those who assisted the decision makers in the process. Let the legal historians be concerned with the history of the Court's judgments.

As a layman, I would be the last person to comment on the legal acumen of the judges with whom I have worked. Nonetheless, I do have some personal observations about some of the judges with whom I have had closest contact.

I have had the privilege of serving with four different president judges. I think James C. Crumlish bled green. The one thing I appreciated most about his leadership style was his directness. Having learned his leadership style in the Navy, President Judge Crumlish insisted on the use of the chain of command. As a result, I had few personal encounters with him. In spite of the lack of frequent contact, I always felt like I knew where I stood with him.

Having a telephone conversation with President Judge David W. Craig was illustrative of the person he is. I don't think he cared much for formality. His calls always began with, "this is Dave Craig". I usually had to take a moment to come to the realization that I was talking to the President Judge and not the former

quarterback of the Seattle Seahawks. As the conversations proceeded in fits and starts I would try to picture the gears in Judge Craig's mind just cranking away. I always had the impression that he was thinking so fast that his words could not keep up with the thought processes going on behind the scenes. I often wondered if he could shut down long enough to get some sleep.

President Judge Joseph "Ted" Doyle worked tirelessly to provide a dignified and comfortable work environment for the employees of the Court. He is not only a gentleman but a truly gentle person.

James Gardner Colins served as President Judge for two separate terms spanning almost half of my years with the court. When he was not entirely pleased with my efforts or the efforts of my staff he made sure I got the message in very direct terms. Frankly, although it may have made me uncomfortable at times, I liked being held accountable. I had more direct contact with President Judge Colins than any of the other president judges. I found him easy to talk to. He is a great story teller. My impression is of a man who really likes being around people. I also think he has one of the quickest minds of anyone I have ever encountered.

One of my few regrets is that I will not have the opportunity to work with Judge Bonnie Leadbetter as president judge. She has always been energetic and upbeat. I have always enjoyed our personal association. I appreciate the fact that she has not held against me the near death experience I provided her on the golf course.

At this point I can appreciate those people who win academy awards and pull out a sheet of paper with the names of all the people they feel a need to thank. At the risk of offending some by their absence I do feel compelled to comment about some of the judges and staff with whom I have had some significant contact.

My first contact with the Commonwealth Court was with Judge Theodore Rogers. Judge Rogers was an institution in Chester County. He had a wry wit and sharp mind. Whenever he began a conversation with the phrase, "I don't understand..." I knew he had a pretty fair grasp of the topic he was raising.

I will remember Judge Bernard "Barney" McGinley for his generosity and easy going nature. It was not unusual for Judge McGinley to buy lunch for the entire staff during his duty weeks in Harrisburg. I regret that I never had the opportunity to do a little skiing with him.

The one judge with whom I have had the most personal contact is Dan Pellegrini. Conversations with him were always an adventure. He espoused some strong opinions which, to this day, I am not sure he really held. I would say he has a very

active mind. Like his boyhood neighbor, President Judge Craig, I wonder if he can turn it off long enough to get some sleep. I will miss our duty week dinners.

Judge Rochelle "Shelley" Friedman spent most of her years in law practice as a defender of the first amendment rights of her clients. My guess is that the first amendment is still her passion. She was never reluctant to pick up the telephone to discuss a problem with me. I particularly enjoyed working with her during our search for my successor, which she headed. Judge Friedman has been very thoughtful and generous to me and the staff.

One of the most gracious ladies on the Court is Judge Renee Cohn-Jubelirer. I have been impressed with the way she carries herself and her ability to make people she meets feel important. She was very generous to me and my wife during my wife's battle with cancer.

Judge Robin Simpson's experience as a trial judge has been evident in his skill at handling tough original jurisdiction matters in this court. It has been fun to sit and enjoy the occasional cigar and good conversation with him.

Much has been written about Judge Genevieve Blatt. She was one of the most thoughtful people I ever met. A birthday did not go by without a handwritten note from Judge Blatt. She had a great sense of humor. I remember visiting her in the hospital when her law clerk, Jack Kupchinsky, walked in. Her reaction was classic. She said, "the nurse told me a handsome young man was here to see me and now I find out it's just you".

If I ever had an appeal that depended on a thorough review of the record I would want it in the hands of Senior Judge Silvestri Silvestri. Whenever he had a problem with a record he would call me and begin the conversation with, "this is your worst night mare".

I recently read an article that said a person's longevity could be predicted by the strength of his grip. If true, I suspect Senior Judge Emil Narick may bury all of us. He is a big strong man with a gentle heart.

I hope that Senior Judge Jess Jiuliante eventually gets to Sardinia to get some of the wine that is touted as a fountain of youth. Frankly, I don't think he needs it. He always had a youthful outlook. Our "staff dinners" with Judge Jiuliante were a lesson in political philosophy and Erie County history.

The man with the bowler, Senior Judge James Kelley seemed to always be “top shelf”. I think he reveled in his role as court contrarian. I cannot think of an encounter with him that he didn’t ask about the well being of my family.

Senior Judge Keith Quigley came to this court with the reputation of a tough country judge from Perry County. What I didn’t expect was a man with a great sense of humor with whom I share similar political philosophies even though we belong to separate political parties, proof that we can all get along.

One of the more interesting characters I have met is Senior Judge Barry Feudale. I believe he is the youngest senior judge in the history of the Commonwealth. He is a man of many talents and avocations. His love for mountain climbing translated into one of my more interesting experiences when he put together a group to climb the roller coasters at Knoebels Amusement Park under the leadership of John Moyer.

If I ever write an article for the Readers Digest “My Most Unforgettable Character” section the subject will be John Moyer, the court staff’s Renaissance man. John is another one of those people whose mind never seems to take a break. Lawyer, roller coaster builder, trumpeter, pianist, lyricist, linguist and geography expert, John brings a wealth of sometimes useless knowledge to our discussions. Nonetheless, his legal skills are universally admired by everyone with whom he has been associated.

Nick DiLorenzo keeps this place functioning. The day to day operations of the Court continue without as much as a “hiccup” thanks to Nick and his staff.

Julia Varano is my Philadelphia compatriot. When things begin to get a little testy, as they sometimes do, we can rely on each other to maintain our equilibrium.

I admire Kris Brown because she has some of the traits I wish I had. She can focus on a problem until she finds a solution or admits that there may not be one. She is very detail oriented. On top of that, she dances pretty well.

The person who constantly reminds us that we work in paradise is one of the people most responsible for making it so. Dan Schuckers keeps the smiles on the faces of all of us with his wit and sometimes outlandish questions (What has your blood pressure up?). Dan likes to fire up a discussion and walk away to let the rest of us sort it all out.

Pulling us all together is Ron Darlington. That attorney was right, I have learned more from Ron than I would have in twenty two more years with the court of

common pleas. The single thing that made this job so enjoyable was the knowledge that Ron always had my back, even if we disagreed.

As a supervisor, I have been blessed with people who have been willing to plug away at a sometimes very routine job without losing their sense of accomplishment. Many of our clerks moved on to positions as judicial secretaries.

Don Wagner has probably saved more attorneys embarrassment, if not a malpractice suit with his advice on properly submitting briefs. I have witnessed him spend hours with pro se litigants explaining what must be included in a brief. Don has been as reliable as the sun in the morning.

Glenda Botts is all that a secretary should be, accurate, prompt and, above all, loyal. I'm convinced she has probably saved me from doing something stupid on more occasions than I can count.

Michelle Proper is far and away the most valued professional partner I have ever had. It's a sign of great respect in the Marine Corps to say "I would go into combat with you". I would go into combat with Michelle. There is no one I admire or trust more.

It is not as easy as I thought it would be to leave the people of the Commonwealth Court family. The scholars and lawyers can offer their opinions on the reputation of the Commonwealth Court. What makes this court unique, especially the senior administrative staff, is the unity of command offered by the executive administrator and the simple fact that we are not just colleagues but friends.