

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [204 PA. CODE CH. 211]

Promulgation of Consumer Price Index and Judicial Salaries Under Act 51 of 1995; No. 179; Doc. No. 1

Order

Per Curiam:

And Now, this 20th day of November, 1996, pursuant to Article V, section 10(c) of the Pennsylvania Constitution and section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage of increase in the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 1997, as required by Act 51 of 1995, amending the Public Official Compensation Law, act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

(a) Pursuant to Article 5, section 10(c) of the Pennsylvania Constitution and 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage of increase in the Consumer Price Index for the immediately preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S. § 153(a)(8)(vii), 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 179 Judicial Administration Docket No. 1.

(b) The Court Administrator of Pennsylvania reports that the percentage of increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 1996, was 2.6 percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Wednesday, October 21, 1996.)

§ 211.2. Judicial Salaries.

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995:

Section 2.1. Judicial salaries effective January 1, 1997.

(a) Supreme Court.—The annual salary of the Chief Justice of the Supreme Court shall be \$126,198, and the annual salary of each of the other justices of the Supreme Court shall be \$122,864.

(b) Superior Court.—The annual salary of the President Judge of the Superior Court shall be \$120,812, and the annual salary of the other judges of the Superior Court shall be \$119,016.

(c) Commonwealth Court.—The annual salary of the President Judge of the Commonwealth Court shall be \$120,812. The annual salary of each of the other judges of the Commonwealth Court shall be \$119,016.

(d) Courts of common pleas.—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$108,756.

(ii) Philadelphia County, \$109,269.

(iii) Judicial districts having six or more judges, \$107,730.

(iv) Judicial districts having three to five judges, \$107,217.

(v) Judicial districts having one or two judges, \$106,704.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$107,730.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$107,217.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$107,730.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$107,217.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$106,704.

(e) Philadelphia Municipal Court.—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$105,678. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$103,883.

(f) Philadelphia Traffic Court.—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$56,430. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$55,917.

(g) District justices.—A district justice shall receive an annual salary payable by the Commonwealth of \$52,839.

(h) Senior judges.—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$324 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without

being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 96-2051. Filed for public inspection December 6, 1996, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rule of Court of Common Pleas 206.7: Duty of Petitioner to Proceed After Answer Filed; No. 4 of 1996 Rules Docket

Order of Court

And Now, this 22nd day of November, 1996, pursuant to action of the Board of Judges, the within new local Rule 206.7 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

ROBERT E. DAUER,
President Judge

Rule 206.7. Duty of Petitioner to Proceed After Answer Filed.

*(1) Rules to Show Cause, Petitions and Answers.

(a) After compliance with the provisions of Pa.R.C.P. 206.7 (a)—(c) any party may order the cause for argument by delivering a praecipe for a date and time to the Chief Motions Clerk. Prompt written notice thereof shall be served by the party obtaining the date upon all other parties to the proceeding.

(b) A petition for a rule to show cause, unless otherwise ordered, shall be answered within twenty days after service of the rule.

(c) Discovery documents, such as, deposition transcripts, Answers to Interrogatories, Answers to Requests for Production and Admissions, which bear upon the issue before the court, shall be filed at least seven days before the argument or hearing date.

(d) Except as otherwise ordered, rules to show cause and issues raised by petitions and answers shall be determined by the Motions Judge in accordance with Local Rule 249.

Note: Allegheny County has not adopted the optional procedure provided by Pa.R.C.P. 206.6

[Pa.B. Doc. No. 96-2052. Filed for public inspection December 6, 1996, 9:00 a.m.]

ALLEGHENY COUNTY

Rule of Court of Common Pleas 249: Authority of Individual Judge; No. 5 of 1996 Rules Docket

Order of Court

And Now, this 22nd day of November, 1996, pursuant to action of the Board of Judges, the within local Rule 249 which replaces old Rule 249 affecting the Civil Division of

the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

ROBERT E. DAUER,
President Judge

Rule 249. Authority of Individual Judge.

*I. Motions Judge

A. 1. Except as otherwise provided by this rule or special order, the following matters regarding General Docket cases, which are not listed for trial, shall be presented to the Motions Judge, unless the Motions Judge is unavailable and an emergency exists:

a. Preliminary objections;

Note: See Rule 1028.*1(I) regarding preliminary objections.

b. Petitions to open or strike default or confessed judgments;

c. Petitions for injunctive relief and subsequent hearings on the petitions;

(excepting enforcement which shall be presented to the judge who issued the injunctive relief);

Note: See Rule 1531*(g) regarding injunctive relief.

d. Petitions for writs of seizure and subsequent hearings thereon;

Note: See Rule 1075 et seq. Regarding writs of seizure.

2. Other motions, petitions and applications may be presented to the Motions Judge unless they are matters that may be presented only to the Special Motions Judge.

B. Except in cases of emergency, uncontested motions and petitions shall be presented at 9:30 a.m. or at 1:30 p.m. In July and August, they shall be presented only at 9:30 a.m., on Monday, Tuesday and Thursday.

C. 1. Any brief other than a brief in support of preliminary objections, which the moving party intends to submit to the Court for consideration shall be filed with the Motions Clerk and served upon all other parties at least seven (7) days before the date scheduled for argument. Briefs in support of preliminary objections shall be presented to the Motions Clerk at the time of filing the preliminary objections.

2. Any brief which a party other than the moving party intends to submit to the Court for consideration shall be filed with the Motions Clerk and served upon all other parties at least three (3) days before the date scheduled for argument.

3. The filing of preliminary objections to preliminary objections shall in no way alter or delay the argument from its originally scheduled date and shall be argued at the same time as the original preliminary objections.

D. The date and time for argument of any other contested matter shall be obtained in advance from the Chief Motions Clerk in the courtroom of the Motions Judge.

E. Written notice shall be served upon all other parties by the party obtaining the hearing date. Except in cases of emergency or waiver by consent of all parties, and except as to preliminary objections and final determinations of rules to show cause, at least ten (10) days written notice shall be required.

Note: See Rule 1028.*1(I) regarding preliminary objections. See Rule 206.7* regarding rules to show cause.

F. In the event that a matter specially scheduled for argument becomes moot, the moving party shall immediately notify the Chief Motions Clerk and shall clear the record of the pendency of the issue.

*II. Special Motions Judge

Except as otherwise provided by this rule or special order, the following matters shall be presented only to the Special Motions Judge: (1) all matters regarding Arbitration Docket cases, except for request for continuances, and (2) pleading, (except preliminary objections) discovery and other pretrial matters for General Docket cases which are not listed for trial. Other motions, petitions and applications may be presented to the Special Motions Judge unless they are matters that may be presented only to the Motions Judge.

A. The procedure for Arbitration matters (including cases transferred from the General Docket) shall be as follows:

1. All uncontested matters except for requests for continuance, shall be presented on Fridays at 10:00 a.m., 12:00 noon, or 2:00 p.m.;

2. All contested matters including: motions, petitions, preliminary objections and other pre-hearing matters, except for proposed orders for continuance, shall be filed with an Arbitration Clerk who shall at the time of filing schedule a Friday argument date and time.

B. The procedure for General Docket cases not listed for trial shall be as follows:

1. All uncontested motions shall be presented on Fridays at 10:00 a.m., 12:00 noon or 2:00 p.m.;

2. For contested motions, the moving party may obtain a Friday argument date and time, in person or by phone, from the Assignment Room between 1:30 p.m. and 4:30 p.m. or the moving party may, after giving appropriate notice to all other parties, place the matter on the 2:00 p.m. add-on list at anytime after 8:30 a.m. on the Friday on which it will be argued.

C. Except in cases of emergency or waiver by consent of all parties, at least ten (10) days written notice of the presentation of a contested matter shall be served by the moving party on all other parties.

D. If a matter scheduled for argument becomes moot, the moving party shall notify an Arbitration Clerk or an Assignment Room Clerk.

*III. Calendar Control Judge

A. Except as otherwise provided in this rule or by special order, all matters regarding cases on a published trial list, including the following, shall be presented to the Calendar Control Judge:

1. Petitions or motions relating to pleadings or discovery;

2. Proposed orders for continuance of cases on the Arbitration Docket, except that, as to cases which have not been continued previously, if all parties agree, an Adjournment of Hearing form ("green sheet") shall be presented instead to the Chief Arbitration Clerk on Room 516 Courthouse;

3. Proposed orders for continuance of cases on the General Docket;

4. Petitions for withdrawal and/or substitution of counsel;

5. Petitions for enforcement of subpoenas;

6. Matters relating to the selection and examination of prospective jurors;

7. Petitions to enforce settlement agreements entered into after a case appears on a published trial list, except those cases settled as a result of a conciliation by another judge, which petitions shall be presented to that judge;

8. Petitions for impartial medical examinations or for appointment of other impartial expert witnesses;

9. Petitions for approval of settlement of minors' and incompetents' claims and wrongful death and survival claims and,

Note: See, Rule 2039*1 regarding settlement of minors' claims. See, Rule 2064*1 regarding settlement of claims of incapacitated persons.

10. All matters not otherwise provided for regarding cases on a published trial list.

B. All motions and petitions in General Docket cases regarding venue shall be presented to the Calendar Control Judge, regardless of whether or not the case appears on a published trial list.

C. All matters shall be presented each morning at 9:00 a.m. prevailing time, following the call of the daily trial list and during non-trial term, at such times as the Calendar Control Judge may from time to time designate in the daily Pittsburgh Legal Journal.

D. Except in cases of emergency or waiver by consent of all parties, at least ten (10) days written notice of the presentation of a contested matter shall be served by the moving party on all other parties.

E. In the event that a matter specially scheduled for argument becomes moot, the moving party shall so notify the judge's secretary immediately.

*IV. Complex Case Judge

A. Applications for designation of cases as complex, other than class actions and toxic substance cases, shall be presented to the Complex Case Judge.

B. A case may be considered complex when the case cannot be tried within ten (10) days, when there are complex questions of law and fact, or when the orderly administration of justice requires that the case be assigned to a single judge.

C. If a complex case is also a toxic substance case, it shall be assigned to the Toxic Substance Case Judge. If a complex case is also a class action, it shall be assigned to the Class Action Judge.

*V. Toxic Substance Case Judge

A. Actions for personal injury or property damage caused by asbestos, or such other toxic substances as the court by administrative order may designate from time to time, unless designated as a class action, upon filing shall be assigned to the Toxic Substance Case Judge, prior to the case being assigned to a general trial list.

B. A toxic substance case, that is also filed as a class action, shall be assigned instead to the Class Action Judge.

Note: To determine whether a toxic substance other than asbestos has been made subject to this rule by administrative order, parties may contact the secretary of the Administrative Judge. See Rule *198.6, Appendix B, regarding General Docket Code.

***VI. Class Action Judge**

Class Action cases, upon filing, shall be assigned to the Class Action Judge in accordance with Pa.R.C.P. 1701 et seq.

Note: See Rule *198.6, Appendix B, regarding General Docket Code.

***VII. General Argument List for General Docket Cases**

A. Except as otherwise ordered in accordance with Pa.R.C.P. 227.2 or by special order, motions for judgment on the pleadings and motions for summary judgment shall be placed on the General Argument List and heard by a single judge.

B. All motions for judgment on the pleadings and motions for summary judgment shall be presented to a Calendar Control Clerk and clocked before being filed in the Office of the Prothonotary. Those motions which have been filed by 2:00 p.m. on the fortieth day before a scheduled argument date shall be placed on the argument list for that date.

Note: See Rule *198.6(A)(10) regarding additional information required on Identification sheet.

C. No case which currently appears on a published trial list may be scheduled for argument without leave from the Calendar Control Judge.

D. Argument lists shall be printed in the daily edition of the Pittsburgh Legal Journal at least thirty (30) days before the date scheduled for argument.

E. In the event that a matter scheduled for argument becomes moot, the moving party shall so notify the court immediately and shall clear the record of the pendency of the matter. Prior to the publication of the argument list, notice shall be given to the Chief Calendar Control Clerk; subsequent to publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned. Notification regarding Arbitration matters shall be given to an Arbitration Clerk.

F. Briefs on behalf of the moving party shall be attached to the motion, separately tabbed. Response briefs shall be presented to the argument clerk and filed at least seven (7) days prior to argument.

Note: This Rule was not intended to list every conceivable type of motion/petition filed, and to which Court each type of motion/petition should be presented. Accordingly, some overlap in function among the Judges mentioned herein may occur. When in doubt, counsel are advised to consult with the Chief Motions Clerk to determine the proper Court for presentation of the motion/petition.

[Pa.B. Doc. No. 96-2053. Filed for public inspection December 6, 1996, 9:00 a.m.]

ALLEGHENY COUNTY

Rule of Court of Common Pleas 1910.21-3: Office Conference; No. 6 of 1996 Rules Docket

Order of Court

And Now, this 22nd day of November, 1996, pursuant to action of the Board of Judges, the within new local Rule 1910.21-3 affecting the Family Division of the Court

of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

ROBERT E. DAUER,
President Judge

Rule 1910.21-3. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

* * * * *

(e) In all cases of civil contempt for failure to comply with an order of support, if no agreement is reached at the domestic relations office conference, further proceedings shall be conducted pursuant to the alternative hearing procedure of Pa.R.C.P. No. 1910.21-5.

[Pa.B. Doc. No. 96-2054. Filed for public inspection December 6, 1996, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FAYETTE COUNTY

Amended Local Rule 212: Pre-Trial Procedure; No. 2100 of 1996, G. D.

Order

And Now, this 22nd day of November, 1996, it is hereby ordered that Fayette County Rule of Civil Procedure 212, subsection (b)(2) is hereby repealed and the new subsections (b)(2) and (b)(3) are hereby adopted. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Amended Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 212. Pre-Trial Procedure.

* * * * *

(b) The Prothonotary shall keep a Pre-trial Docket. Cases may be placed on the Pre-Trial Docket by any party, but only if:

(2) Such party shall file a certification of readiness with the Prothonotary, with notice given to all parties pursuant to Pa.R.C.P. 440 at least 15 days prior to filing

said certification. The certification shall state that the attorney placing the case on the Pre-Trial Docket certifies that all discovery has been completed and the case is ready for trial.

(3) Any party objecting to the certification of readiness shall file a petition setting forth the reasons and the time period within which the objecting party needs to complete the necessary discovery or investigation. A party's failure to file and present the petition in motions court within the 15 day period shall be deemed to be a consent to the certification of readiness.

[Pa.B. Doc. No. 96-2055. Filed for public inspection December 6, 1996, 9:00 a.m.]

FAYETTE COUNTY

Amended Local Rule 1302: Compulsory Arbitration Arbitrators; No. 210 of 1996, G. D.

Order

And Now, this 22nd day of November, 1996, it is hereby ordered that Fayette County Rule of Civil Procedure 1302, subsections (a) and (c) are hereby repealed and the new subsections (a) and (c) are hereby adopted. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Amended Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 1302. Compulsory Arbitration: Arbitrators.

(a) The Court Administrator shall maintain a roster of arbitrators, which shall include all attorneys as set forth in subparagraph (c) herein.

(c) All attorneys who are actively engaged in the practice of law in Fayette County shall be listed on the roster of arbitrators unless:

(1) Upon petition, they have requested to be removed from the list by court order; or

(2) They have been removed from the list for some other reason by court order.

[Pa.B. Doc. No. 96-2056. Filed for public inspection December 6, 1996, 9:00 a.m.]
