

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

Proposed Rules of Procedure; Court of Judicial Discipline Doc. No. 1 JD 94

#### Order

*Per Curiam:*

*And Now*, this 27th day of March, 1996, the Court of Judicial Discipline hereby enters the following *Order*:

1. Pursuant to Article V, Section 18(b)(4) of the Constitution of Pennsylvania, the Court of Judicial Discipline proposes to adopt new Rule 113, in the following form.

2. The Court of Judicial Discipline requests that interested persons submit suggestions, comments or objections not later than thirty days from the date of publication of this Order in the *Pennsylvania Bulletin* to Wanda W. Sweigart, Court Administrator, 200 North Third Street, P. O. Box 1106, Harrisburg, Pennsylvania, 17108-1106.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### Rule 113. Lodging of Transcripts.

When the Court or a party directs the court reporter to transcribe the notes of testimony taken at a hearing or trial, the Clerk, upon receiving the transcript, shall notify the parties that the transcript has been lodged with the Court. The parties shall have 10 days from the date of notification to file objections to the transcript. The parties shall serve copies of objections upon the other party. The Court may conduct a hearing on the objections. If no objections or exceptions are filed, the transcript will be approved by the Court as of course.

[Pa.B. Doc. No. 96-527. Filed for public inspection April 5, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

Amendments to Rules of Criminal Procedure; No. 310M96

#### Order

*And Now*, this 12th day of March, 1996, the following amendment to the Chester County Rules of Criminal Procedure is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.Crim.P. 6(d).

THOMAS G. GAVIN,  
*President Judge*

#### Rule 101A.1. Approval by District Attorney of Complaints and Arrest Warrants.

The District Attorney of Chester County having filed a certification pursuant to Pa.R.Crim.P. 101A, criminal complaints and arrest warrant affidavits by police officers as defined in the Rules of Criminal Procedure, charging the following offenses shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing:

Criminal Homicide in violation of 18 Pa.C.S. § 2501; Murder in any degree in violation of 18 Pa.C.S. § 2502; Voluntary Manslaughter in violation of 18 Pa.C.S. § 2503; **Involuntary Manslaughter in violation of 18 Pa.C.S. § 2504**; Rape in violation of 18 Pa.C.S. § 3121; **Statutory Sexual Assault in violation of 18 Pa.C.S. § 3122.1**; Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S. § 3123; **Sexual Assault in violation of 18 Pa.C.S. § 3124.1**; **Aggravated Indecent Assault in violation of 18 Pa.C.S. § 3125**; Spousal Sexual Assault in violation of 18 Pa.C.S. § 3128(a) or (b); Arson in violation of 18 Pa.C.S. § 3301; Robbery in violation of 18 Pa.C.S. § 3701(a)(1)(i), (ii), (iii); Homicide by Vehicle in violation of 75 Pa.C.S. § 3732; Homicide by Vehicle while Driving Under Influence in violation of 75 Pa.C.S. § 3735.

**Any criminal complaint filed against a person who is under 18 years of age under circumstances where the law authorizes such person to be charged as if he or she were an adult.**

[Pa.B. Doc. No. 96-528. Filed for public inspection April 5, 1996, 9:00 a.m.]

### CUMBERLAND COUNTY

Rules of the Court of Common Pleas; No. 96-1335  
Civil Term

#### Order of Court

*And Now*, this 12th day of March, 1996, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective May 1, 1996, or thirty (30) days after publication in the *Pennsylvania Bulletin*.

Pursuant to Pa.R.C.P. 239, the Prothonotary is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette, formatted in MS DOS reflecting the text in the hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

*By the Court*

HAROLD E. SHEELY,  
*President Judge*

#### DISCOVERY MOTIONS

**Rule 4001-1.** All motions and petitions regarding discovery in civil cases, including, but not limited to, motions to compel, for protective orders and for sanctions, shall be

filed, with the Prothonotary who will transmit the motion/petition to the Court Administrator for assignment to a judge. Any answer or response to an order or rule shall be filed, initially, with the Court Administrator who shall refer same to the judge assigned prior to filing with the Prothonotary.

Adopted November 10, 1990, effective November 30, 1990.

Amended April 1, 1996, effective May 1, 1996.

[Pa.B. Doc. No. 96-529. Filed for public inspection April 5, 1996, 9:00 a.m.]

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 25 Miscellaneous 1996

##### Adopting Order

Now, this 21 day of March, 1996, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Civil Procedure (Som.R.C.P.), as follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 206.4. Form of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.

2. Som.R.C.P. 209.1, relating to stay of proceedings, is hereby amended to read in its entirety, as reflected in the revised Som.R.C.P. 209.1, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. Upon the effective date of the Rule designated above in Paragraph 1 of this Order, the following presently existing Somerset Rule of Civil Procedure is rescinded:

Som.R.C.P. 207. Form of Petition.

4. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order and the

attached Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the following Somerset County Rules of Civil Procedure with the Pennsylvania Civil Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

EUGENE E. FIKE, II,  
*President Judge*

Petition And Motion Practice

#### **Som.R.C.P. 206.4. Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.**

The procedure specified in Pa.R.C.P. 206.6 is adopted to govern petition practice in the Sixteenth Judicial District, and, accordingly, upon the filing of a petition, a Rule shall issue as of course, unless otherwise required by statute, or other Pennsylvania Rule of Civil Procedure.

*Note:* In some cases, another Rule of Civil Procedure may require Court review of a petition before the Rule issues. *See, e.g.,* Pa.R.C.P. 2959(b) (before rule issues, determination must be made whether or not a petition to strike or open confessed judgment states prima facie grounds for relief).

#### **Som.R.C.P. 209.1. Stays.**

When a stay of proceedings is sought, a special stay order shall be prepared and attached to the Petition and presented to the Court in accordance with Motions Judge practice.

(Formerly R35-107).

[Pa.B. Doc. No. 96-530. Filed for public inspection April 5, 1996, 9:00 a.m.]