THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 82]

Continuing Legal Education Regulation Changes

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 82. CONTINUING LEGAL EDUCATION

Subchapter B. CONTINUING LEGAL EDUCATION REGULATIONS

Section 18. Board Fee Schedule.

Following is a schedule of fees established by the Board to be paid by providers and lawyers. This schedule will be reviewed annually by the Board and may be modified at any time upon approval by the Pennsylvania Supreme Court.

Fee to accompany application for designation as Accredited Continuing Legal Education Provider $25.00

Fee to accompany application for continuation as an Accredited Provider $25.00

Fee per credit hour to be paid by provider with attendance certification $2.50

Fee per credit hour to be paid by lawyer for certification when fee not paid by provider **$[2.50] 2.00**

Fee per credit hour when lawyer requests CLE credit for teaching course **$[2.50] 2.00**

* * * * *

[Pa.B. Doc. No. 96-1243. Filed for public inspection August 2, 1996, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CHS. 81 AND 83]

Establishment of an Interest on Lawyer Trust Accounts Program; No. 252; Doc. No. 3

Order

Per Curiam:

And Now, this 17th day of July, 1996, it is ordered pursuant to Article V, Section 10, of the Constitution of Pennsylvania that:

1. To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise with respect to the rules adopted hereby, the immediate adoption of such rules is hereby found to be required in the interests of justice.

2. Rule 1.15 of the Pennsylvania Rules of Professional Conduct is hereby amended by adding paragraphs (d)—(i) as follows.

3. The Pennsylvania Rules of Disciplinary Enforcement are hereby amended to read as follows.

4. For the purpose of staggering the terms of members of the IOLTA Board created by this Order, the expiration of the initial terms of the members of the IOLTA Board shall be as follows:

(1) Term expiring August 31, 1997: three members

(2) Term expiring August 31, 1998: three members

(3) Term expiring August 31, 1999: three members

5. The IOLTA Board shall, to the extent not inconsistent with the provisions of this Order, the rules adopted by this Order and the rules adopted by the IOLTA Board, administer the IOLTA program to the extent practicable as a continuation of the program administered by the Lawyer Trust Account Board pursuant to the act of April 29, 1988 (P. L. 373, No. 59), known as The Interest on Lawyers' Trust Accounts Act.

6. This Order, and the rule changes promulgated hereby, shall take effect on September 1, 1996.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

* * * * *

(d) Notwithstanding paragraphs (a), (b) and (c), and except as provided below in paragraph (e), a lawyer shall place all funds of a client or of a third person in an interest bearing account. All qualified funds received by the lawyer shall be placed in an Interest On Lawyer Trust Account in a depository institution approved by the Supreme Court of Pennsylvania. All other funds of a client or a third person received by the lawyer shall be placed in an interest bearing account for the benefit of the client or third person or in an other investment vehicle specifically agreed upon by the lawyer and the client or third party.

(1) Qualified funds are monies received by a lawyer in a fiduciary capacity that, in the good faith judgment of the lawyer, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of administering a segregated account.

(2) Depository institutions are financial institutions approved by the Supreme Court of Pennsylvania pursuant to Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement.

(3) An Interest On Lawyer Trust Account (IOLTA Account) is an unsegregated interest-bearing deposit account with a depository institution for the

deposit of qualified funds by a lawyer. The rate of interest payable on an IOLTA Account shall not be less than the rate paid by the depository institution on negotiable order of withdrawal accounts (NOW) or super negotiable order of withdrawal accounts. An account shall not be considered an IOLTA Account unless the depository institution at which the account is maintained shall:

(i) Remit at least quarterly any interest earned on the account to the IOLTA Board (as hereinafter defined).

(ii) Transmit to the IOLTA Board with each remittance a statement showing at least the name of the account, service charges or fees deducted, if any, and the amount of interest remitted from the account.

(iii) Transmit to the lawyer who maintains the IOLTA Account a statement showing at least the name of the account, service charges or fees deducted, if any, and the amount of interest remitted from the account.

(e) A lawyer shall be exempt from the provisions of paragraph (d) only upon exemption requested and granted by the IOLTA Board. Exemptions shall be granted if: (i) the nature of the lawyer's practice does not require the routine maintenance of a trust account in Pennsylvania; (ii) compliance with paragraph (d) would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest depository institution which is described in paragraph (d)(2), or on other compelling and necessitous factors; or (iii) the lawyer's historical annual trust account experience, based on information from the depository institution in which the lawyer deposits trust funds, demonstrates that service charges on the account would significantly and routinely exceed any interest generated.

(f) A lawyer shall not be liable in damages or held to have breached any fiduciary duty or responsibility because monies are deposited in an IOLTA Account pursuant to the lawyer's judgment in good faith that the monies deposited were qualified funds.

(g) There is hereby created the Pennsylvania Interest On Lawyers Trust Account Board (herein called the IOLTA Board), which shall administer the IOLTA program. The IOLTA Board shall consist of nine members who shall be appointed by the Supreme Court exclusively from a list provided to it by the Pennsylvania Bar Association in accordance with its own rules and regulations. The Pennsylvania Bar Association shall submit three names to the Supreme Court for every vacancy on the IOLTA Board from which the Court shall make its final selections. The term of each member shall be three years and no member shall be appointed for more than two consecutive three year terms. The Supreme Court shall appoint a Chairperson. In order to administer the IOLTA program, the IOLTA Board shall promulgate rules and regulations consistent with this Rule for approval by the Supreme Court. Additionally, upon approval of the Supreme Court, the IOLTA Board shall distribute and/or expend IOLTA funds for the purpose set forth in this Rule. The IOLTA Board shall comply with the following:

(1) The IOLTA Board shall prepare an annual audited statement of its financial affairs.

(2) Disbursement and allocation of IOLTA Funds shall be subject to the prior approval of the Supreme Court, thus the IOLTA Board shall submit to the Supreme Court for its approval a copy of its audited statement of financial affairs, clearly setting forth in detail all funds previously approved for disbursement under the IOLTA program. Additionally, a copy of the IOLTA Board's proposed annual budget will be provided to the Court, designating the uses to which IOLTA Funds are recommended.

(h) Interest earned on IOLTA Accounts (IOLTA Funds) may be used only for the following purposes:

(1) delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(2) educational legal clinical programs and internships administered by law schools located in Pennsylvania;

(3) administration and development of the IOLTA program in Pennsylvania; and

(4) the administration of justice in Pennsylvania.

(i) The IOLTA Board shall hold the beneficial interest in IOLTA Funds. Monies received in the IOLTA program are not state or federal funds and are not subject to Article VI of the act of April 9, 1929 (P. L. 177, No. 175) known as The Administrative Code of 1929, or the act of June 29, 1976 (P. L. 469, No. 117).

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Periodic assessment of attorneys; voluntary inactive status.

* * * * *

(d) **[(1)]** On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Administrative Office a signed statement on the form prescribed by the Administrative Office **[setting forth] in accordance with the following procedures:**

(1) The statement shall set forth:

* * * * *

(iii) The name of each financial institution in this Commonwealth in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds**[: (A)]** of a client **or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The statement shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such.[;**

(B) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or

(C) as an escrow agent or other fiduciary, having been designated as such by a client or having been so selected as a result of the client-attorney relationship.

(D) A certification reading as follows: "I certify that all fiduciary accounts that I maintain in Pennsylvania are in financial institutions that have been approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification)."]

(iv) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others **and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement regarding the mandatory reporting of overdrafts on fiduciary accounts.**

* * * * *

Rule 221. Mandatory overdraft notification.

(a) For purposes of this rule, a fiduciary account of an attorney is **[any account in which or with respect to which an attorney:**

(1) holds funds of a client,

(2) holds funds in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator, or

(3) holds funds as an escrow agent or other fiduciary, having been so selected as a result of a client-attorney relationship.] an IOLTA Account as defined in Rule 1.15(d)(3) of the Pennsylvania Rules of Professional Conduct.

* * * * *

(e) The term "financial institution" **[includes] means** banks, **bank and trust companies, trust companies,** savings and loan associations, credit unions, savings banks **[and any other business which accepts for deposit funds held in trust by attorneys] or foreign banking corporations, whether incorporated, chartered, organized or licensed under the laws of the Commonwealth of Pennsylvania or the United States, doing business in Pennsylvania and insured by the Federal Deposit Insurance Corporation, the National Credit Union Administration or an alternative share insurer.**

* * * * *

Subchapter F. PROVISIONS OF LAW SAVED AND ABROGATED

Rule 601. Statutes and other authorities suspended or abrogated.

* * * * *

(d) The act of April 29, 1988 (P. L. 373, No. 59), known as the Interest on Lawyers' Trust Accounts Act, is hereby suspended, effective September 1, 1996, to the extent it requires remittance to the IOLTA fund established under the act of interest earned on IOLTA accounts; and the act is hereby suspended in its entirety at such time after September 1, 1996 as all remaining monies in such IOLTA fund have been disbursed by the Lawyer Trust Account Board established under the act.

[Pa.B. Doc. No. 96-1244. Filed for public inspection August 2, 1996, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 89]

Proposed Amendments to the Rules of Organization and Procedure of the Board Relating to Continuing Legal Education Requirements Before Reinstatement

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering amending its Rules of Organization and Procedure as set forth in Annex A.

The purpose of the proposed amendments is to clarify the existing provision in the Rules of the Disciplinary Board at 204 Pa. Code § 89.279 regarding the continuing legal education courses that must be completed before a petition for reinstatement is filed. A formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on inactive status for more than three years is required by 204 Pa. Code § 89.279(a) to complete a minimum number of continuing legal education courses before petitioning for reinstatement. When that requirement was adopted, it was at a time when the Pennsylvania Continuing Legal Education Board had not yet been established. As a result, the current rule refers only to courses offered by the Pennsylvania Bar Institute. The Disciplinary Board is proposing to eliminate the reference to the Pennsylvania Bar Institute so that courses offered by other providers approved by the Continuing Legal Education Board may also be accepted by the Disciplinary Board. In order to give the Disciplinary Board flexibility to adjust its requirements to the courses being offered at the time, the Disciplinary Board is also proposing to eliminate from § 89.279(c) the list of course subjects that must be taken.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before August 30, 1996.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.279. Evidence of competency and learning in law.

(a) *General rule.* Except as provided in subsection (b), in order to permit the Board to determine under Enforce-

ment Rule 218 (relating to reinstatement) whether a formerly admitted attorney who has been disbarred or suspended for more than one year or who has been on inactive status for more than three years possesses the competency and learning in the law required for reinstatement to practice in this Commonwealth, such a formerly admitted attorney shall within one year preceding the filing of the petition for reinstatement take (and prior to hearing on the petition, complete) courses **[or lectures]** meeting the requirements of the current schedule **[of subjects]** published by the Office of the Secretary under subsection (c).

* * * * *

(c) **[** ***Schedule of subjects*** **]** ***Publication of schedule.*** At least annually the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a schedule of the minimum **[number and type of Pennsylvania Bar Institute courses and lectures which] amount, type and subjects of continuing legal education courses that** will satisfy the requirements of subsection (a). **[Except as otherwise provided in the currently published schedule, courses or lectures on the following subjects will satisfy the requirements of subsection (a):**

(1) Estate planning, creditor's remedies and bankruptcy, civil litigation, business law, administration of estates, consumer transactions, real estate transactions, and family law; or

(2) In place of any two of the courses or lectures in the preceding paragraph, criminal procedure, or criminal trial techniques.]

* * * * *

[Pa.B. Doc. No. 96-1245. Filed for public inspection August 2, 1996, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendments to the Rules Relating to Venue in Support Actions; Recommendation 44

The Domestic Relations Committee proposes the following amendments to Rules of Civil Procedure 1910.2 and 1910.50. The committee solicits comments and suggestions from all interested persons prior to submission of the proposed amendments to the Supreme Court.

Written comments relating to the proposed amendments must be received no later than October 1, 1996, and must be directed to: Linda C. Liechty, Esquire, Executive Director, Domestic Relations Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, PA 15219, FAX (412) 565-2336.

The explanatory comment which appears in connection with the proposed amendments has been inserted by the Committee for the convenience of those using the rules. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.2. Venue.

(a) An action may be brought in any county in which

(1) the defendant resides, or

(2) the defendant is regularly employed, or

(3) the plaintiff resides and that county is the county in which

(i) the last family domicile was located and in which the plaintiff has continued to reside**; or**

(ii) the defendant resided with the child; or

(iii) the defendant resided and provided prenatal expenses or support for the child; or

(iv) the child resides as a result of the acts or directives of the defendant; or

(v) the defendant engaged in sexual intercourse which may have resulted in the child's conception; or

(4) the plaintiff resides and the defendant submits to the jurisdiction of that county.

Official Note: [If an action for support is brought in the county in which the plaintiff resides but that county is not the county in which the last family domicile was located and in which the plaintiff has continued to reside, the action shall proceed in accordance with the Revised Uniform Reciprocal Enforcement of Support Act (1968), 23 Pa.C.S. § 4501 et seq., if the defendant is outside the Commonwealth, or in accordance with 23 Pa.C.S. § 4533 which provides for intrastate application of RURESA if the defendant is within the Commonwealth, and not in accordance with these rules.] If an action for support is brought in the county in which the plaintiff resides, but there is no venue in that county as provided in (a) above, the action shall proceed in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq., if the defendant resides outside of the Commonwealth, or in accordance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides within the Commonwealth.

(b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S.A. § 4342(c) **[and (d)]**, the action may be brought in the county where the plaintiff resides**[, whether or not the parties maintained a family domicile in that county]**.

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person;**[and]**

(2) Section 4 of Act 1996-20, P. L. _____ , 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdic-

tion shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; and

[(2)] (3) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.

ALL existing explanatory notes and comments pertaining to the rule listed below are replaced by the following:

Explanatory Comment—Rule 1910.2

Venue in support matters under the existing rule has been in the county where the defendant lived or worked, or in the county where the plaintiff lived if that county was the last family domicile. This proposed amendment expands the circumstances under which venue lies in the county in which plaintiff resides. Clearly, the fact that the plaintiff resides in a county is insufficient by itself to establish venue in that county. However, where defendant has some connection with the county in which plaintiff resides, venue may appropriately lie there.

It is important to note that long arm jurisdiction is available only when the defendant resides outside of the Commonwealth. The language of 23 Pa.C.S. § 4342, which implies that long arm jurisdiction is available in intrastate actions is suspended by Rule 1910.50(2).

HONORABLE MAX BAER,
Chair

[Pa.B. Doc. No. 96-1246. Filed for public inspection August 2, 1996, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 50]

Order Amending Rules Relating to Electronic Filing of Parking Citations; No. 211; Doc. No. 2

Order

Per Curiam:

Now, this 17th day of July, 1996, upon the recommendation of the Criminal Procedural Rules Committee; this Recommendation having been published at 25 Pa.B. 4221 (October 7, 1995) and in the *Pennsylvania Reporter* (Atlantic Second Series Advance Sheets Vol. 664) before adoption, with a *Final Report* to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.Rs.Crim.P. 61 and 95 are hereby amended, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 1997.

The Criminal Procedural Rules Committee has prepared a *Final Report* explaining the July 17, 1996 amendments to Rules of Criminal Procedure 61 (Procedures Following Filing of Citation—Issuance of Summons) and 95 (Proceedings in Summary Cases Charging Parking Violations). These amendments specifically permit and facilitate the electronic filing of parking citations. The *Final Report* follows the Court's Order.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART IIB. PROCEDURES WHEN CITATION FILED

Rule 61. **[Procedure] Procedures** Following Filing of Citation—Issuance of Summons.

(A) Upon the filing of the citation, the issuing authority shall issue a summons commanding the defendant to respond within **[ten ( ]**10**[ )]** days of receipt of the summons, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons in which case an arrest warrant shall be issued. The summons shall be served as provided in these rules.

(B) Except in cases charging parking violations when the citation is electronically filed, [A] a copy of the citation shall be served with the summons.

(C) In cases charging parking violations when the citation is electronically filed, the summons shall also include:

(1) the date, time and location of the parking violation;

(2) a description of the vehicle and the license number; and

(3) a description of the parking violation.

Official Note: Previous Rule 117, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered and amended to apply only to summary cases September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule 76. Present Rule 61, adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986**; amended July 17, 1996, effective January 1, 1997.**

Comment

[This rule is derived from previous Rule 51A, subparagraphs (1)(b) and (3)(b), and previous Rule 57(a).]

No fine or costs should be specified in the summons in cases in which the issuing authority determines that there is a likelihood of imprisonment.

This rule was amended in 1996 to facilitate the electronic filing of citations charging parking violations. See Rule 95 (Proceedings in Summary Cases Charging Parking Violations).

Committee Explanatory Reports:

Final Report explaining the July 17, 1996 amendments published with the Court's Order at 26 Pa.B. 3629 (August 3, 1996).

PART VIII. PROCEDURES IN SUMMARY CASES CHARGING PARKING VIOLATIONS

Rule 95. Proceedings in Summary Cases Charging Parking Violations.

(a) Political subdivisions may use parking tickets to inform defendants of parking violations and to offer defendants an opportunity to avoid criminal proceedings by paying an amount specified on the ticket within the

time specified on the ticket. When a political subdivision does use parking tickets and a ticket has been handed to a defendant or placed on a vehicle windshield, a criminal proceeding shall be instituted only if the defendant fails to respond as requested on the ticket. In that event, the criminal proceeding shall be instituted by a law enforcement officer filing a citation with the proper issuing authority. Upon the filing of the citation, the case shall proceed in the same manner as other summary cases instituted by filing a citation, in accordance with Rules 61—64.

(b) When a parking ticket has not been used, a criminal proceeding in a summary case charging a parking violation shall be instituted by a law enforcement officer issuing a citation either by handing it to a defendant or by placing it on a vehicle windshield. Upon the issuance of a citation, the case shall ordinarily proceed in the same manner as other summary cases instituted by issuing a citation to the defendant, in accordance with Rules 55—59. If the defendant fails to respond to the citation, the issuing authority shall issue a summons and the case shall then proceed in accordance with Rules 61—64 as if the proceedings were instituted by filing a citation, unless the issuing authority has reasonable grounds to believe that the defendant will not obey a summons, in which case an arrest warrant shall be issued and the case shall proceed in accordance with Rule 76.

(c) The filing of a citation charging a parking violation may be accomplished by electronic filing.

Official Note: Adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986**; amended July 17, 1996, effective January 1, 1997.**

Comment

[This rule replaces previous Rule 51A(2).] Many political subdivisions use parking tickets and, therefore, many parking cases are disposed of without instituting a criminal proceeding under the procedures of these rules. A parking ticket is a device of convenience to the local government and the defendant. It is not a citation and does not constitute the instituting of a summary proceeding; no enforcement of penalty can be based upon a ticket alone.

The amount specified on a parking ticket cannot exceed the fine authorized for the parking violation alleged. There is no specific time which must be specified on the ticket, although**,** of course**,** it is advisable that such time be well within the applicable statute of limitations.

If the defendant pays the amount specified on the parking ticket within the time specified on the ticket, the case will be concluded without **the** institution of a criminal proceeding. If the defendant makes no response within the suggested time, or if the defendant indicates a desire to plead not guilty, and the subdivision desires to proceed with the case, a law enforcement officer must determine the identity of the vehicle owner from the Department of Transportation and then institute a criminal proceeding by filing a citation directly with the proper issuing authority under paragraph (a) of this rule.

Paragraph (c) was added in 1996 to specifically authorize that a citation charging a parking violation may be filed electronically.

When a parking ticket is not used and a criminal proceeding is instituted under paragraph (b) of this rule by issuing a citation to a defendant, if the defendant does not properly respond to the citation, the issuing authority must notify the law enforcement officer, who should obtain from the Department of Transportation the name of the owner of the vehicle. The law enforcement officer should immediately furnish this information to the issuing authority, who **[shall] must** then issue a summons**[,]** or a warrant.

[With regard to] See Rule 21 for the "proper" issuing authority as used in these rules**[, see Rule 21]**.

Committee Explanatory Reports:

Final Report explaining the July 17, 1996 amendments published with the Court's Order at 26 Pa.B. 3629 (August 3, 1996).

FINAL REPORT

Amendments to Pa.R.Crim.P. 95:
Electronic Filing of Parking Citations

Introduction

On July 17, 1996, upon the recommendation of the Criminal Procedural Rules Committee, the Supreme Court amended Rule of Criminal Procedure 95 (Proceedings in Summary Cases Charging Parking Violations) to specifically permit the electronic filing of parking citations, and amended Rule of Criminal Procedure 61 (Procedures Following Filing of Citation—Issuance of Summons) to facilitate these electronic filings. These amendments will be effective January 1, 1997.

This *Final Report* highlights the Committee's considerations in formulating this amendment.[1]

Discussion

The Committee undertook consideration of the use of electronic filing in cases governed by the Criminal Rules after receiving inquiries from some municipalities and the Supreme Court's Judicial Computer Project Staff (JCP).

JCP pointed out in its correspondence that, now that all the district justice offices are computerized and on the statewide network, the technology is in place within the district justice system for parking citations to be electronically filed. Furthermore, both JCP and the municipal correspondents suggested that permitting electronic filings will reduce the amount of paper work that must be completed to process the parking citations, as well as reduce the costs of processing these citations.

Accepting the correspondents' premise that electronic filing was a cost-effective and efficient means of transmitting documents, the Committee reviewed Rule 95 (Proceedings in Summary Cases Charging Parking Violations). Our first consideration was whether electronic filing could be accomplished under the present provisions of Rule 95 or whether an amendment was necessary. Recognizing that electronic filings in court proceedings are still a relatively new process that is not fully accepted in the legal community, the Committee concluded that if electronic filing of parking citations was going to be permitted, specific reference to this procedure should be made in the rule.

Our second consideration was the effect electronic filing of parking citations would have on defendants. From our review of the rule, the Committee consensus was that electronic filing would have little, if any, impact on defendants. First, we noted that the filing of the parking

[1] Please note that the Committee's *Final Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the Committee's explanatory *Final Reports*.

citation occurs only after either a parking ticket or the parking citation is issued to a defendant or on the vehicle's windshield. In addition, parking violations are traditionally considered minor infractions.

Once we had concluded that a change to Rule 95 should be recommended, we addressed our last concern—whether the term "electronic" might become outdated or be perceived as limiting the technological methods of filing. We consulted JCP about the terminology, and were advised that "electronic filing" is a generally accepted term of art, encompassing all types of transmissions, including telephone, satellite, mobile, cellular, magnetic tapes or disks, infrared, Wide Area Network, and Internet, and is not likely to become outdated.

In view of the foregoing considerations, the Committee concluded that, as to parking citations *only*, it makes sense for the Criminal Rules to permit electronic filing. To accomplish this, the amendments to Rule 95 include the addition of a new paragraph (c) and *Comment* provision which specifically provide for the electronic filing of parking citations with district justices.

Publication Responses

The Committee received only one comment in response to the publication of this proposal. Timothy M. McVay, Staff Attorney for the Judicial Computer Project, suggested that the requirement in Rule 61 (Procedures Following Filing of Citation—Issuance of Summons) that, when a citation is filed, a copy of the citation must be served with the summons,[2] could be problem in cases in which a citation is electronically transmitted, because there would be no "hard copy" of the citation in the district justice's office. Requiring that the district justice print out a citation in these cases would unnecessarily complicate the process, and undermine the advantages of electronic filings.

After reviewing this potential problem, the Committee agreed that, to facilitate the electronic filing of parking citations, electronically filed parking citations should be specifically exempted from the Rule 61 requirement that a copy of the citation be served with the summons. See paragraph (B).

This change, however, created an additional problem for the Committee because the summons served pursuant to Rule 61 does not include all the information that is contained in the citation. Recognizing that the information in the citation concerning, for example, the offenses charged and the date, time, and place the offense is alleged to have taken place, is necessary to provide the defendant with adequate notice of the charges, the Committee agreed that Rule 61 should be amended to require that, when a citation charging a parking offense is electronically filed, and therefore there is no "hard copy" of the citation to serve with the summons, the summons must include the same information that is contained in a citation. See paragraph (C).

[Pa.B. Doc. No. 96-1247. Filed for public inspection August 2, 1996, 9:00 a.m.]

[2] Rule 61 only applies in a parking violation case when a defendant fails to respond to a parking ticket or parking citation that has been placed on the windshield.

PART I. GENERAL

[234 PA. CODE CHS. 50 AND 100]

Withdrawal of Changes and Dismissal Upon Satisfaction or Agreement in Summary Criminal Cases

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rules of Criminal Procedure 87 (Withdrawal of Charges in Summary Cases) and 88 (Dismissal in Summary Cases upon Satisfaction or Agreement), and amend Rule 145 (Dismissal upon Satisfaction or Agreement). The new rules would provide uniform procedures in summary criminal cases for the withdrawal of charges and for the dismissal of a case upon satisfaction being made to an aggrieved person or an agreement to make satisfaction. The following explanatory *Report* highlights the Committee's considerations in formulating this proposal.

Please note that the Committee's *Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the explanatory *Reports*.

The text of the proposed new rules and rule changes precedes the *Report*.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Anne T. Panfil, Chief Staff Counsel, Supreme Court of Pennsylvania, Criminal Procedural Rules Committee, P. O. Box 1325, Doylestown, PA 18901, no later than Monday, September 15, 1996.

By the Criminal Procedural Rules Committee:

FRANCIS BARRY MCCARTHY,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 50. PROCEDURE IN SUMMARY CASES

PART VI. GENERAL PROCEDURES IN SUMMARY CASES

Rule 87. Withdrawal of Charges in Summary Cases.

(a) In any summary case pending before an issuing authority, at any time before the completion of the summary trial or acceptance of a guilty plea, the issuing authority may permit the affiant to withdraw one or more of the charges.

(b) When an issuing authority permits an affiant to withdraw one or more of the charges, the issuing authority shall record the withdrawal on the transcript, and promptly shall notify the defendant in writing.

Official Note: Adopted , 1996, effective , 1996.

Comment

This rule permits the withdrawal of charges in summary cases pending before an issuing authority.

To ensure that an adequate record is made of any withdrawals, the issuing authority is required to include

in the transcript of the case the fact that he or she permitted the withdrawal. In addition, the issuing authority must give the defendant written notice of the withdrawal.

For the procedures for withdrawal of charges in a court case pending before an issuing authority, see Rule 151.

***Committee Explanatory Reports*:**

Report explaining the provisions of new Rule 87 published at 26 Pa.B. 3632 (August 3, 1996).

Rule 88. Dismissal in Summary Cases Upon Satisfaction or Agreement.

(a) When a defendant is charged with a summary offense, the issuing authority may dismiss the case upon a showing that:

(1) the public interest will not be adversely affected;

(2) the attorney for the Commonwealth, or in cases in which no attorney for the Commonwealth is present at the summary proceeding, the aggrieved party, consents to the dismissal;

(3) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and

(4) there is an agreement as to who shall pay the costs.

(b) When an issuing authority dismisses a case pursuant to paragraph (A), the issuing authority shall record the dismissal on the transcript.

Offical Note: Adopted , 1996, effective , 1996.

Comment

This rule permits an issuing authority to dismiss a summary case when the provisions of paragraph (A) are satisfied.

Paragraphs (a)(1) through (4) set forth those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule.

The requirement in paragraph (a)(2) that, when the attorney for the Commonwealth is present at the summary proceeding, he or she must consent to the dismissal, is one of the criteria, along with the other enumerated criteria, which gives the issuing authority discretion to dismiss a case under this rule, even when the aggrieved person refuses to consent.

The requirement in paragraph (b) that the issuing authority include in the transcript of the case the fact that he or she dismissed the case is intended to ensure that an adequate record is made of any dismissals under this rule.

For dismissal upon satisfaction or agreement in a court case charging a misdemeanor which is pending before an issuing authority, see Rule 145.

For dismissal upon satisfaction or agreement by a judge of the court of common pleas, see Rule 314.

***Committee Explanatory Reports*:**

Report explaining the provisions of new Rule 88 published at 26 Pa.B. 3632 (August 3, 1996).

CHAPTER 100. PROCEDURE IN COURT CASES

PART IV. PROCEEDINGS BEFORE ISSUING AUTHORITIES

Rule 145. Dismissal Upon Satisfaction or Agreement.

When a defendant is charged with a misdemeanor **[which is not alleged to have been committed by force or threat thereof]**, the issuing authority may dismiss the case upon a showing that:

(a) the public interest will not be adversely affected; **[and]**

(b) **[either the aggrieved person or]** the attorney for the Commonwealth**, or in cases in which there is no attorney for the Commonwealth present, the aggrieved person,** consents to the dismissal; **[and]**

(c) satisfaction has been made to the aggrieved person or there is an agreement that satisfaction will be made to the aggrieved person; and

(d) there is an agreement as to who shall pay the costs.

Official Note: Formerly Rule 121, adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered **Rule 145** and amended September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983**; amended _____, effective _____.**

Comment

[The 1973 amendment added the first sentence of former paragraph (b) and all of former paragraph (c).

Former paragraphs (a) and (b) were deleted in 1983 as unnecessary in view of the Judiciary Act Repealer Act, which repealed the statutes requiring the issuing authority to make an effort to effectuate a settlement. See 42 P. S. § 20002(a)[916] (Supp. 1982).]

[Former paragraph (c) was amended in 1983 to] Paragraphs (a) through (d) set forth **[concisely]** those criteria that a defendant must satisfy before the issuing authority has the discretion to dismiss the case under this rule. The requirement **in paragraph (b)** that**, when** the attorney for the Commonwealth **is present, he or she must** consent **to the dismissal is one of the criteria [in every case was deleted as an unnecessary criterion at this stage of the proceedings. However, it is retained as an alternative criterion]** which, along with the other enumerated criteria, **[would give] gives** the issuing authority discretion to dismiss**,** even when the aggrieved **[party] person** refuses to consent. **[If the aggrieved person consents, the issuing authority may consider whether the attorney for the Commonwealth objects to the dismissal, but it is not bound by that objection.]**

For dismissal upon satisfaction or agreement in summary cases, see Rule 88.

For court dismissal upon satisfaction or agreement, see Rule 314.

***Committee Explanatory Reports*:**

Report explaining the _____, 1996 amendments published at 26 Pa.B. 3632 (August 3, 1996).

REPORT

Proposed New Pa.Rs.Crim.P. 87 and 88; Amendments to Pa.R.Crim.P. 145:

Withdrawal of Charges and Dismissal Upon Satisfaction or Agreement in Summary Criminal Cases

Introduction

The Committee is recommending the adoption of new Rules 87 (Withdrawal of Charges in Summary Cases) and 88 (Dismissal in Summary Cases upon Satisfaction or Agreement) to fill a gap in the summary case rules. Under the present rules, there are no procedures for withdrawing charges in summary cases pending before an issuing authority, or for a district justice to dismiss a summary criminal case when the aggrieved person has received satisfaction from the defendant or the defendant has made an agreement to satisfy the aggrieved person.

Recent inquiries with the Committee suggested that some members of the minor judiciary are permitting charges to be withdrawn in summary cases and are dismissing summary cases upon satisfaction or agreement, following Rules 151 (Withdrawal of Prosecution Before Issuing Authority) and 145 (Dismissal upon Satisfaction or Agreement), even though these rules specifically apply to court cases. Other members of the minor judiciary are reluctant to proceed in this manner in summary cases without specific authorization in the rules.

In view of the lack of uniformity and the confusion about the appropriate procedures, the Committee agreed to provide specific procedures in Chapter 50 of the rules for withdrawing charges in summary cases pending before issuing authorities, and for dismissing summary cases when there has been satisfaction or an agreement for satisfaction.

Discussion of Rule Changes

Proposed New Rule 87 (Withdrawal of Charges in Summary Cases)

Paragraph (A) authorizes an issuing authority to permit an affiant to withdraw one or more charges at any time before the completion of the summary trial or the acceptance of a guilty plea, and is comparable to the procedures for court cases under Rule 151 (Withdrawal of Prosecution Before Issuing Authority). However, because of the minor nature of summary cases, and because there is rarely an attorney for the Commonwealth assigned to summary criminal cases, the Committee agreed that the Rule 88 procedures should not require the approval of the attorney for the Commonwealth or that the withdrawals had to be made by the attorney for the Commonwealth or his or her designee.

Paragraph (B) requires that the issuing authority record on the transcript any withdrawals he or she permits, and promptly notify the defendant in writing that the charges have been withdrawn. Because summary case proceedings are not of record, the Committee added these requirements to provide some checks and balances and a means of monitoring these cases.

The *Comment* provides a gloss on the new procedures, and cross-references Rule 151 for similar procedures in court cases.

Proposed New Rule 88 (Dismissal In Summary Cases Upon Satisfaction or Agreement)

New Rule 88 provides the procedures for the dismissal of summary cases when a defendant has either settled with the aggrieved person or agreed to settle, and is comparable to the Rule 145 procedures in court cases.

Paragraph (A)(1)—(4) sets forth the criteria that must be met before an issuing authority has the discretion to dismiss a case under this rule, and parallels Rule 145(a)—(d). As explained in the Comment, all the criteria must be satisfied before an issuing authority may dismiss a case.

Paragraph (B) requires that the issuing authority record on the transcript any dismissal pursuant to satisfaction or agreement. This requirement creates a record of the dismissal.

The Comment cross-references Rule 145. It also cross-references Rule 314 for similar procedures in court cases pending before a judge of the court of common pleas.

Proposed Amendments to Rule 145 (Dismissal Upon Satisfaction or Agreement)

When the Committee developed new Rule 88, we reexamined Rule 145, which applies to court cases pending before an issuing authority. As the result of this examination, we are recommending the following amendments to Rule 145.

In the introductory paragraph to Rule 145, the present limitation that dismissals upon satisfaction are only authorized in cases in which the misdemeanor is "not alleged to have been committed by force or threat thereof" has been deleted. Several members noted that many of the cases which come before the minor judiciary for dismissal upon agreement typically include misdemeanors arising out of drunken brawls or arguments between friends or neighbors that deteriorate into shoving matches or punches. Although these cases involve "force" or a "threat of force," the incidents are relatively minor, and, after a cooling-off period, the parties prefer to have the matters dismissed if the damages are paid. Based on these considerations, the Committee agreed that cases involving force or the threat of force should not be excluded from the possibility of a Rule 145 dismissal, particularly since the rule is limited to misdemeanors.

The Committee also reviewed the criteria for dismissal set forth in Rule 145(a)—(d), and concluded that these criteria should be retained. However, because we are proposing the deletion of the "force or threat of force" exclusion, and to accommodate the realities of day-to-day practice, the Committee agreed that Rule 145(b) needed revision.

Paragraph (b) presently requires a showing that "either the aggrieved person or the attorney for the Commonwealth consents to the dismissal." A question arose about what happens when the attorney for the Commonwealth disagrees with the dismissal but the aggrieved party consents. Although the present Comment suggests that the attorney for the Commonwealth's disagreement would only be one consideration for the district justice in determining whether to dismiss a case, some members expressed the view that, if Rule 145 were amended to delete the "force or threat thereof" language, a dismissal should not be permitted if the attorney for the Commonwealth does not agree. Other members observed that requiring the consent of the attorney for the Commonwealth and the aggrieved party, or requiring the consent of the attorney for the Commonwealth in every case, would unduly complicate the procedure, particularly in those judicial districts which, because of limited resources, do not ordinarily have a representative from the district attorney's office present at proceedings before the district justice.

In view of these considerations, the Committee agreed that Rule 145(b) should be amended to provide that, if the attorney for the Commonwealth is present at the proceeding, the attorney for the Commonwealth's consent is one of the four criteria that must be met before the district justice may dismiss the case. If the attorney for the Commonwealth is not present, then the aggrieved person must consent to the dismissal.

The Comment has been revised to reflect these changes, and cross-references new Rule 88 for the procedures in summary cases.

[Pa.B. Doc. No. 96-1248. Filed for public inspection August 2, 1996, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Motions and Petition Procedure; No. 96-1298

Administrative Order 8-1996

And Now, this 25th day of June 1996, it is hereby

Ordered and *Decreed* that the following Local Rule be and is hereby *Promulgated* to become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

In accordance with Pa.R.C.P. 239, seven (7) certified copies of this order shall be filed with the Administrative Office of the Pennsylvania Courts; two (2) certified copies shall be forwarded to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Civil Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

Rule L206.1. Motions and Petitions Procedure.

(1) Motions, Petitions, and Continuances.

(A) Motions, Petitions, and Continuances shall be submitted to the Civil Filing Office along with the requisite filing fee, without the necessity of presentation to the Court. These matters shall include, but not be limited to, routine Rules to Show Cause, Requests for Hearings, Discovery Motions, Child Custody matters, Requests for Alternative Service, Quiet Title matters, Change of Name proceedings, and Motor Vehicle and Liquor License Suspension Appeals.

(B) After the motion or petition is filed and time stamped, it shall be forwarded by the Civil Filing Office to the Motions and Petitions Coordinator in the Office of Court Administration for Court action and/or scheduling. The Motions and Petitions Coordinator shall return the Order or Rule to the Civil Filing Office in order to conform all copies. The Civil Filing Office shall then file the original signed order and forward by regular mail to each attorney of record or unrepresented party a copy of the Petition or Motion together with the conformed copy of the Order or Rule.

(C) A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its own discretion, provide for disposition of the matter on briefs without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(D) *Uncontested Continuances* will be accepted by mail providing they are received at least three (3) working days in advance of the scheduled event. The filing office should stamp the continuance filed and then forward said continuance to the Motions and Petitions Coordinator, who will, in turn, present it to the assigned Judge for disposition and signature. After the continuance is acted upon, it will be delivered to the filing office for completion of docketing and the mailing of the copies. If the continuance is received less than three (3) working days before the scheduled event, the attorney will be required to personally present it to the Motions and Petitions Coordinator for processing.

(2) *Filing Requirements.* All Motions and Petitions subject to this rule shall be accompanied by the following items in the following order:

(A) A completed cover sheet in the Form of Exhibit "A";

(B) A proposed order (and rule to show cause, if necessary);

(C) Stamped, addressed envelopes for each attorney of record and unrepresented party;

(D) Sufficient copies of the Petition, Motion and proposed Order or Rules for each attorney of record and unrepresented party; and

(E) Memorandum of Law, if Motion or Petition is contested.

(F) All Motions and Petitions shall be in writing, signed by a party or counsel of record and shall contain the caption of the case, the name, address, telephone number and Supreme Court identification of counsel for the moving party and the names and addresses of adverse parties and their attorneys.

(3) No motion for a preliminary injunction shall be filed unless a complaint in equity has already been docketed in the Civil Filing Office. Upon the filing of said complaint, the attorney presenting said motion shall attach to his motion a copy of his complaint and an affidavit that a preliminary injunction is an appropriate relief. This motion shall then be presented to the Motions and Petitions Coordinator who will present it to the assigned judge.

For any motion for a Temporary Restraining Order to be considered, a brief must be filed prior to the preliminary injunction hearing. The brief shall address, with particularity, why irreparable harm will result if an injunction is not granted and why an adequate remedy at law is not available.

(4) *Response Requirements.* Any party opposing the Motion or Petition shall file the following documents with the Civil Filing Office no later than 4:30 p.m. on the date twenty (20) days after the date of the signing of the Court Order or Rule to Show Cause:

(A) Completed cover sheet in the form of Exhibit "A";

(B) Proposed order;

(C) Answer to the Motion or Petition (if necessary);

(D) Copy of a transmittal letter to each counsel of record and/or unrepresented party; and

(E) A Memorandum of Law.

The filing party shall immediately serve copies of all documents filed in the Civil Filing Office on each attorney of record and unrepresented party.

(5) *Discovery Motions.* Any Motion relating to discovery must be accompanied by a Certificate signed by counsel for the moving party certifying that counsel has conferred with opposing counsel with respect to each matter set forth in the discovery Motion and was unable to resolve the differences which exist. Said Certificate shall set forth the exact time and place of the conference or consultation. Where counsel for the moving party cannot furnish the required Certificate, he shall furnish an alternate Certificate stating that opposing counsel has refused to so meet and confer and stating such other facts and circumstances supporting the absence of the required Certificate and movant's efforts to obtain compliance by opposing counsel. (NOTE: This Rule is borrowed from Rule 4 of Local Rules for Fed. Dist. Ct. of Western PA).

(6) The Court shall not act upon any Petition or Motion which does not conform with the provisions of this Rule.

CARBON COURT OF COMMON PLEAS
CIVIL DIVISION
MOTION COURT COVER SHEET

_____ No. _____

vs.

_____

FILING OF: _____
Movant ( ) Respondent ( )

_____ Assigned Judge
_____ Court Action Taken
_____ Returned to Attorney for Deficiencies
_____ Action Deferred by Court
For Court Use Only

TYPE OF FILING (check one):

( ) 1. Pretrial Discovery Motion (432)
( ) 2. Motion for Discovery in Aid of Execution (480)
( ) 3. Preliminary Objections to (576) _____
( ) 4. Motion for Summary Judgment (306)
( ) 5. Motion for Judgment on Pleadings (294)
( ) 6. Petition for Leave to Join Additional Defendant (403)
( ) 7. Petition for TRO or Preliminary Injunction (438)
( ) 8. Petition to Open or Strike Judgment (498)
( ) 9. Petition for Alternative Service (409)
( ) 10. Petition for Leave to Amend (465) _____
( ) 11. Petition to Consolidate Actions (424)
( ) 12. Petition to Compromise Minor's Action (435)
( ) 13. Petition for Leave to Withdraw (510)
( ) 14. Petition for Reconsideration (441)
( ) 15. Petition for Advancement on Trial List (404)
( ) 16. Other Motion or Petition (specify):

_____

( ) 17. Response to:

_____

OTHER PARTIES:

_____

_____

_____

Attorney's Name (Typed) _____

Attorney for: _____
( ) Movant ( ) Respondent

N.B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

Exhibit "A"

Rev. 6/12/96

[Pa.B. Doc. No. 96-1249. Filed for public inspection August 2, 1996, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Richard L. Donald has been disbarred from the practice of law before the United States District Court for the District of Maryland. The Supreme Court of Pennsylvania issued an Order dated July 18, 1996 Disbarring Richard L. Donald from the practice of law in this Commonwealth, to be effective August 17, 1996.

ELAINE M. BIXLER,
Secretary,
The Disciplinary Board of
the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 96-1250. Filed for public inspection August 2, 1996, 9:00 a.m.]

Notice of Transfer to Inactive Status

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 18, 1996, Calvin Willie Wood is transferred to inactive status pursuant to Rule 301(d), Pa.R.D.E. (relating to disabled attorneys) for an indefinite period and until further order of the Court.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of
the Supreme Court of Pennsylvania

[Pa.B. Doc. No. 96-1251. Filed for public inspection August 2, 1996, 9:00 a.m.]