

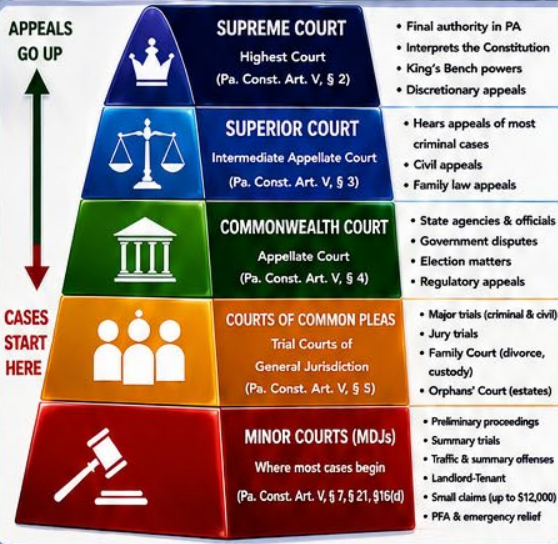


INTRODUCTION TO THE JUDICIARY & CONSTITUTIONAL LAW

A UNIFIED COURT SYSTEM • EQUAL JUSTICE UNDER THE LAW



1 PA UNIFIED JUDICIAL SYSTEM STRUCTURE Pa. Const. art. V, § 1-§ 7



HOW CASES MOVE THROUGH THE SYSTEM



Cases can move UP through the system through appeals.

2 SOURCES OF LAW

- U.S. Constitution**
Supreme law of the land
- PA Constitution**
Establishes & empowers the judiciary
- Statutes (Laws)**
Written laws passed by the legislature
- Court Rules**
Rules of Civil, Criminal, Appellate Procedure, Evidence, & Judicial Administration
- Case Law (Precedent)**
Decisions of courts that interpret laws
- Local Rules**
Rules adopted by individual courts
- Administrative Regulations**
Rules issued by state agencies pursuant to statutory authority

3 STANDARD OF PROOF

THE BURDEN OF PROOF IS THE DUTY TO PROVE A CLAIM.

- BEYOND A REASONABLE DOUBT**
Used in criminal cases to prove guilt.
COURTS: MDJs, Common Pleas, Superior, Supreme
- CLEAR & CONVINCING EVIDENCE**
Used in some civil cases (e.g., termination of parental rights, involuntary commitment).
COURTS: Common Pleas
- PREPONDERANCE OF THE EVIDENCE (51%)**
Used in most civil cases to prove a claim.
COURTS: MDJs (civil claims up to \$12,000), Common Pleas

4 HIGH-YIELD Q & A

- Q** What court has final authority in PA?
A The Supreme Court of Pennsylvania.
- Q** Where do most criminal cases begin?
A Magisterial District Court (MDJ).
- Q** Can an MDJ hear motions?
A No. MDJs do not have the authority to hear motions.
- Q** What are the qualifications for Justices, Judges, MDJs & ACMs? (Pa. Const. art. V, § 12)
A
 - U.S. citizen
 - At least 30 years old
 - Resident of PA for at least 1 year
 - Good moral character
 - Admitted attorney in PA for at least 5 years or MJEB Certification for non-attorneys
- Q** What burden of proof is required for criminal conviction?
A Beyond a Reasonable Doubt.
- Q** What burden of proof is generally used in civil cases?
A Preponderance of the Evidence (51%).
- Q** What constitutional provision establishes the PA Judiciary?
A Article V of the Pennsylvania Constitution.
- Q** What is Probable Cause?
A Facts and circumstances within an officer's of a claim, unless rebutted, allowing the case to move forward.
- Q** What is the purpose of the judiciary?
A To resolve disputes, uphold the Constitution, protect rights, and ensure equal justice under the law.

5 IMPORTANT CONCEPTS

- Probable Cause**
Facts and circumstances within an officer's knowledge that would lead a reasonable person to believe a crime has been committed and the suspect committed it.
- Prima Facie Case**
Sufficient evidence on each element of a claim to allow the case to proceed unless rebutted.
- Burden of Proof**
The obligation to persuade the trier of fact.
- Standard of Proof**
The degree of certainty the evidence must reach to satisfy the burden.

6 IMPORTANT FACTS

- ✓ MDJs are not a trial court of record.
- ✓ Right of appeal exists.
- ✓ MDJs do not hear motions.
- ✓ Most criminal cases are bound over to Common Pleas after preliminary proceedings.
- ✓ Appeals from many state agencies come to Common Pleas.
- ✓ Most criminal cases are bound over from MDJ court to Common Pleas for trial.

7 WHAT ARE MDJs?

Magisterial District Judges (MDJs) are judicial officers who preside over the Magisterial District Courts and are the first point of contact with the justice system for most citizens.

HOW MDJs TAKE OFFICE

Elected in retention elections after serving an initial term.

TERM LIMITS

Serve 10-year terms. Eligible for retention elections with no limit on the number of terms.

WHAT MDJs DO

- Conduct preliminary arraignments
- Conduct preliminary hearings
- Hear summary and traffic cases
- Handle landlord-tenant matters
- Issue PFAs and emergency relief
- Perform other duties as provided by law.

8 WHAT ARE ACMs?

Advocate Case Management Specialists (ACMs) are judicial officers who exercise limited judicial authority in specific types of cases.

HOW ACMs TAKE OFFICE

Appointed by the President Judge of the Court of Common Pleas with the approval of the Court.

TERM LIMITS

Serve 5-year terms. Eligible for reappointment with no limit on the number of terms.

WHAT ACMs DO

- Handle case management conferences in civil cases as authorized by statute and rule
- Help move cases along efficiently by setting schedules, resolving procedural issues, and promoting settlement

9 COURT ADMIN & BOARDS

- Court Administrator of Pennsylvania**
Administers courts statewide.
- Judicial Conduct Board**
Investigates allegations of judicial misconduct.
- Minor Judiciary Education Board (MJEB)**
Trains & certifies MDJs.
- Pennsylvania Board of Law Examiners**
Oversees bar admissions.
- Disciplinary Board of the Supreme Court**
Handles attorney discipline.

KEY TAKEAWAY

THE PA JUDICIARY IS BUILT ON A UNIFIED SYSTEM, ROOTED IN LAW, GUIDED BY RULES, AND DEDICATED TO JUSTICE FOR ALL.





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1 CIVIL vs. CRIMINAL AT A GLANCE

	CIVIL	CRIMINAL
Who brings the case?	Private party (Plaintiff)	Commonwealth (District Attorney)
Purpose	Compensation or remedy	Punishment & protection of society
Nature of Wrong	Private wrong	Public wrong (crime)
Who is involved?	Plaintiff vs. Defendant	Commonwealth vs. Defendant
Burden of Proof	Preponderance of the Evidence (51%)	Beyond a Reasonable Doubt
Possible Outcome	Money damages, injunctions, orders	Fines, probation, jail/prison, or both
Right to Jury Trial	No (unless provided by statute)	Yes (most serious offenses)
Appeal	To higher courts as provided by law	To higher courts as provided by law
Court Costs	Usually paid by losing party	Usually paid by Commonwealth



- ### 3 CONSTITUTIONAL PROTECTIONS & RIGHTS AMENDMENTS (U.S. CONSTITUTION)
- 2ND AMENDMENT**
Right to keep and bear arms.
 - 4TH AMENDMENT**
Right to be secure against unreasonable searches and seizures; warrants must be supported by probable cause.
 - 5TH AMENDMENT**
Right to remain silent; protection against self-incrimination; due process; takings clause.
 - 6TH AMENDMENT**
Right to a speedy and public trial; impartial jury; to be informed of charges; to confront witnesses; to counsel.
 - 8TH AMENDMENT**
Prohibits excessive bail, excessive fines, and cruel and unusual punishment.
- NOTE: IF ANY of the above is not met, the offense is NOT a misdemeanor of the 3rd degree.**

4 SEARCH WARRANTS

WHAT IS IT?
A written order issued by a judge or other Issuing Authority (IA) authorizing a law enforcement officer to search a specific place for specific items.

PURPOSE
To protect the 4th Amendment rights by ensuring searches are reasonable and based on probable cause.

PLAYERS

- Affiant** – Provides sworn facts in an affidavit.
- Issuing Authority (IA)** – Judge or other official authorized by law to issue warrants.
- Law Enforcement Officer** – Executes the warrant.
- Property Owner/Occupant** – Subject of the search.

PROCESS FLOW

- Affiant prepares an Affidavit
Sworn (verified) statement of facts establishing probable cause within the four corners of the affidavit.
- Affiant presents Affidavit to Issuing Authority (IA)
IA reviews affidavit to determine probable cause.
- IA issues Search Warrant
If probable cause exists, IA signs the warrant.
- Execution of Warrant
Officer executes search during daytime (6 AM-10 PM) unless warrant authorizes nighttime (10 PM-6 AM).
- Return of Warrant
Officer must return warrant to IA within the time required by law (usually within 3 days).

REQUIRED ELEMENTS
(Must be in the Affidavit & Warrant)

- Specific place to be searched
- Specific things to be seized
- Probable cause (facts showing why items are there)
- Affiant's oath or affirmation
- Date and signature of IA

TYPES OF SEARCH WARRANTS

- Standard (daytime)** – 6 AM to 10 PM
- Nighttime** – 10 PM to 6 AM (requires additional showing of necessity)
- Telephones** – IA issues by phone (rare; must be recorded)
- Electronics** – Allowed in certain circumstances

- ### 5 CONVICT (N) vs. CONVICT (V)
- CONVICT (N)**
A person found guilty of a crime after a trial or plea.
 - CONVICT (V)**
To find a person guilty of a crime.

6 ARD – ACCELERATED REHABILITATIVE DISPOSITION

A pretrial diversionary program for first-time offenders charged with summary or certain misdemeanor offenses. If the defendant successfully completes the program, the charges are dismissed and the record is cleared.

BENEFITS

- Avoids a criminal record
- Avoids conviction
- Focus on rehabilitation
- May include classes, community service, restitution, treatment, etc.

7 JURISDICTION vs. VENUE

JURISDICTION
The power of a court to hear and decide a type of case. (Subject Matter Jurisdiction is set by STATUTE.)

VENUE
The proper or most convenient place to hear a case. (Set by RULE.)

8 BURDEN vs. STANDARD OF PROOF

BURDEN OF PROOF:
WHO has the obligation to prove something?

- Criminal Cases – Commonwealth
- Civil Cases – Plaintiff
- Affirmative Defenses – Defendant (on certain issues)

Burden of Proof = WHO must prove it?

STANDARD OF PROOF:
HOW MUCH proof is required?

INCREASING LEVEL OF CERTAINTY ↑

- 1 Probable Cause
- 2 Prima Facie
- 3 Preponderance of the Evidence (51%)
- 4 Clear & Convincing Evidence
- 5 Beyond a Reasonable Doubt

Standard of Proof = HOW MUCH proof is needed?

9 TITLE 18 § 6106 – FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE

Prohibits carrying a firearm in any vehicle or concealed on or about one's person, or in any place on or about one's person except in one's home or fixed place of business, without a License to Carry Firearms (LTCF), except as otherwise provided in § 6106(b) (limited exceptions).

PENALTIES

- 1st offense (unless graded as a felony of the 3rd degree) – Misdemeanor of the 2nd degree
- 2nd offense – Misdemeanor of the 1st degree
- 3rd or subsequent offense – Felony of the 3rd degree

- ACTION** – A civil lawsuit.
- AFFIANT** – Person who swears to facts in an affidavit.
- ADVANCED COMMUNICATIONS TECHNOLOGY (ACT)** – Technology enabling real-time two-way communication without everyone being in the same place (e.g., videoconferencing).
- BAIL** – Amount set by the court to ensure appearance in court and to protect community & safety.
- BAIL AUTHORITY** – The official (MDJ or court) who sets or approves bail.
- CHARGING DOCUMENTS** – Formal documents initiating a criminal case (complaint, citation, information, indictment).
- COLLATERAL** – Property pledged to secure release or a loan.
- COLLOQUY** – A legal discussion between the judge and a party.
- COURT CASE** – A legal dispute brought before a court.

- COURTS** – Established by the Constitution; jurisdiction set by statute.
- CRIME** – An act or omission prohibited by law and punishable by the state.
- DAYTIME** – 6 AM to 10 PM.
- FOUR CORNERS SCENARIO** – Determining probable cause based only on the four corners of the affidavit.
- GOVERNING AUTHORITY** – The legal body or official with the power to make laws or decisions.
- HELD FOR COURT** – Detained and required to appear before a court.
- ISSUING AUTHORITY (IA)** – A judge or other official authorized by law to issue warrants or orders.
- JUDICIAL DISTRICT** – Geographic area served by a Court of Common Pleas with administrative authority.
- MAGISTERIAL DISTRICT** – Smaller geographic area served by MDJ Courts; handles local matters.
- NIGHTTIME** – 10 PM to 6 AM (requires additional showing of necessity for searches).
- OATH** – A solemn promise to tell the truth.
- PRELIMINARY ARRAIGNMENT** – The first court appearance where the defendant is informed of charges and enters a plea.
- PRELIMINARY HEARINGS** – Hearing to determine if there is probable cause to hold the defendant for court.
- PROCESS** – The legal means by which a court exercises its jurisdiction.
- PRO SE** – Representing oneself without an attorney.

- SEQUESTRATION OF WITNESSES** – Order preventing witnesses from hearing other testimony.
- SUMMARY CASE** – Less serious offenses; punishable by fine and/or up to 90 days in jail.
- SUMMARY OFFENSES** – The least serious crimes; punishable by fine and/or up to 90 days in jail.
- SUA SPONTE** – On one's own motion (by the court).
- SUBPOENA** – Court order requiring a person to appear or produce documents or evidence.
- SUBPOENA DUCES TECUM** – Order to produce documents or evidence.
- SUPERIOR COURT** – Appellate court with statewide jurisdiction.
- VERIFIED** – A sworn written statement of facts.
- VENUE** – The proper or most convenient place to hear a case.
- WIT** – Order from a court to a lower court or official.
- WRIT OF CERTIORARI** – Order from an appellate court to a lower court to send up the record for review.
- WRIT OF HABEAS CORPUS** – Order to bring a person before the court to determine if their detention is lawful.



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1 GRADING OF CRIMINAL OFFENSES (18 Pa.C.S. § 106)

GRADE	DESCRIPTION	PENALTY (MAXIMUM)
Felony (1st Degree)	Most serious crimes	Death or Life Imprisonment (plus fines)
Felony (2nd Degree)	Serious offenses	Up to 10 years in prison (plus fines)
Felony (3rd Degree)	Less serious felonies	Up to 7 years in prison (plus fines)
Misdemeanor (1st Degree)	Serious misdemeanors	Up to 5 years in prison (plus fines)
Misdemeanor (2nd Degree)	Moderate misdemeanors	Up to 2 years in prison (plus fines)
Misdemeanor (3rd Degree)	Least serious misdemeanors	Up to 1 year in prison (plus fines)
Summary Offense	Minor offenses	Up to 90 days in jail (plus fines)
Violation (Non-Traffic)	Regulatory offenses	Fine only
Traffic Offense	Traffic code violations	Fine only

2 FOUR FACTORS OF CULPABILITY (18 Pa.C.S. § 302)

INTENTIONAL
 A person acts with the purpose to cause a result or to engage in conduct of that nature.

KNOWING
 A person acts with awareness that his conduct is of that nature or that such circumstances exist.

RECKLESSNESS
 A person consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct.

NEGLIGENCE
 A person should be aware of a substantial and unjustifiable risk, but fails to perceive it. The risk must be of such nature that the failure to perceive it is a gross deviation.

3 FOUR CRITERIA FOR MISDEMEANORS OF THE 3RD DEGREE (42 Pa.C.S. § 1515(a)(6)(i))

For an offense under Title 18 (Crimes & Offenses), Title 30 (Fish), or Title 35 (Health & Safety) to be a Misdemeanor of the 3rd Degree, ALL four criteria must be met:

- The offense is graded as a misdemeanor.
- The offense is not specifically designated by statute as a misdemeanor of the 1st or 2nd degree.
- The maximum term of imprisonment authorized is not more than 1 year.
- The maximum fine authorized is not more than \$2,500.

NOTE: If ANY of the above is not met, the offense is NOT a misdemeanor of the 3rd degree.

4 TITLE 18 § 6106 – FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE

PROHIBITS:
 Carrying a firearm in any vehicle or concealed on or about one's person, or in any place on or about one's person, except in one's home or fixed place of business, without a License to Carry Firearms (LTCF), except as otherwise provided in § 6106(b) (limited exceptions).

PENALTIES:

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- ★ 2nd offense – Misdemeanor of the 1st degree
- ★ 3rd or subsequent offense – Felony of the 3rd degree

5 DIFFERENCE: SUMMARY CASE VS. CRIMINAL CASE

SUMMARY CASE

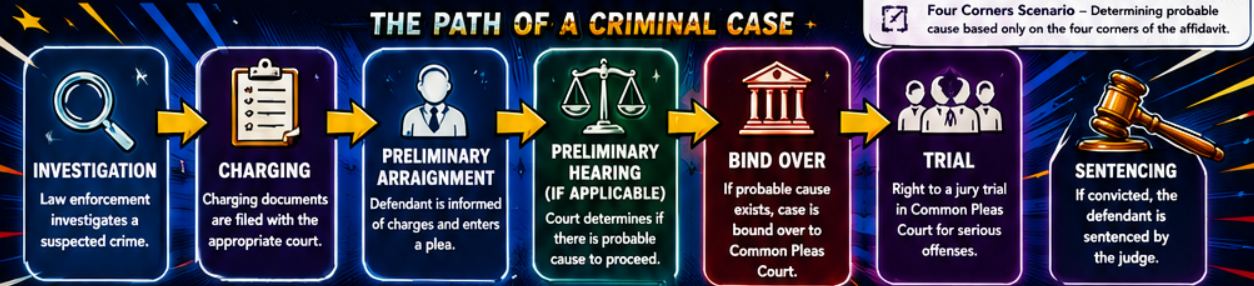
- Less serious offenses
- Punishable by fine and/or up to 90 days in jail
- Tried in MDJ Court
- No right to jury trial
- Example: Disorderly conduct, traffic offenses

CRIMINAL CASE

- Serious offenses (misdemeanors of the 2nd degree & felonies)
- Punishable by more than 90 days in jail
- Begins in MDJ, then may proceed to Common Pleas
- Right to preliminary hearing (if applicable) and jury trial

6 IMPORTANT CONCEPTS

- Affidavit – A sworn written statement of facts.
- Action – A civil lawsuit.
- Affiant – Person who signs the affidavit.
- Bail Authority – Official who sets bail (MDJ or court).
- Colloquy – Formal conversation between the judge and a party (e.g., plea).
- Crime – An act or omission prohibited by law and punishable by the state.
- Charging Documents – Formal documents initiating a criminal case (complaint, citation, information, indictment).
- Held for Court – Detained and required to appear before a court.
- Oath – A solemn promise to tell the truth.
- Process – The legal means by which a court exercises its jurisdiction.
- Sua Sponte – On one's own motion (by the court).
- Verified – Supported by oath or affirmation.
- Four Corners Scenario – Determining probable cause based only on the four corners of the affidavit.



7 FOUR FACTORS OF CULPABILITY EXAMPLES

- INTENTIONAL** – Example: A purposely aiming a weapon at another person to cause injury.
- KNOWING** – Example: Selling alcohol to a minor while aware of their age.
- RECKLESSNESS** – Example: Speeding through a school zone, disregarding the risk to children.
- NEGLIGENCE** – Example: Leaving a loaded gun unsecured where a child can reach it.

8 KEY TAKEAWAYS

- The judiciary is structured to ensure fairness and equality.
- Criminal offenses are graded based on their seriousness.
- Culpability depends on a person's mental state.
- Due process protects the rights of the accused.
- Justice is served through knowledge of the law and respect for it.

9 QUICK REFERENCE ICON GUIDE

- Felony
- Misdemeanor
- Summary Offense
- Violation
- Traffic Offense
- Intentional
- Knowing
- Recklessness
- Negligence
- Court / Legal