

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART III. JUDICIAL CONDUCT BOARD

[207 PA. CODE CHS. 101 AND 117]

#### Amendment to Judicial Conduct Board Rules of Procedure

The following Rules of Procedure of the Judicial Conduct Board were adopted at the Board's meeting on April 22, 1996 and are effective immediately.

JOSEPH A. DELSOLE,  
*Chairperson*

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART III. JUDICIAL CONDUCT BOARD

#### CHAPTER 101. GENERAL PROVISIONS

##### Rule 2. Rules of Construction.

(A) As used in these rules, unless the context otherwise requires:

(1) Words in the singular number include the plural, and words in the plural include the singular.

(2) The word "person" shall include corporations, societies, associations, partnerships, and organizations.

(3) "Shall" is mandatory and "may" is permissive.

(4) "Knowingly" includes reckless disregard for the truth or falsity of a statement.

(B) These rules shall be construed to secure just and reliable determinations of probable cause in all matters considered by the Board.

(C) An error or defect of procedure shall not confer any substantive rights on any party.

#### CHAPTER 117. DISPOSITION; CONTINUANCES

##### Rule 31. Disposition of Complaint.

(A) Except as provided in paragraph (C), within 180 days of the Board's receipt of the Judicial Officer's written response pursuant to Rule 30(B)(2)(c) or written response to any subsequent letter requesting information by the Board, the Board shall:

(1) dismiss the complaint upon a finding that there is no existing probable cause to file formal charges;

(2) dismiss the complaint with the issuance of a letter of counsel upon a determination that, even if the alleged conduct occurred, it was not conduct which requires that formal charges be filed, provided that the Judicial Officer:

(a) consents in writing;

(b) stipulates that the letter of counsel may be used during proceedings involving new complaints against the Judicial Officer; and

(c) agrees to and satisfies any conditions required by the Board; or

(3) authorize the filing of formal charges with the Court of Judicial Discipline.

(B) If the Board dismisses a complaint following a full investigation, Chief Counsel shall promptly notify the Judicial Officer and the complainant.

(C) Exceptions.

(1) The Board may continue a full investigation of a matter beyond the 180-day period set forth in paragraph (A) upon a good faith belief that further investigation is necessary.

(2) The Board may defer disposition of a complaint pursuant to paragraph (A) upon discovery or receipt of additional, corollary, or cognate allegations which may necessitate an investigation.

(3) The receipt of the Judicial Officer's written response to any Rule 30(B) notice or supplemental or investigatory letter is a necessary prerequisite to the tolling and calculation of the 180-day period set forth in paragraph (A). Thus, the 180-day time period is wholly inapplicable if the Judicial Officer fails to file a written response and the investigation will continue to conclusion.

[Pa.B. Doc. No. 96-952. Filed for public inspection June 14, 1996, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Administrative Order Establishing Costs to Fund the Custody Mediation Program; File No. 96-J-6

*And Now*, this 24th day of May, 1996, *It Is Ordered* that the following Administrative Order relating to Establishing Costs to Fund the Custody Mediation Program for the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee; that one (1) certified copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

*By the Court*

JAMES N. DIEFENDERFER,  
*President Judge*

#### Order

*And Now*, this 24th day of May, 1996, in accordance with 23 Pa.C.S. Section 3902, twenty dollars (\$20.00) shall be added to the filing fee for each divorce complaint and each custody complaint filed in Lehigh County, Pennsylvania, which fee shall be used to fund the Custody Mediation Program.

*By the Court*

WILLIAM E. FORD,  
*Administrative Judge*

[Pa.B. Doc. No. 96-953. Filed for public inspection June 14, 1996, 9:00 a.m.]