

THE COURTS

Title 204—JUDICIAL SYSTEMS GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 503(a) of the Pennsylvania Rules of Disciplinary Enforcement; No. 335 Dis- ciplinary Doc. No. 3

Order

Per Curiam:

And Now, this 8th day of May, 1997, Rule 503(a) of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of such rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendment shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter E. CLIENT SECURITY FUND

GENERAL PROVISIONS

Rule 503. Pennsylvania Lawyers Fund for Client Security Board

(a) *General Rule.* The Supreme Court shall appoint a board to be known as the "Pennsylvania Lawyers Fund for Client Security Board" which shall consist of five members of the bar of this Commonwealth[, **one of whom shall be designated by the Supreme Court as Chairman and another as Vice-Chairman,**] and two non-lawyer public members. **One of the members shall be designated by the Court as Chair and another as Vice-Chair.**

* * * * *

[Pa.B. Doc. No. 97-811. Filed for public inspection May 23, 1997, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915, 1920,
1930 AND 4000]

Amendment of the Rules Relating to Discovery in Domestic Relations Matters; No. 280; Doc. No. 5

Order

Per Curiam:

And Now, this 5th day of May, 1997, Pennsylvania Rules of Civil Procedure 1910.9, 1910.11, 1910.12, 1915.5, 1920.22, 1920.91, and 4001 are amended, and new Rule 1930.5 is promulgated as follows hereto.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective July 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.9. Discovery.

(a) There shall be no discovery **in an action for support** unless authorized by special order of court, **except as provided in Rule 1910.11(j) and Rule 1910.12(c).**

***Official Note:* The rule relating to discovery in domestic relations matters generally is Rule 1930.5.**

* * * * *

Rule 1910.11. Office Conference. Subsequent Pro- ceedings. Order.

* * * * *

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where

(i) there are complex questions of law, fact or both, or

(ii) the hearing will be protracted, or

(iii) the orderly administration of justice requires that the hearing be listed separately.

(2) **[The motion may include a request for discovery. If granted, the order may specify the scope of discovery.]** If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

***Official Note:* The rule relating to discovery in domestic relations matters generally is Rule 1930.5.**

* * * * *

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

* * * * *

(c)(1) Except as [set forth] provided in subdivision (c)(2), promptly after conclusion of the conference, a party may move the court for a separate listing of the hearing where

- (i) there are complex questions of law, fact or both, or
- (ii) the hearing will be protracted, or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

* * * * *

(3) [The motion may include a request for discovery. If granted, the order may specify the scope of discovery.] If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

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**CHAPTER 1915. ACTIONS FOR CUSTODY
PARTIAL CUSTODY AND VISITATION OF MINOR
CHILDREN**

Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.

* * * * *

(c) There shall be no discovery unless authorized by special order of court.

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR
ANNULMENT OF MARRIAGE**

Rule 1920.22. Discovery.

[(a) Except as provided by subdivision (b), there shall be no discovery in an action of divorce or for annulment or a claim which has been joined as permitted under the Divorce Code unless authorized by special order of court.

Note: Rule 1920.91 suspends § 3505(c) of the Divorce Code which provides for discovery in actions of divorce or for annulment of marriage.

(b) When a claim is made for alimony or the determination and distribution of property rights, any party may serve upon any other party as of course within such time as not to delay the trial interrogatories limited to those claims. The practice and procedure shall be governed by the rules of civil procedure governing depositions and discovery.]

Rescinded.

Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

Rule 1920.91. Suspension of Acts of Assembly.

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in actions for divorce or annulment of marriage to the extent hereinafter set forth:

* * * * *

[(2) Section 3505(c) of the Domestic Relations Code, 23 Pa.C.S. § 3505(c), absolutely;

Official Note: Suspended Section 3505(c) of the Divorce Code provides for discovery in actions of divorce or for annulment of marriage. Discovery in such actions is prescribed by Rule of Civil Procedure 1920.22.

(3)] (2) ***

[(4)] (3) ***

[(5)] (4) ***

**CHAPTER 1930. RULES RELATING TO DOMESTIC
RELATIONS MATTERS GENERALLY**

Rule 1930.5. Discovery in Domestic Relations Matters.

(a) There shall be no discovery in a simple support, custody or Protection from Abuse proceeding unless authorized by order of court.

(b) Discovery shall be available without leave of court in accordance with R.C.P. 4001 et seq. in complex support, alimony, equitable distribution, counsel fee and expense applications.

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4001. Scope. Definitions.

(a) [(1)] The rules of this chapter apply to any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

* * * * *

[(2) These rules shall not apply to an action of divorce or for annulment of marriage, an action for support, or an action for custody of minor children except to the extent prescribed by the rules governing those actions.]

All existing explanatory notes and comments pertaining to the rules listed below are replaced by the following:

Explanatory Comment—Rule 1910.9

Subdivision (a) is amended to permit discovery in accordance with R.C.P. 4001 et seq. in any support matter which has been designated complex. In all other support matters discovery is permitted only by leave of court. Cases should not be designated complex in order to obtain discovery, nor should a support hearing be used to conduct discovery. Instead, the court should grant leave to engage in discovery in the few simple support cases in which it is warranted.

Subdivision (b) authorizes the court to obtain earnings and health insurance information from the employer of either party to a support action, using the forms provided in Rule 1910.27.

Explanatory Comment—Rule 1920.22

Rescinded.

Explanatory Comment—Rule 1930.5

Whether a support case is complex is to be determined by motion before the court pursuant to Rules 1910.11(j)(1) and 1910.12(c)(1). It is not necessary to have a case designated complex in order to engage in discovery. If

discovery is needed in a case which does not require a complex designation, the court should grant leave to engage in it.

[Pa.B. Doc. No. 97-812. Filed for public inspection May 23, 1997, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

New and Revised Local Rules 1920.2—1920.55— Procedural Rules for Actions of Divorce or for Annulment of Marriage; 97-J-9

Order

And Now, this 11th day of April, 1997, *It Is Ordered* that the following rules for Actions of Divorce or for Annulment of Marriage in 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 rules in the *Pennsylvania Bulletin*; that the present Lehigh County Rules 1920.13 through 1920.55 are revoked, effective at the same time; 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 Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

By the Court

JAMES KNOLL GARDNER,
President Judge

LEHIGH COUNTY RULES FOR ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

L. C. Rule 1920.2. Venue.

A party who enters an appearance in order to file preliminary objections to venue in an action of divorce or an action for annulment of marriage shall not be deemed to be participating in the proceeding for purposes of Pa.R.C.P. 1920.2(a)(2)(ii).

L. C. Rule 1920.3. Commencement of Action.

(a) An action shall be commenced by filing a complaint with the Clerk of Courts, Lehigh County, Civil Division, Divorce Filings. All subsequent pleadings filed pursuant to the Divorce Code or by separate petition relating to any matter involving the same parties shall be filed with the Clerk of Courts, as aforesaid, and docketed to the same docket number.

(b) In all cases the plaintiff, upon filing of a complaint, shall pay to the Clerk of Courts the sum of \$55.00 as an administration fee, in addition to the required filing fees. Where claims for costs and expenses are contained in the complaint, the administration fee shall be subject to apportionment between the parties as with any other fees, costs, and expenses incurred in the action.

L. C. Rule 1920.4. Service.

Proof of service or acceptance of service as authorized by Pa.R.C.P. 1920.4(a) and (d) shall be filed within 30

days of service of process. A copy of the certificate of service shall be forwarded to the Master-in-Divorce as provided for pursuant to L. C. Rule 1920.33.

L. C. Rule 1920.12. Complaint.

(a) In addition to the requirements of Pa.R.C.P. 1920.12, the plaintiff shall set forth in the complaint,

(1) a statement that the plaintiff specifically waives or reserves the right to request that the court so require the parties to participate in counseling in any action under Sections 3301(a)(6), (c), or (d) of the Divorce Code. If a reservation of such request for counseling is contained in the complaint, waiver of the right of plaintiff must be contained in the affidavit submitted under Pa.R.C.P. 1920.72 or a separate waiver must be submitted by the plaintiff prior to the entry of the decree if counseling has been completed pursuant to court order;

(2) an allegation as to the military or non-military service of the parties. If no such allegation is made, the allegation must be contained in the affidavit submitted under Pa.R.C.P. 1920.72 or by separate affidavit prior to the entry of the decree;

(3) a statement as to any children born to the parties, whether such children are minors, and that the plaintiff and defendant have been advised of the requirement to participate in the Co-Parent Education (COPE) Program administered by the Court of Common Pleas of Lehigh County, Pennsylvania pursuant to the Court's Order of December 30, 1993;

(4) if desired, a request that the parties participate in the Interim Relief Program before the Master-in-Divorce.

(b) An additional copy of the verified complaint in divorce shall be filed for each of the following claims set forth in the divorce complaint;

- (1) Custody;
- (2) Equitable distribution;
- (3) Other types of ancillary relief.

(c) A claim for custody, whether filed in a separate complaint or petition or as a count in the divorce complaint shall conform to the requirements of the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. Section 5341, et seq., and Pa.R.C.P. 1915.1 et seq.

L. C. Rule 1920.13. Pleading More Than One Cause of Action Alternative Pleading.

(a) Where a claim for relief under the divorce code is made in addition to a claim of divorce or for annulment, the plaintiff shall set forth in the complaint or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and the number, commencement date, and present status (if pending) or the final disposition of such proceeding.

(b) As provided in Pa.R.C.P. 1920.13(d), the court may order reasonable counsel fees, costs and expenses pending final disposition of any claim. In the first instance, the Master-in-Divorce shall hear all petitions for interim counsel fees, costs and expenses. All such requests shall be made by petition and rule to show cause delivered to the Master-in-Divorce Office. An original plus two (2) copies shall be delivered after which the Master shall fix a date and time on the rule returnable and have the original and copies filed with the Clerk of Courts, Civil Division, Divorce filings. The rule to show cause shall be given a return date for filing of an answer and also a

conference date with the Master, and shall be forwarded directly to the parties by the Master's Office.

(c) The petition for interim counsel fees, costs and expenses shall contain:

(1) identification of all other pending litigation between the parties;

(2) petitioner's income and expense statement in the form required by the practice and procedure governing an action for support, together with a true copy of petitioner's most recent Federal income tax return and pay stubs, if any, for the preceding six (6) months;

(3) petitioner's inventory of all property owned or possessed in the form sufficient to acquaint the Master of the size, nature, and extent of the assets of the parties, both marital and non-marital;

(4) the specific amounts claimed for interim counsel fees and expenses and any statement for services, bills, estimates, or other itemization or explanation.

(d) The answer to the petition shall include:

(1) the respondent's income and expense statement and inventory as required of petitioner, together with a true copy of respondent's most recent Federal income tax return and pay stubs, if any, for the preceding six (6) months;

(2) a concise statement of respondent's position regarding the amounts claimed by the petitioner.

(e) If no answer is filed by the return date, upon praecipe and an affidavit of service of the petition and rule returnable, showing service more than ten (10) days before the return date, the Master will recommend that the rule be made absolute.

Following conference, the Master will make a recommendation in the form of a draft Order of Court to the Administrative Judge of the Family Division for entry of an interim order recommending the allowance of specific amounts as interim counsel fees and expenses; fees and/or expenses be paid by non-moving party or utilized from existing marital assets; that the petition be denied; or such other relief as warranted under the circumstances. The Order will provide that either party aggrieved may file a written demand for de novo review before the Court within ten (10) days. If neither party files demand for review within ten (10) days thereafter, the recommendation shall be a final Court Order. Demand for de novo review shall be placed on the next available Family Court Miscellaneous list.

L. C. Rule 1920.15. Counterclaim. Subsequent Petition.

Where a claim for relief under the Divorce Code is made in addition to a claim for divorce or for annulment, the defendant shall set forth in the counterclaim or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and if so, the caption, court, term and number, commencement date, and present status (if pending) or the final disposition of such other proceedings.

L. C. Rule 1920.16. Severance of Actions and Claims. Interim Relief Program.

(a) The Master-in-Divorce shall be empowered to hear petitions for interim relief to assist parties either through agreement or by recommendation for entry of a court order to stabilize their financial circumstances, preserve assets subject to equitable distribution, and provide for

interim distribution of marital assets warranted by the circumstances. Other issues subject to interim relief may include the use or possession of marital assets by the parties pending equitable distribution; payment of joint credit card debt or other liens during the divorce action, including mortgages, car payments, car insurance, personal loans, etc.; whether cash assets should be escrowed or whether they should be distributed in whole or in part; whether certain marital assets should be sold or disposed of during the pendency of the divorce; and issues of discovery. This shall be known as the "Interim Relief Program".

(1) Participation in the Interim Relief Program shall be voluntary by mutual agreement of the parties. Parties shall retain the right to proceed directly to the Court, if so desired, on any matter that may be submitted pursuant to the Interim Relief Program or for Special Relief pursuant to Pa.R.C.P. 1920.43.

(2) Petitions pursuant to the Interim Relief Program may be filed contemporaneously with the divorce complaint or at anytime thereafter. All such petitions shall be titled "Plaintiff's/Defendant's Petition for Interim Relief pursuant to Lehigh County Rule of Civil Procedure 1920.16". The original of the Petition shall be filed with the Clerk of Courts, Civil Division, Divorce filings. A time-stamped copy of the Petition shall be provided to the Master-in-Divorce Office at least five (5) days prior to the intended date of presentation to the Master. Written proofs of notice of presentation as well as agreement of opposing counsel to proceed before the Master-in-Divorce shall be attached to the Petition.

(3) Petitions shall be heard by the Master on Tuesday and Thursday mornings commencing at 9:30 a.m. in the Master-in-Divorce Office. No ex parte petitions will be entertained by the Master. The parties and their counsel shall be entitled to attend the proceedings, although the presence of the parties shall not be required. No record of the proceedings shall be provided by the Master. The parties shall have the right to arrange and provide for their own stenographic services.

(4) Every attempt shall be made by the Master to dispose of all requests/petitions on the date of presentation or hearing. If the parties cannot agree on an Order for relief, the Master will make a written recommendation in the form of an interim Court Order which will be automatically processed by one of the Judges of the Family Division. Any party aggrieved by the Order shall be entitled to file a written demand for review by the Court within ten (10) days of receipt of the Order. Demands for review shall be placed on the earliest available Family Court Miscellaneous list. There shall be no record of the proceedings before the Master unless arranged by either of the parties. If a written demand for review from the recommended Order is filed by either party, the Master shall prepare and file a written statement of the reasons for the recommendation, if not already stated in the recommended Order.

L. C. Rule 1920.22. Discovery.

Any party requesting discovery under Pa.R.C.P. 1920.22 shall present a petition specifying the discovery requested to the Family Court Motion Judge or to the Master-in-Divorce, as heretofore provided pursuant to the Interim Relief Program, and shall comply with all Lehigh County rules relative to the notice and presentation of said petition. The Master-in-Divorce shall be empowered to rule by way of recommendation to the Court on any requests for discovery made pursuant to the Interim Relief Program.

L. C. Rule 1920.31. Alimony Pendente Lite, Counsel Fees, Costs and Expenses.

(a) A claim for alimony pendente lite, whether made by the plaintiff or the defendant, shall in the first instance be decided by the Domestic Relations Section of the Court. Where a claim for such relief is made, the Clerk of Courts shall transmit a duplicate copy of the pleading requesting such relief to the Domestic Relations Section. The practice and procedure with respect to any such claims, including pre-hearing conferences conducted by the Domestic Relations Office, shall be the same as the procedure in cases for support instituted by Civil Complaint.

(b) Claims for interim counsel fees shall be made in accordance with L. C. Rule 1920.13.

L. C. Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) As provided in L. C. Rule 1920.4, within thirty (30) days of service of the complaint containing a claim for equitable distribution of property, the plaintiff shall prepare and file a certificate of service. A time-stamped copy of said certificate of service shall promptly be forwarded to the Master-in-Divorce.

The Master shall prepare a recommended Order regarding the filing date for the respective parties' inventories in compliance with Pa.R.C.P. 1920.33(a) which shall be forwarded to the presiding Judge of the Family Division for immediate processing.

The failure of any party to file the necessary inventory of all property as required by Pa.R.C.P. 1920.33(a) may be enforced by the adverse party presenting a motion or petition to the Family Court Motions Judge, or to the Master-in-Divorce pursuant to the Interim Relief Program, for such relief as deemed appropriate.

L. C. Rule 1920.42. Court Review Officers.

Case papers transmitted to the court pursuant to Pa.R.C.P. 1920.42(a) shall be reviewed by Court Review Officers. Court Review Officers shall be practicing attorneys designated by the Court.

L. C. Rule 1920.43. Special Relief.

A petition setting forth facts entitling a party to relief under Pa.R.C.P. 1920.43 shall be filed with the Clerk of Courts with rule returnable, subject to all Lehigh County rules relative to the notice and presentation of said petition, or may be presented to the Master-in-Divorce pursuant to the Interim Relief Program. The Master-in-Divorce shall be empowered to hear all petitions presented under subdivision (a) of Pa.R.C.P. Rule 1920.43 by direct petition according to the procedure set forth in L. C. Rule 1920.16 or by directive of the Court.

L. C. Rule 1920.45. Counseling.

A request for counseling shall be substantially the following form:

REQUEST FOR COUNSELING

The undersigned, pursuant to Pa.R.C.P. 1920.45, herewith requests counseling and prays the Court to enter an order requiring up to a maximum of three counseling sessions within (xxxxxx) days from

(Plaintiff)

(Defendant)

The request shall be presented to the Family Court Motions Judge who shall enter an appropriate order, or

may be presented to the Master-in-Divorce pursuant to the Interim Relief Program who shall recommend appropriate action by the Court.

L. C. Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

As provided in Pa.R.C.P. 1920.51(a)(3), the Motion for the appointment of a Master and Order shall be substantially the form prescribed by Rule 1920.74. The motion shall be filed in duplicate with the Clerk of Courts, Civil Division, Divorce filings. All Motions shall be accompanied with a check payable to the Clerk of Courts in the amount of \$250.00 unless the \$55.00 administration fee required under L. C. Rule 1920.3 has not as yet been paid. In that event, the Motion shall be accompanied with a payment in the amount of \$305.00. Any motion which fails to conform to the claims or defenses raised in the pleadings of record may either be denied or vacated.

The Master's fee specified above shall cover the Master's review of the file, scheduling of the initial conference, the initial conference, preparation and filing of the scheduling Order, and the first full day of Master's hearings. If requested by the parties, it shall also cover the settlement conference. Should proceedings not be concluded after a full day of Master's hearing, the Master shall be empowered to request that an additional cost of \$200.00 per day be imposed for any subsequent Master's hearings and that said cost be made prior to the scheduling of a second Master's hearing.

No Motion for the appointment of a master shall be filed unless the moving party has filed its Inventory in the form and manner set forth in Rule 1920.33 and 1920.75. The Clerk of Courts may refuse to accept for filing any Motion for appointment if the moving party has failed to have its Inventory filed either prior to or contemporaneous with the filing of the motion. The moving party shall serve upon the non-moving party a true and correct copy of the Motion filed, the proposed Order, and the signed Order when received from the Court.

Upon receipt by the Master of the Order appointing Master, an initial conference before the Master shall be scheduled. Written confirmation of the date and time of the initial conference shall be sent to the parties directly from the Master's Office. With the exception of an unrepresented party, the initial conference shall be between only the Master and counsel for the parties.

At the initial conference, the parties shall submit an informational sheet containing a summary of marital assets/debts, with date of acquisition, separation, and distribution values. A recommended form of such summary is available in the Master's Office. Copies of the parties latest Federal and State Income Tax returns, or other evidence of the incomes of the parties, if any, shall also be provided to the Master.

Following initial conference, the Master will prepare a recommended Order setting forth any additional discovery to be conducted by the parties, with time limits within which to complete such discovery, as well as a schedule for the filing of the pre-trial statements in accordance with Rule 1920.33(b) and a date of the Master's hearing. The recommended Order shall be submitted to the Administrative Judge of the Family Division for immediate processing.

As provided in the recommended Order, either party may request a settlement conference with the Master prior to the filing of the pre-trial statements. No settlement conference shall be scheduled as of course. If a

settlement conference is held, counsel and the parties are required to attend. At least five (5) days prior to the date of the settlement conference, (if not previously provided in the parties' Inventory or at the time of the initial conference) the parties shall submit to the Master a summary of the marital and non-marital estate, including valuations of assets on dates of acquisition, separation, and distribution, as well as a proposed resolution of the economic issues. Copies of all appraisals, expert reports, or other documentation to the support the parties' claims should also be available for the Master's review. If the matter is not resolved at the settlement conference, the parties shall proceed with filing of pre-trial statements and other provisions of the Initial Conference Order. The scheduling of the settlement conference shall not relieve the parties from compliance with the Initial Conference Order, unless otherwise directed by the Master.

There shall be a mandatory Pre-Trial Conference held by the Master in every case. Except in unusual cases, the pre-trial conference shall be held on the date of the scheduled Master's hearing commencing at 9:30 a.m. Matters such as the sequence of witnesses, the submission of exhibits, proposed stipulations, and ruling on preliminary legal issues shall be reviewed at that time. The parties are required to be present at the pre-trial conference. No witnesses, except for the parties, shall appear for the hearing until at least 10:00 a.m. Stenographic services shall not be required until at least 10:00 a.m.

The Master's hearing shall be conducted in accordance with Rule 1920.55-2 providing for a full record hearing.

After the conclusion of the hearing, the Master shall provide to the parties an opportunity to submit proposed findings of fact and/or conclusions of law or legal memoranda; no prejudice shall result by any party's failure to do so. No specific form of submission shall be required; letter-form addressed to the Master and served upon the opposing party/counsel is acceptable.

L. C. Rule 1920.52. Bifurcation.

All petitions for bifurcation of divorce proceedings, in the form of a rule to show cause, shall be presented to the Administrative Judge of the Family Court Division for conference with the Court. Following the conference, should a full hearing be required, the matter shall be placed by the Court Administrator on the next available Family Court hearing list. All bifurcation hearings shall be heard by those judges assigned to the Family Court Division.

L. C. Rule 1920.53. Extension of Time for Filing Master's Report.

In contested actions, if the Master cannot file the report within thirty (30) days after receipt of the notes of testimony, as required by Pa.R.C.P. 1920.53(a)(1), the Master shall apply in writing to the Administrative Judge of the Family Court Division for an extension of time prior to the expiration of that period. A copy of such application shall be provided to counsel of record in the case, or directly to any unrepresented party.

L. C. Rule 1920.55. Exceptions to Master's Report.

(a) Timely exceptions shall be placed on the list for argument court by praecipe of counsel at the time of filing exceptions. The procedure to be followed shall be governed by L. C. Rule 211.

(b) If no timely exceptions are filed to the Master's Report, and proof of notice of filing the Master's Report has been filed, the Clerk of Courts, after all costs have

been paid, shall cause the entire record to be delivered to the Court for review and adjudication.

[Pa.B. Doc. No. 97-813. Filed for public inspection May 23, 1997, 9:00 a.m.]

MONTGOMERY COUNTY

Local Rule of Civil Procedure 1041.1*; No. 97-00001-1

Order

And Now, this 30th day of April, 1997, the Court approves and adopts the following Amendment to Montgomery County Local Rule of Civil Procedure 1041.1*—Asbestos Litigation—Special Provisions. This Amendment to the Rule shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

AMENDMENT TO M.R.C.P. 1041.1*

Rule 1041.1*. Asbestos Litigation—Special Provisions.

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(1)—(4) Unchanged.

(5) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):

A. Within four (4) months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four (4) months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.

B. A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the law clerk for asbestos litigation, with copies to all other counsel. The law clerk for asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.

C. With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the law clerk for asbestos litigation,

a praecipe to transfer to inactive status. The praecipe shall be in the following form:

"[Caption]

PRAECIPE TO TRANSFER INACTIVE STATUS TO THE PROTHONOTARY:

Transfer the above-captioned matter to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(5).

Attorney for Plaintiff

[Certificate of Service]"

D. Anytime after the expiration of four (4) months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four (4) months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc., supra.*, shall file with the Prothonotary, a Petition to Transfer to Inactive Status. The Petition shall be in accordance with Pa.R.C.P. 206.1, and Montgomery County Local Rules of Civil Procedure *302 and 1041.1*(2). The argument court cover sheet shall request a return day in accordance with Montgomery County Local Rule of Civil Procedure 302(b). Copies of the petition shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the law clerk for asbestos litigation. The moving party's proposed order shall be in the following form:

"ORDER

AND NOW, this ____ day of 199_, IT IS ORDERED that the above-captioned matter is transferred to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(5).

BY THE COURT:

J."

Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the law clerk for asbestos litigation.

E. Upon receipt of any responses, the law clerk for asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hearing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.

F. After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the law clerk for asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case be re-transferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (D), above.

Comments—1.5. Unchanged.

6. At the time of the adoption of the addition of subparagraph (5) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and

if such claims can be pursued. The provisions of this subsection (5) creating a procedure to pursue medical monitoring claims does not express the Court's opinion on this issue. This Rule does not preclude any appropriate motion in any case.

[Pa.B. Doc. No. 97-814. Filed for public inspection May 23, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on May 12, 1997, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Debra Lee King has been placed on Temporary Suspension by the Supreme Court of Pennsylvania until further Order of the Court.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-815. Filed for public inspection May 23, 1997, 9:00 a.m.]

Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Neal Sharma of Trenton, New Jersey, has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated April 11, 1997, pursuant to Rule 219, Pa.R.D.E. The order became effective May 11, 1997.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-816. Filed for public inspection May 23, 1997, 9:00 a.m.]

SUPREME COURT

Paid Holidays in 1998 for Staffs of the Appellate Courts and Administrative Office of Pennsylvania Courts; No. 182; Doc. No. 1

Order

Per Curiam:

And Now, this 6th day of May, 1997, it is hereby ordered that the following paid holidays for calendar year 1998 will be observed by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 1998	New Year's Day
January 19, 1998	Martin Luther King, Jr. Day (Observed)
February 16, 1998	Presidents' Day
April 10, 1998	Good Friday
May 25, 1998	Memorial Day (Observed)
July 3, 1998	Independence Day (Observed)

September 7, 1998	Labor Day
October 12, 1998	Columbus Day
November 3, 1998	Election Day
November 11, 1998	Veterans Day
November 26, 1998	Thanksgiving Day
November 27, 1998	Day After Thanksgiving
December 25, 1998	Christmas Day

[Pa.B. Doc. No. 97-817. Filed for public inspection May 23, 1997, 9:00 a.m.]

Redesignation of Appellate Court Rules Committee; No. 106; Doc. No. 1

Order

Per Curiam:

And Now, this 8th day of May, 1997, the Appellate Court Rules Committee is hereby redesignated and renamed as the Appellate Court Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-818. Filed for public inspection May 23, 1997, 9:00 a.m.]

Redesignation of Domestic Relations Committee; No. 178; Doc. No. 1

Order

Per Curiam:

And Now, this 8th day of May, 1997, the Domestic Relations Committee is hereby redesignated and renamed as the Domestic Relations Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-819. Filed for public inspection May 23, 1997, 9:00 a.m.]

Redesignation of Orphans' Court Rules Committee; No. 281; Doc. No. 5

Order

Per Curiam:

And Now, this 8th day of May, 1997, the Orphans' Court Rules Committee is hereby redesignated and renamed as the Orphans' Court Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-820. Filed for public inspection May 23, 1997, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 1998; No. 105; Doc. No. 1

Order

Per Curiam:

And Now, this 6th day of May, 1997, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 1998 as follows:

Philadelphia	February 2 through February 6
Pittsburgh	March 9 through March 13
Harrisburg	April 27 through May 1
Philadelphia (Administrative Session)	June 2, 1998
Pittsburgh	September 14 through September 18
Philadelphia	October 19 through October 23
Harrisburg	November 16 through November 20
Pittsburgh (Administrative Session)	December 3, 1998

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 97-821. Filed for public inspection May 23, 1997, 9:00 a.m.]