

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL [234 PA.CODE CH. 1100]

Trial

Introduction

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt new Rule of Criminal Procedure 1107, and make correlative changes to Rules 1104 and 1106 to provide for the mandatory use of a standardized juror information questionnaire in all criminal cases.

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 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 Wednesday, December 10, 1997.

By the Criminal Procedural Rules Committee

FRANCIS BARRY MCCARTHY,
Chairperson

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 1100. TRIAL

Rule 1104. Juror Qualification Form. Lists of Trial Jurors, and Challenge to the Array.

[(a)] (A) The officials designated by law to select persons for jury service shall: **[prepare, publish and post such lists of the names of persons to serve as jurors as provided by law.]**

(1) devise, distribute, and maintain juror qualification forms as provided by law;

(2) prepare, publish, and post lists of the names of persons to serve as jurors as provided by law; and

(3) upon the request of the attorney for the Commonwealth or the defendant's attorney, furnish a list containing the names of prospective jurors summoned to try the case together with copies of the juror qualification forms returned by such prospective jurors.

[(b)] (B) Unless opportunity did not exist prior thereto, a challenge to the array shall be made not later than **[five] 5** days before the first day of the week the case is listed for trial of criminal cases for which the

jurors have been summoned and not thereafter, and shall be in writing, specifying the facts constituting the ground for the challenge.

[(c)] (C) A challenge to the array may be made only on the ground that the jurors were not selected, drawn or summoned substantially in accordance with law.

Official Note: Adopted January 24, 1968, effective August 1, 1968[,] ; **Comment revised January 28, 1983, effective July 1, 1983[.] ; amended September 15, 1993, effective January 1, 1994; September 15, 1993 amendments suspended December 17, 1993 until further order of the Court; the September 15, 1993 Order is superseded by the _____, 1997 Order, and rule amended _____, 1997, effective _____, 1998.**

Comment

The qualification, selection, and summoning of prospective jurors, as well as related matters, are generally dealt with in Chapter 45, Subchapters A-C, of the Judicial Code[.], 42 Pa.C.S. §§ 4501-4503, 4521-4526, 4531-4532 **[(1981)]**. "Law" as used in paragraph **[(c)] (C)** of this rule is intended to include these Judicial Code provisions. However, paragraphs **[(b)] (B)** and **[(c)] (C)** of this rule are intended to supersede the procedures set forth in Section 4526(a) of the Judicial Code and that provision is suspended as being inconsistent with this rule. See **[Pa. Const.] Pa. Const. [Art]art. V., § 10[:];** 42 Pa.C.S. § 4526(c). Sections 4526(b) and (d)-(f) of the Judicial Code are not affected by this rule.

Paragraph (A) was amended in 1997 to require that the counties use the juror qualification forms provided for in Section 4521 of the Judicial Code, 42 Pa.C.S. § 4521. It is intended that the attorneys in a case may request and receive copies of the jury lists and the qualification forms for the prospective jurors summoned for their case. The information on the qualification forms is not to be disclosed except as provided by this rule or by statute. See also Rule 1107, which requires that jurors complete a standardized informational questionnaire for use during voir dire.

Committee Explanatory Reports:

Report explaining the September 15, 1993 amendments published at 21 Pa.B. 150 (January 12, 1991).

Report explaining the amendments published at 27 Pa.B. 5749 (November 8, 1997).

Rule 1106. Examination and Challenges of Trial Jurors.

(A) Voir dire of prospective trial jurors and prospective alternate jurors shall be conducted, and the jurors shall be selected, in the presence of a judge, unless the judge's presence is waived by the attorney for the Commonwealth, the defense attorney, and the defendant, with the judge's consent.

(B) This oath shall be administered individually or collectively to the prospective jurors:

"You do solemnly swear by Almighty God (or do declare and affirm) that you will answer truthfully all questions that may be put to you concerning your qualifications for service as a juror."

(C) Voir dire, including the judge's ruling on all proposed questions, shall be recorded in full unless the recording is waived. The record will be transcribed only upon written request of either party or order of the judge.

(D) **Prior to voir dire, each prospective juror shall complete a confidential juror information questionnaire as provided in Rule 1107.** The judge may require the parties to submit in writing a list of proposed questions to be asked of the jurors regarding their qualifications. The judge may permit the defense and the prosecution to conduct the examination of prospective jurors or the judge may conduct the examination. In the latter event, the judge shall permit the defense and the prosecution to supplement the examination by such further inquiry as the judge deems proper.

(E) In capital cases, the individual voir dire method must be used, unless the defendant waives that alternative. In non-capital cases, the trial judge shall select one of the following alternative methods of voir dire, which shall apply to the selection of both jurors and alternates:

(1) Individual Voir Dire and Challenge System.

(a) Voir dire of prospective jurors shall be conducted individually and may be conducted beyond the hearing and presence of other jurors.

(b) Challenges, both peremptory and for cause, shall be exercised alternately, beginning with the attorney for the Commonwealth, until all jurors are chosen. Challenges shall be exercised immediately after the prospective juror is examined. Once accepted by all parties, a prospective juror shall not be removed by peremptory challenge. Without declaring a mistrial, a judge may allow a challenge for cause at any time before the jury begins to deliberate, provided sufficient alternates have been selected, or the defendant consents to be tried by a jury of fewer than 12, pursuant to Rule 1103.

(2) List System of Challenges.

(a) A list of prospective jurors shall be prepared. The list shall contain a sufficient number of prospective jurors to total at least 12, plus the number of alternates to be selected, plus the total number of peremptory challenges (including alternates).

(b) Prospective jurors may be examined collectively or individually regarding their qualifications. If the jurors are examined individually, the examination may be conducted beyond the hearing and presence of other jurors.

(c) Challenges for cause shall be exercised orally as soon as the cause is determined.

(d) When a challenge for cause has been sustained, which brings the total number on the list below the number of 12, plus alternates, plus peremptory challenges (including alternates), additional prospective jurors shall be added to the list.

(e) Each prospective juror subsequently added to the list may be examined as set forth in paragraph (E)(2)(b).

(f) When the examination has been completed and all challenges for cause have been exercised, peremptory challenges shall then be exercised by passing the list between prosecution and defense, with the prosecution first striking the name of a prospective juror, followed by the defense, and alternating thereafter until all peremptory challenges have been exhausted. If either party fails to exhaust all peremptory challenges, the jurors last listed shall be stricken. The remaining jurors and alternates shall be seated. No one shall disclose which party peremptorily struck any juror.

Official Note: Adopted January 24, 1968, effective August 1, 1968; amended May 1, 1970, effective May 4, 1970; amended June 30, 1975, effective September 28, 1975. The 1975 amendment combined former Rules 1106 and 1107. Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994. The September 15, 1993 amendments suspended December 17, 1993 until further order of the Court; amended February 27, 1995, effective July 1, 1995 [.]; **the September 15, 1993 Order is superseded by the _____, 1997 Order, and rule amended _____, 1997, effective _____, 1998.**

Comment

This rule applies to all cases, regardless of potential sentence. Formerly there were separate rules for capital and non-capital cases.

If Alternative (E)(1) is used, examination continues until all peremptory challenges are exhausted or until 12 jurors and 2 alternates are accepted. Challenges must be exercised immediately after the prospective juror is questioned. In capital cases, only Alternative (E)(1) may be used unless affirmatively waived by all defendants and the Commonwealth, with the approval of the trial judge.

If Alternative (E)(2) is used, sufficient jurors are assembled to total 12, plus the number of alternates, plus at least the permitted number of peremptory challenges (including alternates). It may be advisable to assemble additional jurors, to encompass challenges for cause. Prospective jurors may be questioned individually, out of the presence of other prospective jurors, as in Alternative (E)(1); or prospective jurors may be questioned in the presence of each other. Jurors may be challenged only for cause, as the cause arises. If the challenges for cause reduce the number of prospective jurors below 12, plus alternates, plus peremptory challenges (including alternates), new prospective jurors are called and they are similarly examined. When the examination is completed, the list is reduced, leaving only 12 jurors to be selected, plus the number of peremptories to be exercised; and sufficient additional names to total the number of alternates, plus the peremptories to be exercised in selecting alternates. The parties then exercise the peremptory challenges by passing the list back and forth and by striking names from the list alternately, beginning with counsel for the prosecution. Under this system, all peremptory challenges must be utilized. Alternates are selected from the remaining names in the same manner. Jurors are not advised by whom each peremptory challenge was exercised. Also, under Alternative (E)(2), prospective jurors will not know whether they have been chosen until the challenging process is complete and the roll is called.

This rule requires that prospective jurors be sworn before questioning, under either Alternative.

The words in parentheses in the oath shall be inserted when any of the prospective jurors chooses to affirm rather than swear to the oath.

Unless the judge's presence during voir dire and the jury selection process is waived pursuant to paragraph [(a)] (A), the judge must be present in the jury selection room during voir dire and the jury selection process.

Pursuant to paragraph (D), which was amended in 1997, and Rule 1107, prospective jurors are required to complete a juror information questionnaire prior to voir dire. This questionnaire, which facilitates and expedites voir dire, provides the

judge and attorneys with basic background information about the jurors, and is intended to be used as an aid in the oral examination of the jurors.

The point in time prior to voir dire that the questionnaires are to be completed is left to the discretion of the local officials. Nothing in this rule is intended to require that the information questionnaires be mailed to jurors before they appear in court pursuant to jury summons.

See Rule 3 for definitions of "capital case" and "voir dire."

Committee Explanatory Reports:

Report explaining the September 15, 1993 amendments published at 21 Pa.B. 150 (January 12, 1991). Order suspending, until further order of the Court, the September 15, 1993 amendments concerning juror questionnaires published at 24 Pa.B. 333 (January 15, 1994).

Final Report explaining the February 27, 1995 amendments published with the Court's Order at 25 Pa.B. 948 (March 18, 1995).

Report explaining the amendment published at 27 Pa.B. 5749 (November 8, 1997).

Rule 1107. Juror Information Questionnaire.

(A) Prior to voir dire of prospective trial jurors and prospective alternate jurors:

(1) Each prospective juror shall complete and verify the standard, confidential juror information questionnaire, and any supplemental questionnaire provided by the court.

(2) The president judge shall designate the method for distributing and maintaining the juror information questionnaires.

(3) The trial judge and the attorneys shall receive copies of the completed questionnaires for use during voir dire and the attorneys shall be given a reasonable opportunity to examine the questionnaires.

(B) All information provided by the jurors on the questionnaires shall be confidential and limited to use for the purpose of jury selection only. Except for disclosures made during voir dire, or unless the trial judge otherwise orders pursuant to paragraph (F), this information shall only be made available to the trial judge, the defendant(s) and the attorney(s) for the defendant(s), and the attorney for the Commonwealth.

(C) The original and any copies of the juror information questionnaires shall not constitute public record.

(D) Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule 1106(D).

(E) If the court adjourns before voir dire is completed, the trial judge may order that the attorneys be permitted to retain their copies of the questionnaires during the adjournment. When copies of the questionnaires are permitted to be taken from the courtroom, the copies:

(1) shall continue to be subject to the confidentiality requirements of this rule, and to the disclosure requirements of paragraph (B), and

(2) shall not be duplicated, distributed, or published.

The trial judge may make such other order to protect the copies as is appropriate.

(F) The original questionnaires of all impaneled jurors shall be retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge. Upon completion of voir dire, all copies of the questionnaires shall be returned to the trial judge and destroyed, unless otherwise ordered by the trial judge at the request of the defendant(s), the attorney(s) for the defendant(s), or the attorney for the Commonwealth.

(G) The original and any copies of questionnaires of all prospective jurors not impaneled or not selected for any trial shall be destroyed upon completion of the jurors' service.

Official Note: Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further order of the Court; the September 15, 1993 Order is superseded by the _____, 1997 Order, and present Rule 1107 adopted _____, 1997, effective _____, 1998.

Comment

This rule requires that, prior to voir dire in any criminal case, the prospective jurors must complete a juror information questionnaire, and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before voir dire begins. Compare Rule 1104, which provides that attorneys must request copies of juror qualification forms for the jurors summoned in their case.

Under paragraph (A)(2), it is intended that the president judge of each judicial district must designate procedures for submitting the questionnaire to the jurors and maintaining them upon completion. For example, some districts may choose to send them along with their jury qualification form, while others may desire to have the questionnaire completed by the panel of prospective jurors when they are called to a criminal courtroom. This rule, however, mandates that the questionnaires be completed by each prospective juror to a criminal case.

Pursuant to paragraph (C), the juror information questionnaire is not a public record and therefore may not be combined in one form with the qualification questionnaire required by Rule 1104. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under paragraph (B), the information provided by the jurors is confidential and may be used only for the purpose of jury selection. Except for disclosures made during voir dire, the information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential.

Although the defendant may participate in voir dire, and have access to information from the questionnaire, see paragraph (B), nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

Paragraph (D) makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors, and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the voir dire examination by providing the trial judge and attorneys with basic background information about the jurors,

thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to preclude oral questioning during voir dire, the scope of voir dire is within the discretion of the trial judge. See, e.g., *Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and Rule 1106(D).

Paragraph (E) provides, upon order of the trial judge, that only attorneys in the case, subject to strict limitations, may retain their copies of the juror information questionnaires during adjournment.

Paragraph (F) provides the procedures for the collection and disposition of the original completed questionnaires and copies for impaneled jurors. Once voir dire is concluded, all copies of the completed questionnaires are returned pursuant to paragraph (A)(2) and destroyed promptly. The original completed questionnaires of the impaneled jury must be retained in a sealed file in the manner prescribed pursuant to paragraph (A)(2), and destroyed upon the conclusion of the juror's service, unless the trial judge orders otherwise. Because the information in the questionnaires is confidential, the trial

judge should only order retention of the original questionnaires under unusual circumstances. Such a circumstance would arise, for example, if the questionnaires were placed at issue for post-verdict review. In that event, the judge would order the preservation of the questionnaires in order to make them part of the appellate record.

Under paragraph (G), the original and any copies of the questionnaires of those jurors not impaneled and not selected for any jury shall be destroyed without exception upon completion of their service.

There may be situations in which the attorneys and judge would want to prepare an individualized questionnaire for a particular case. In this situation, a supplemental questionnaire would be used instead of the standard juror information questionnaire, but the disclosure and retention provisions in paragraphs (B) and (F) would still apply. See (A)(1).

Committee Explanatory Reports:

Report explaining the provisions of new Rule 1107 published at 27 Pa.B. 5749 (November 8, 1997).

"STANDARD JUROR QUESTIONNAIRE FORM"
IN THE COURT OF COMMON PLEAS
COUNTY, PENNSYLVANIA
JUROR INFORMATION QUESTIONNAIRE

[Confidential; Not a Public Record.]

YOU ARE A PROSPECTIVE JUROR. TO DETERMINE WHETHER YOU WILL BE A JUROR, PLEASE RESPOND TO THE FOLLOWING QUESTIONS. YOUR ANSWERS WILL BE USED TO HELP SELECT A FAIR JURY.

THIS INFORMATION WILL BE STRICTLY CONFIDENTIAL, AND WILL NOT BE GIVEN TO ANYONE EXCEPT THE JUDGE, THE PARTIES AND THE LAWYERS. AFTER YOUR SERVICE AS A JUROR, THE ORIGINALS WILL BE DESTROYED, UNLESS OTHERWISE ORDERED BY THE COURT.

IF YOU CANNOT ANSWER A QUESTION, PLEASE LEAVE IT BLANK. DURING THE QUESTIONING, YOU WILL BE GIVEN AN OPPORTUNITY TO EXPLAIN ANY ANSWER IF NECESSARY. IF YOU NEED ADDITIONAL SPACE FOR AN ANSWER, PLEASE USE THE SPACE AT THE END OF THE QUESTIONNAIRE.

ANY FALSE STATEMENT IN YOUR ANSWERS IS SUBJECT TO THE PENALTIES OF LAW.

THANK YOU FOR YOUR COOPERATION.

(Please print your answers clearly.)

1. Full name: _____
2. Date and Place of Birth _____
3. Municipality, neighborhood (if applicable) and zip code where you currently reside (not specific address): _____
 - (a) Length of time at current address: _____
 - (b) Communities where you have lived in or out of the state within the past ten years:

4. Marital Status: single married separated divorced
widowed remarried other
 - (a) if your status is other than single, how long have you been separated, etc.: _____
 - (b) if married, spouse's name: _____
5. Education: (Indicate your level of education)

Elementary School:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
High School	Yes <input type="checkbox"/>	No <input type="checkbox"/>
GED	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Technical/Vocational Yes No

College Yes No

Graduate Yes No

(a) How far did your spouse go in school: _____

(b) How far did your children or stepchildren go in school: _____

(c) How far did the other members of your household go in school: _____

6. Other than your spouse and children, how many people reside with you in your home? ____
Please indicate their relationship to you:

7. Employment/Occupation:

(a) Your present job: _____

(b) Current employer: _____

(c) How long employed in this job: _____

(d) Your spouse's present job and employer: _____

(e) If retired, when did you retire: _____
for whom did you work: _____

(f) Are other members of your household employed: Yes No

By whom: _____

8. Children: How many children _____, stepchildren _____ do you have?

(a) What are their ages: _____

(b) How many of your children or stepchildren live with you in your home? _____

(c) How many grandchildren do you have and what are their ages: _____

9. (a) Have you been or are you now a party to a lawsuit: Yes No

(b) Have you or any member of your household or family been involved in a criminal case or a civil suit? Yes No

(c) If your answer was yes, was that person: a defendant a plaintiff
a victim a witness a juror

10. Are you or any member of your household or family related to, associated with, or close friends with a law enforcement officer? Yes No

If your answer was yes, please check the relationship:
related associated with close friends

11. Have you or any member of your household or family ever been involved in police work or other law enforcement? Yes No

12. Are you or any member of your household or family related to, associated with, or close friends with a lawyer? Yes No

If your answer was yes, please check the relationship:
related associated with close friends

13. Are you or any member of your household or family related to, associated with, or close friends with any person affiliated with the courts of any judicial district? Yes No

If your answer was yes, please explain.

14. Do you drive a car: Yes No

15. Are you aware of any physical or mental condition which will affect your ability to serve on a jury? Yes No If your answer was yes, please explain: _____

16. Is there any reason that you believe that you cannot or should not serve as a juror? Yes No If your answer was yes, please explain: _____

17. How do you keep informed on current affairs. Please list:

Newspapers: _____

Radio

Television

Magazines: _____

Internet

18. Did anyone assist you in completing this questionnaire? Yes No

If your answer was yes, please indicate who assisted you and why: _____

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

DATED: _____ SIGNED: _____

REPORT

Proposed New Pa.R.Crim.P. 1107, and Correlative Amendments to Rules 1104 and 1106

Examination and Challenges of Trial Jurors: Juror Information Questionnaire; Juror Qualification Form

A. Background

Over the past several years, the Committee has examined voir dire practices throughout the Commonwealth as part of its ongoing monitoring of jury trial procedures. Voir dire can often be very cumbersome and quite protracted. In view of this, the Committee considered whether to mandate the use of juror questionnaires in criminal jury trials. In 1993, the Court adopted changes to the Criminal and Civil Rules which mandated the use of juror information questionnaires.¹ On December 17, 1993, the Court suspended that Order adopting those changes,² and, until further Order of the Court, instructed both Committees to reexamine the subject matter.

Subsequently, the Civil Rules Committee reexamined their rules and revised their procedure to provide, inter alia, that the use of the juror information questionnaire is discretionary with the trial judge. The Court adopted the Civil Rules Committee's recommendation on August 14, 1997, effective January 1, 1998.

In view of the Court's actions suspending our rules and adopting the discretionary questionnaire provided in the Rule of Civil Procedure 220.1, the Criminal Rules Committee reconsidered the utility of juror information questionnaires, noting that there continues to exist considerable variation in voir dire practices within and among the judicial districts, including the type and numbers of questions permitted to be asked during voir dire. From our research and the experience of the Committee members, the Committee was concerned that the lack of uniformity in voir dire procedures might have an unfair impact upon the litigants in a case. Indeed, because of this lack of uniformity, the process may become so restricted that it nullifies the purpose of voir dire. Sometimes, that same effect results when the court permits the attorneys to ask unlimited questions, creating an ordeal for the jurors, and absorbing an inordinate amount of the court's time and resources. The Committee also was aware of the recently renewed efforts and movement toward strengthening and solidifying a unified judicial system in Pennsylvania.³

Based on these considerations concerning the importance of uniform procedures, and given the benefits to the criminal justice system, as well as the common goals of promoting fairness and preserving the rights of the people and the accused, the Committee reaffirmed its previous decision that the Criminal Rules should require that a juror information questionnaire be completed prior to every criminal trial.

B. Discussion of Rule Changes

1. Introduction

Once the Committee agreed that a juror information questionnaire should be completed prior to every criminal trial, the members reexamined the 1993 proposal. To further the benefits of a uniform procedure, the Committee concluded that a standardized juror questionnaire form should be mandated by the rules. We recognized the importance of standardizing practice throughout the Commonwealth for the uniform judicial system: this ensures that there are similar results across the state, that common practice and procedure do not vary greatly from one geographical location to another, and that the court's time and resources will not be wasted unnecessarily. Additionally, the Committee expects that the use of this standardized questionnaire will expedite the process of voir dire by providing the attorneys for the Commonwealth and the attorneys for the defendants with specific information about the jurors before the actual voir dire process begins.

The Committee also reconsidered the concerns raised by members of the judiciary and district court administrators about costs, implementation, and administration. The changes the Committee is proposing preserve the flexibility inherent in the different but equally valid administrative approaches toward handling voir dire and juror questionnaires used by the various counties, and promote greater uniformity in voir dire procedures statewide. These changes provide only the minimum procedural requirements, thereby allowing individual counties to develop their own administratively feasible method of implementation. Furthermore, based on the information we obtained when we researched this matter, since the proposal was initially published in 1993, the experience of those jurisdictions using such forms has been that once the use of the questionnaire is in place, the counties have been able to adapt their existing procedures or develop new procedures suited to their juror selection process consistent with the intent of this rule.

2. Rule 1107 (Juror Information Questionnaire)

The purpose of proposed new Rule 1107 is to promote statewide uniformity, consistent with the principle of a unified judicial system, and to expedite the completion of the voir dire process. The rule sets forth the requirements for the completion, distribution, and maintenance of juror information questionnaires for all prospective jurors, and includes the mandated standardized form, which must be used in every criminal trial. Rule 1107:

(1) requires each juror to complete and verify an informational questionnaire;

(2) provides that each president judge must designate the method for maintaining and distributing the questionnaires;

(3) requires that the completed questionnaires, and any copies of them, be held strictly confidential;

(4) provides that the trial judge, attorney for the Commonwealth, and attorney for the defendant automatically receive copies of the questionnaires before commencement of voir dire;

¹ See 23 Pa.B. 4638 (October 2, 1993).

² See 24 Pa.B. 333 (January 15, 1994).

³ See, e.g., "Interim Report of the Master on the Transition to State Funding of the Unified Judicial System." The Honorable Frank J. Montemuro, Jr., Master.

(5) insures that the original and all copies of each juror's questionnaire will be destroyed upon completion of the juror's service; and

(6) permits the attorney for the Commonwealth and the attorney for the defendant to retain their copies of the juror questionnaires during adjournment, in limited circumstances and with specific conditions.

Paragraph (A) sets forth the procedures concerning juror information questionnaires which must be completed prior to voir dire.

Paragraph (A)(1) provides that a standard form of juror information questionnaire must be used in all judicial districts for every prospective juror to a criminal trial. The Committee recognized that in some cases more information would be necessary than requested on the standard form, so paragraph (A)(1) permits the use of supplementary questionnaires.

Paragraph (A)(2) requires that the president judge of each judicial district designate the procedures for the distribution and maintenance of the questionnaires, thus leaving the time and manner in which the questionnaires are initially distributed to jurors to the individual judicial districts. In the Comment, the Committee explains that paragraph (A)(2) procedures recognize that each district may have different needs, and therefore we did not want to place an onerous burden on the courts by outlining a single method for all judicial districts to utilize. Rather, it is intended that the judicial districts will establish distribution procedures in the most cost-effective and efficient manner for them. Bearing in mind that mandating use of the juror information questionnaire could potentially create additional expenses for the various judicial districts, we added a provision to the Comment which indicates that the individual questionnaires may, but do not have to, be mailed to the prospective jurors before they are required to appear at the courthouse for their service. However, because of the confidentiality requirements of the rule, the Comment cautions that the juror information questionnaire and the Rule 1104 juror qualification form are not to be confused nor combined into one form.

Finally, paragraph (A)(3) provides that the trial judge and the attorneys are to receive copies of the completed forms prior to voir dire, and the attorneys are to be given a reasonable opportunity to examine them.

Paragraphs (B) and (C) emphasize that the questionnaires are confidential and to be used only for voir dire, and that the completed questionnaires do not constitute public record for any purposes. Specifically, paragraph (B) states that the information provided on an individual juror's questionnaire is confidential and limited to use for voir dire only. In addition, paragraph (B) limits access to the information so that, except for oral disclosures uttered during voir dire, or unless the judge orders that the questionnaires be preserved as provided in paragraph (F), the information provided can only be made available to the trial judge, the defendant(s) and the attorneys in the case. The Committee expressed concern that if the rule did not specifically address and mandate confidentiality, then the jurors themselves would not supply information willingly, thereby thwarting the judicial process and nullifying the purpose of the rule. The Comment explains that disclosure of information contained on the questionnaire is appropriate to persons legitimately working with the attorneys during the jury selection process, for example, prosecuting police officer, trial team associate, jury expert, but clearly states that the confidentiality proscriptions of the rule apply to those persons.

Paragraph (D) was added to address concerns expressed by members of the bar that the required mandated questionnaire may be used by some judges to prevent attorneys from oral examination during voir dire. In order to emphasize that the rule's requirement is to supplement and expedite voir dire, the language "shall be used in conjunction with" was added along with a cross reference to Rule 1106(D), concerning examination of prospective jurors by the judge or attorneys.

Several Committee members expressed concern that there would be times when court would adjourn before the completion of voir dire, and attorneys would want to be able to review the questionnaire during adjournment. Although the Committee agreed that the rule should provide an exception so the questionnaires could be retained by the attorneys, but only during adjournment, and given the confidential nature of the questionnaires and the provisions for retaining the questionnaires by the court, we also agreed that the rule should spell out strict requirements against duplicating, distributing, and publishing. This is accomplished by paragraph (E).

Paragraphs (F) and (G) require that:

(1) if a prospective juror is not selected as a panel member or alternate, then the copies of the juror information questionnaires are to be destroyed upon completion of voir dire for each case to which he or she is called; and

(2) all originals and copies remaining at the end of every juror's service are to be destroyed.

The rule is very specific in these two paragraphs, distinguishing between those jurors who are impaneled for a trial, and those jurors who have filled out the forms, but are not selected or impaneled. It is intended that at the end of the individual juror's service, no original and no copies of his or her completed questionnaire will exist. The Committee added these provisions because of concerns that if the rule were silent on the issues of confidentiality and destruction of the original and copies of the completed questionnaires, then the individuals required to complete the form may be reluctant to provide truthful and honest answers.

The Comment addresses two additional areas of concern to the Committee. First, the Comment, elaborating on paragraph (A)(1), explains that, if the circumstances of a case require that an additional questionnaire would benefit the voir dire process, then a supplemental questionnaire would be permitted under the rule. However, the Comment emphasizes that the additional questionnaire is to be used as a supplement to, not a replacement for, the mandated standardized juror informational questionnaire.

Second, the Comment further elaborates on paragraph (D) by emphasizing that, although the scope of voir dire is within the discretion of the trial judge, the use of the juror information questionnaire is not intended to supplant the oral question and answer period provided in Rule 1106, nor is it to be the sole means to obtain information about the jury pool. The Committee emphasizes that the intent of this rule is to aid in the process of voir dire, and, therefore, the trial judge and the attorneys should ask follow-up questions to those provided on the questionnaire, as well as additional questions more closely related to their specific case.

3. *Correlative Changes*

a. Rule 1104 (Juror Qualification Form, Lists of Trial Jurors, and Challenges to the Array)

The changes to Rule 1104 require that the jury service official:

1. devise, distribute, and maintain juror qualification forms;
2. prepare, publish, and post lists of the names of persons to serve as jurors; and
3. upon request of an attorney in a case, furnish a list containing the names of prospective jurors, along with copies of the completed juror qualification forms, summoned to try the cases.

These changes accomplish the objectives of 42 Pa.C.S. § 4501, implement the requirements of 42 Pa.C.S. § 4521(d), and require that a juror qualification form, not to be confused with the juror information questionnaire, be completed, and allow for attorneys to be provided with a list of prospective jurors to their case, along with copies of their juror qualification forms.

b. Rule 1106 (Examination and Challenges of Trial Jurors)

Rule 1106 is the general voir dire rule. The changes in the rule and the Comment tie the Rule 1106 procedures with the new juror questionnaire procedures in Rule 1107 by reiterating that:

- (1) all prospective jurors, prior to voir dire, are required to complete the juror information questionnaire provided to them and the information provided by 4th jurors is intended to supply the trial judge and attorneys with basic information about the jurors before voir dire begins;
- (2) use of the questionnaire is to expedite voir dire;
- (3) the questionnaire is to supplement, not replace, oral examination of the jurors; and
- (4) although the questionnaire must be completed prior to the commencement of voir dire, it need not be mailed to the jurors before they appear to begin their service.

4. *Standardized Juror Questionnaire*

The standardized form of the juror information questionnaire mandated by the rules appears after the Rule 1107 Comment. The standardized form is modeled on the sample questionnaire provided in the 1993 version of the rules. The Committee spent a substantial amount of time reviewing the questions in the sample, and deleted those questions more applicable to civil cases.⁴ The Committee also spent a considerable amount of time discussing what information would be most beneficial for the attorneys to know prior to voir dire, bearing in mind practical considerations in mandating use of a form, that is, to not require an unwieldy and unduly time consuming questionnaire for jurors to complete, and to promote honesty from those completing the form. Additionally, the Committee included a question concerning how jurors obtain news and information about current events. At the end of the form, the juror is required to verify the answers he or she provided in response to the questions, and a line is provided for the juror's signature and date the form was completed. Finally, additional space is provided at the end

⁴ Because the 1993 version of the rules was the product of a joint effort with the Civil Procedural Rules Committee, the sample form included some questions more applicable to civil cases.

of the form for the juror to further explain his or her answers.

[Pa.B. Doc. No. 97-1778. Filed for public inspection November 7, 1997, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Phila.Civ.R.No. 7109; President Judge General Court Regulation No. 97-04

Order

And Now, this 23rd day of October, 1997, the Board of Judges of Philadelphia County having voted, at the Board of Judges' Meeting held September 25, 1997, to amend Phila.Civ.R.No. 7109, It Is Hereby Ordered and Decreed that the above rule is amended as follows.

This General Court Regulation is issued in accordance with Phila.Civ.R.No. ★51 and Pa.R.C.P. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library, and the law library for the First Judicial District.

ALEX BONAVITACOLA,
President Judge

Phila.Civ.R.No. 7109. Mental Health Review Officer.

(a) *Appointment.* The President Judge may, from time to time, appoint such Mental Health Review Officers as may be needed to effectuate the purposes of the Mental Health Procedures Act of 1976, as amended.

(b) *Qualification of Mental Health Review Officer.* The Mental Health Review Officer shall be a member in good standing of the Bar of the Supreme Court of Pennsylvania and possess such other knowledge, expertise and experience as may be required by the President Judge.

(c) *Venue.* The Philadelphia Court of Common Pleas, or the Mental Health Review Officer appointed pursuant to this rule, shall exercise jurisdiction in proceedings pursuant to the Mental Health Procedures Act of 1976, as amended, only in the following situations:

(1) when the subject of the proceedings is or resides in Philadelphia County; or

(2) when the subject of the proceedings has been subjected to involuntary treatment by another county and that county has determined that Philadelphia County is the county of the person's usual residence, and has transferred the case to Philadelphia County for further proceedings. In that case, the Philadelphia Court of Common Pleas, or Mental Health Review Officer appointed pursuant to this rule, may conduct legal proceedings at such locations as may be directed by the Court, including the facility where the person is in treatment, even if the facility is not located in Philadelphia County.

(d) *Form of Applications, Petitions and Certifications.* All Applications, Petitions and Certifications filed pursuant to the Mental Health Procedures Act shall be on forms approved by the Department of Public Welfare. **Provided, however, that the parties shall attach a cover sheet with all Applications, Petitions and Responses in the form set forth hereunder or as modified by the Court from time to time.**

(e) *Application for Extended Involuntary Treatment Pursuant to Section 303 of the Act.*

(1) *Applicant/Petitioner.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(2) *Contents of Application/Petition.*

(A) grounds on which extended emergency medical treatment is believed to be necessary;

(B) the name of any examining physician and substance of his/her opinion regarding the mental condition of the person; and

(C) any other appropriate information.

(3) *Filing and Service of Petition.* The Petition must be filed with the PROTHONOTARY within 120 hours of commencement of involuntary emergency treatment rendered pursuant to Section 302, and served on the person by the Petitioner as soon as practicable, on the person, **his/her attorney, the City Solicitor and the Mental Health Review Officer.**

(4) *Scheduling of Conference.* An informal conference shall be **[scheduled and held] listed** within 24 hours after the application is filed, **[and concluded] with Court intervention to occur** within 120 hours of the commencement of involuntary emergency treatment rendered pursuant to Section 302.

(5) *Conference.* At the informal conference, the person shall be informed of the nature of the proceedings, and the following information shall be considered by the Mental Health Review Officer:

(A) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that continued involuntary treatment is considered necessary;

(B) Testimony from a physician who examined the person explaining in terms understandable to a layperson whether the person is severely mentally disabled and in need of treatment;

(C) Information contained in, and appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302; and

(D) Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment, even if such information is normally excludable under the rules of evidence, provided the information is found to be reliable.

(6) *Decision.* At the conclusion of the conference, the Mental Health Review Officer shall either:

(A) Certify that the person is severely mentally disabled and in need of continued involuntary treatment. The certification shall be filed with the Prothonotary and served on the parties as required by Section 303(e) of the Act; or

(B) Direct that the facility director or his designee discharge the person.

(7) *Duration of Court-Ordered Involuntary Treatment.* A period not to exceed twenty (20) days.

(f) *Petition for Court-Ordered Involuntary Treatment Pursuant to Section 304 of the Act.*

(1) *Persons Already Subject to Involuntary Treatment*

(A) *Petitioner.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(B) *Contents of Petition.*

(i) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(ii) name of the examining physician and substance of the physician's opinion regarding mental condition of the person;

(iii) allegation that the person has been provided with the information required by Section 304(b)(3); and

(iv) any other relevant information.

(C) *Filing and Service of the Petition.* The Petition must be filed with the Prothonotary and served as required by Section 304(b)(3).

(D) *Scheduling of Hearing.* A hearing **[must be scheduled for a date] shall be held** not more than five (5) days after the filing of the Petition.

(E) *Continuation of Treatment Pending Hearing.* Treatment shall continue pending determination of Petition.

(F) *Hearing.* The following information shall be considered by the Mental Health Review Officer:

(i) Evidence reestablishing that the conduct originally required by Section 301 in fact occurred and that the person's condition continues to evidence a clear and present danger to himself/herself or others. It is not necessary to show the recurrence of dangerous conduct within the past 30 days;

(ii) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that continued involuntary treatment is considered necessary;

(iii) Information contained in, or appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302 or 303;

(iv) Testimony by a physician who examined the person;

(v) **[Any other relevant information, even if normally excludable under the rules of evidence, provided the information is found to be reliable.]**

(G) *Decision.* The Mental Health Review Officer shall render a decision within 48 hours after the close of evidence, and shall either:

(i) find that the person is severely mentally disabled and in need of continued involuntary inpatient or outpatient treatment and issue an appropriate order as set forth in Section 304(f) of the Act; or

(ii) deny the Petition and direct that the facility director or his designee discharge the person.

(2) *Persons Not Already Subject to Involuntary Treatment*

(A) *Petitioner.* Any responsible party.

(B) *Contents of Petition.*

(i) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(ii) name of the examining physician and substance of the physician's opinion regarding mental condition of the person; and

(iii) any other appropriate information.

(C) *Filing of Petition.* The Petition must be filed with the Prothonotary.

(D) *Scheduling of Hearing and Service of Petition.* Upon being satisfied that the Petition sets forth reasonable cause to believe that the person is within the criteria for court-ordered treatment as set forth in Section 304(a), the Court shall schedule a hearing, which may be conducted by a Mental Health Review Officer, and issue a summons or warrant to ensure the person's attendance at the hearing. The hearing shall be scheduled as soon as practicable, and the person must be served with a copy of the Petition and required notices at least three (3) days before the scheduled hearing.

(E) *Administration of Treatment Pending Hearing.* No treatment shall be authorized during the pendency of the Petition except in accordance with Sections 302 or 303 of the Act.

(F) *Hearing.* The following information shall be considered by the Court or Mental Health Review Officer:

(i) Information relevant to whether the person is severely mentally disabled and in need of treatment, including the reasons that involuntary treatment is considered necessary;

(ii) Testimony from a physician who examined the person explaining in terms understandable to a layperson whether the person is severely mentally disabled and in need of treatment; and

(iii) Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment **[, even if such information is normally excludable under the rules of evidence, provided the information is found to be reliable] .**

(G) *Decision.* The Mental Health Review Officer, or Court, shall render a decision within 48 hours after the close of evidence, and shall either:

(i) find that the person is severely mentally disabled and in need of involuntary inpatient or outpatient treatment and issue an appropriate order as set forth in Section 304(f) of the Act; or

(ii) deny the Petition.

(3) *Duration of Court-Ordered Involuntary Treatment.*

(A) A period not to exceed ninety days under Section 304(g)(1) of the Act; or

(B) A period not to exceed one year under Section 304(g)(2) of the Act, subject to the provisions of Section 304(g)(4) as to termination or continuance of involuntary treatment.

(g) *Application for Additional Periods of Court-Ordered Involuntary Treatment Pursuant to Section 305 of the Act.*

(1) *Applicant.* The County Mental Health Administrator, or the Director of the Facility in which the mentally ill person resides.

(2) *Contents of Petition.*

(A) facts constituting reasonable grounds to believe that the person is severely mentally disabled and in need of treatment;

(B) name of the examining physician and substance of the physician's opinion regarding mental condition of the person;

(C) allegation that the person has been provided with the information required by Section 304(b)(3); and

(D) any other appropriate information.

(3) *Filing and Service of Petition.* The Petition must be filed with the Prothonotary and served as required by Section 304(b)(3).

(4) *Scheduling of Hearing.* A hearing **[must be scheduled and] shall be held** not more than five (5) days after the filing of the Petition.

(5) *Continuation of Treatment Pending Hearing.* Treatment shall continue pending determination of the Petition.

(6) *Hearing.* The following information shall be considered by the Mental Health Review Officer:

(A) Information contained in, or appended to, the Application for Involuntary Emergency Examination and Treatment under Section 302, 303 or 304;

(B) Testimony by a physician who examined the person;

(C) Information relevant to the reasons that continued involuntary treatment is considered necessary, as shown by conduct during the person's most recent period of court-ordered treatment; and

(D) **[Any other information, even if normally excludable under the rules of evidence, provided the information is found to be reliable.] Any other information relevant to the issue of whether the person is severely mentally disabled and in need of treatment.**

(7) *Decision.* The Mental Health Review Officer shall render a decision within 48 hours after the close of evidence, and shall either:

(A) find that the person is severely mentally disabled and in need of continued involuntary inpatient or outpatient treatment, as shown by conduct during the person's most recent period of court-ordered treatment; and issue an appropriate order as set forth in Section 305 of the Act; or

(B) deny the Petition and direct that the facility director or his designee discharge the person.

(8) *Duration of Court-Ordered Involuntary Treatment.*

(A) A period not to exceed one-hundred eighty (180) days; or

(B) A period not to exceed one year if the person meets the criteria of Section 304(g)(2) of the Act.

(h) *Transfer of Persons in Involuntary Treatment.*

(1) Except as provided hereunder, any person in involuntary treatment may be transferred to any approved facility.

(2) *Exceptions:*

(A) persons committed pursuant to Section 304(g)(2) of the Act may not be transferred, in the absence of an emergency, unless written notice is given to the committing Judge or Mental Health Review Officer, and district

attorney in the committing county and neither has objected to the transfer within twenty (20) days of receipt of said notice. In the event an objection is received, the Mental Health Review Officer shall hold a hearing within twenty days to review the commitment transfer and shall render a decision within 48 hours of the close of evidence; and

(B) transfers which constitute a greater restraint cannot be accomplished unless **before the expiration of the period of involuntary treatment a petition is filed as provided in this rule and the Mental Health Review Officer [holds], after a hearing, [and] finds the transfer to be necessary and appropriate.**

(i) *Review of Mental Health Review Officer Certifications or Decisions.*

(1) *Judicial Review and Assignment.* Certifications of the Mental Health Review Officers, pursuant to Section 303 of the Act, and decisions of the Mental Health Review Officers pursuant to Sections 304, 305 and 306 of the Act are subject to Judicial review through the filing, by any party, of a Petition for Review with the Prothonotary of the Court of Common Pleas. Said Petitions shall be assigned to such Court of Common Pleas Judges ("Review Judge"), assigned to any Division of the Court, as may be determined by the President Judge from time to time.

(2) *Scheduling of Hearing and Service.* A hearing must be scheduled and held within 72 hours after the Petition is filed unless a continuance is requested by the person's counsel. The party filing the Petition for Review must forthwith serve a copy of the Petition and Notice of Hearing on the Mental Health Review Officer and all other interested parties. Service may be effectuated by hand-delivery or via facsimile.

(3) *Preparation of Record for the Court.* The Mental Health Review Officer shall **produce the record of the proceedings held by the Mental Health Review Officer [cause the transcription of the underlying proceedings for presentation]** to the Review Judge no later than the hearing date, and shall ensure that the evidence relied upon by the Mental Health Review Officer is available to the Review Judge.

(4) *Hearing.* The Review Judge shall review the certification of the Mental Health Review Officer and shall consider such other evidence as the Review Judge may receive or require.

(5) *Decision.* The Review Judge shall render a decision as soon as practicable, and, unless all parties agree to a remand to the Mental Health Review Officer, shall either:

(A) determine that the person is in need of involuntary treatment and that the procedures prescribed by the Mental Health Procedures Act have been followed; or

(B) determine that the procedures prescribed by the Mental Health Procedures Act have not been followed, or that the person is not in need of involuntary treatment, and, if appropriate, shall direct that the facility director or his designee discharge the person.

The decision of the Review Judge as set forth above is subject to appellate review as provided by rules of court.

(j) *Record of Proceedings.* A record of the proceedings (which need not be in a stenographic format) held pursuant to the Mental Health Procedures Act shall be made, impounded by the Court as provided in the Act, and kept by the PROTHONOTARY for at least one year.

(k) *Appointment of Counsel.* **[The Public Defender is appointed] The President Judge, or his designee, shall appoint counsel** to represent all persons who may be subject to involuntary medical examination and treatment, unless it appears that any such person can afford, and desires to have, private representation. **[In the event a conflict prevents the Public Defender from representing any eligible person, conflict counsel shall be appointed as directed by the President Judge.]**

Explanatory Note. The Mental Health Procedures Act, as enacted on July 9, 1976, authorized the local courts to decide whether a judge of the Court of Common Pleas or a "Mental Health Review Officer" would conduct legal proceedings under the Act. Section 109 specifically provided that a Mental Health Review Officer could, if authorized by the Court, conduct proceedings under Section 303(c), which dealt with extended involuntary emergency treatment, and under Section 304, which dealt with court-ordered involuntary treatment. However, the Act did not specifically address the issue of whether the Mental Health Review Officer could issue orders for treatment or whether such orders were deemed to be final orders which were subject to appellate review.

In the case of *In re Chambers*, 282 Pa. Super. 327, 422 A.2d 1140 (1980), the Superior Court addressed the difference between "certifications" issued pursuant to Section 303 and "orders" issued pursuant to Section 304. The Superior Court found that Section 303 specifically authorized the Mental Health Review Officer to certify, without judicial approval, a person for extended involuntary emergency treatment for a period not to exceed 20 days, noting that under Section 303 the person made subject to such involuntary emergency treatment had the right to petition the Court of Common Pleas for review of the certification. However, the Superior Court found that the procedure for Section 304 proceedings was different, in that Section 304 required the entry of an "order" involuntarily committing a person, and since the Mental Health Review Officer is not a judge, the Mental Health Review Officer cannot enter a "final order" which is appealable to the Superior Court. Thus, the Superior Court concluded that a commitment "order" issued pursuant to Section 304 by a Mental Health Review Officer on August 28, 1978 was not a "final order" and accordingly, not ripe for appellate review, and remanded to the Court of Common Pleas with directions to enter a final appealable order. *See also In re Bishop*, 282 Pa. Super. 67, 422 A.2d 831 (1980).

The Mental Health Procedures Act was amended by Act of November 26, 1978, P. L. No. 1362, No. 324, effective in 60 days. This amendment, inter alia, expanded the scope of the Mental Health Review Officer's authority by authorizing the Mental Health Review Officer to conduct hearings concerning extended involuntary emergency treatment under Section 303(c), court-ordered involuntary treatment under Sections 304 and 305, or transfer hearings under Section 306. More importantly, a new section was added, Section 109(b), which specifically provides, as did Section 303(g), that persons made subject to treatment by Mental Health Review Officers have a right to petition the Court of Common Pleas for review of such ordered treatment. Thus, under the 1978 amendments, providing that the Court of Common Pleas authorizes Mental Health Review Officers to conduct proceedings under Sections 303(c), 304, 305 and 306, they may require involuntary treatment, further provided that the persons subject to such treatment may file a petition for review

with the Court of Common Pleas which will enter a final appealable order. The instant Rule constitutes authorization to Mental Health Review Officers to conduct proceedings under the Mental Health Procedures Act, as amended, and sets forth the procedure to be followed so as to clarify the rights of the persons affected.

Adopted by the Board of Judges on May 21, 1997 and effective on July 1, 1997. Amended by President Judge General Court Regulation No. 97-02 issued on August 8, 1997, which was adopted by the Board of Judges on September 25, 1997, effective immediately.

**First Judicial District of Pennsylvania
Court of Common Pleas
Philadelphia County
Mental Health Procedures Act**

In Re:

NAME	
SS #	DATE OF BIRTH
ADDRESS	

<i>Docket Number</i>

PETITIONER
FACILITY
TYPE OF FILING <input type="checkbox"/> 303 <input type="checkbox"/> 305 <input type="checkbox"/> 304(b) <input type="checkbox"/> 306 <input type="checkbox"/> 304(c) <input type="checkbox"/> Petition for Review <input type="checkbox"/>

Instant Commitment Under Section _____
Expires on _____ at _____ AM/PM.
Requested hearing date: _____
Time: _____
Location: _____

NAME OF PETITIONER'S ATTORNEY	
ADDRESS	
PHONE	SUPREME COURT I.D. NO.
SIGNATURE	

NAME OF PERSON/PATIENT'S ATTORNEY	
ADDRESS	
PHONE	SUPREME COURT I.D. NO.
SIGNATURE	

Order

AND NOW, this ____ day of _____, 19 ____ upon consideration of the attached Application or Petition, an Informal Conference or Hearing shall be held by a Mental Health Review Officer pursuant to Phila.R.Civ.P.No. 7109 on the ____ day of _____, 19 ____ at ____ AM/PM at the following location:

- | | |
|---|--|
| <input type="checkbox"/> Albert Einstein Medical Center | <input type="checkbox"/> Norristown State Hospital |
| <input type="checkbox"/> Allegheny University Hospital | <input type="checkbox"/> EPPI |
| <input type="checkbox"/> Girard Medical Center | <input type="checkbox"/> Kirkbride Center |
| <input type="checkbox"/> _____ | |

Petitioner shall serve all interested parties.

By the Court:

ALEX BONAVITACOLA
President Judge, Court of Common Pleas

INSTRUCTIONS

1. The original Application, Petition and Cover Sheet must be filed with the Prothonotary's Office, First Filing, Room 278 City Hall. Service copies shall also be filed with the Prothonotary who will attest and return them to the Petitioner for service on all interested parties. No Filing Fee shall be payable.
2. Upon filing of the Application or Petition, the Court will enter an Order listing a conference or hearing. The Petitioner must serve a copy of the Application or Petition and Order on all interested parties: the Patient, his/her attorney, persons designated to be kept informed as provided in Section 302(c), the City Solicitor and the Mental Health Review Officer, as required by the Mental Health Procedures Act of 1976 as amended, and Phila.R.C.P.No. 7109. Petitions for Review shall be forthwith served on the City Solicitor, the patient, the patient's attorney of record, the Mental Health Review Officer and the Court. An Affidavit of Service shall be filed on the hearing date.
3. A hearing or conference will be listed or held as follows:
 - (a) within 24 hours after the filing of an Application pursuant to Section 303 of the Act; provided, however, the Applications filed on Friday will likely be listed for the next business day;
 - (b) within 5 days after the filing of a Petition pursuant to Sections 304, 305 and 306 of the Act;
 - (c) within 3 days after a Petition for Review is filed.

Location of Mental Health Hearing Sites**Albert Einstein Medical Center**

5583 Park Avenue
Philadelphia, PA 19141
(215) 456-7095

Allegheny University Hospital

Broad & Vine Streets
11th Floor South
Philadelphia, PA 19102
(215) 762-7403

Girard Medical Center

8th Street and Girard Avenue
Philadelphia, PA 19122
(215) 787-2048

Norristown State Hospital

1001 Stergiere, Bldg. 10 & 52
Norristown, PA 19406
(610) 270-1357

EPPI

3200 Henry Avenue
Main Building
Philadelphia, PA 19129
(215) 842-4377

Kirkbride Center

111 N. 49th Street
Philadelphia, PA 19139
(215) 471-2839

Please Note: The Information Contained Herein May Change Without Notice (8/97)

[Pa.B. Doc. No. 97-1779. Filed for public inspection November 7, 1997, 9:00 a.m.]

PHILADELPHIA COUNTY**Joint General Court Regulation; Court of Common Pleas and Traffic Court; No. 97-3***Procedure for Sale of Motor Vehicles Impounded for Non-Payment of Fines Pursuant to 75 Pa.C.S. § 6309.1*

On July 2, 1996, Governor Thomas Ridge signed Act No. 1996-93, which added, inter alia, 75 Pa.C.S. Section 6309.1, authorizing the impoundment and sale of motor vehicles under certain specified situations. This Joint General Court Regulation sets forth the procedure to be followed in implement Section 6309.1, which authorizes the impoundment and sale of motor vehicles for failure to pay fines in excess of \$250.

1. *Motor Vehicles Eligible for Impoundment.* A defendant's motor vehicle with a gross vehicle weight rating of 17,000 pounds or less may be impounded if upon conviction or entry of a plea of guilty or nolo contendere for any of the offenses set forth in 75 Pa.C.S. § 6309.1(b), the defendant has outstanding or unpaid Traffic Court fines in excess of \$250.00.

2. *Prerequisites to Impoundment.* A motor vehicle may not be impounded for a 24 hour period after the conviction or entry of a plea of guilty or nolo contendere to enable the defendant to pay, or to make arrangements to pay, the fines and costs of prosecution. During that 24

hour period the motor vehicle may be rendered temporarily inoperable and transferred to a secure location for safe keeping.

3. *Designation of Enforcement Officer.* The Philadelphia Parking Authority is designated as "the appropriate law enforcement officer" who shall undertake the impoundment and notification as authorized by 75 Pa.C.S. § 6309.1. The Traffic Court may, from time to time, designate different "appropriate law enforcement officers."

4. *Impoundment.* Upon expiration of the 24 hour period as set forth above, if the fines and costs are not paid or satisfactory arrangements have not been made to pay same the Traffic Court shall notify the Parking Authority to impound the vehicle and store same at an appropriate location.

5. *Notice of Impoundment.* The Philadelphia Parking Authority shall notify the defendant, the owner of the vehicle or combination, any lienholder and, if applicable, the owner of the load, that the motor vehicle has been impounded pursuant to 75 Pa.C.S. § 6309.1 and of their right to reclaim the said motor vehicle and its contents by paying the outstanding fines and other applicable costs. The notice shall be in the form set forth as Exhibit "A." Notice shall be sent by regular mail with a Certificate of Mailing and also by certified mail, return receipt requested. Notice shall be deemed to have been provided upon the mailing of the letters. The Traffic Court shall give a similar notice, which shall be substantially as set forth hereunder as Exhibit "B"; provided, however, that

the said notice may be sent together with the notice sent by the Philadelphia Parking Authority.

6. *Filing of Petition.* A Civil Cover Sheet, Petition and Motion Court Cover Sheet shall be filed with the Prothonotary of the Court of Common Pleas setting forth, inter alia, that prior to impounding the motor vehicle, the defendant was given 24 hours to make arrangements for payment of the underlying fines, setting forth the efforts made to notify the owners, and lienholders, of record, and that the outstanding fines and costs have not been paid. Attached to the Petition shall be copies of the notices sent to the appropriate parties, the Certificates of Mailing and, if returned, the Certified Return Receipts. Upon review of the Petition, the President Judge of the Court of Common Pleas, or his designee, may enter an Order authorizing the Philadelphia Parking Authority, through its authorized agent, to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as Exhibit "C."

7. *Notice of Auction Date and Rights of Owners and Lienholders of Record Pending Auction.* Notice of the auction dates shall be set forth in the notice to the owners as provided in Section 5 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court. At any time prior to the auction date, any owner, or lienholder, may obtain the release of the motor vehicle upon the payment of the fines, fees and costs as set forth in the notice and as may be incurred thereafter. In the event a vehicle scheduled to be auctioned on a specific date is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the Philadelphia Parking Authority shall, in rescheduling the auction date, provide notices substantially as set forth in Sections 5 and 7, and shall otherwise comply with the within Joint General Court Regulation.

8. *List of Successful Bidders.* At the auction, the Philadelphia Parking Authority, and/or its authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court within thirty (30) days after the auction entry of an order directing the Department of Transportation to extinguish title of the prior owners or lienholders of record and to issue certifi-

cates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as Exhibit "D."

9. *Disposition of Proceeds of the Auction.* The proceeds from the auction shall be used to satisfy the various fines and costs in the following order:

- costs of sale (auctioneer, advertising, postage);
- towing and storage costs;
- Traffic Court's costs as authorized in Section 6309.1(e);
- outstanding fines due as a result of violations of the Motor Vehicle Code;
- City of Philadelphia parking fines.

Any remaining proceeds shall be subject to the demands of the original owner of record and/or lienholder of record, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia.

10. *Effective Date.* This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with Act 1996-93, the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, Phila. Civ. R. ★ 51 and Pa. R.C.P. 239. As required by Pa. R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,
President Judge,
Court of Common Pleas
BERNICE DEANGELIS,
Administrative Judge,
Traffic Court

Exhibit "A"

PHILADELPHIA PARKING AUTHORITY 501 N. COLUMBUS BLVD., PHILADELPHIA, PA NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE

(Date)

(Last Known Registered Owner's Name)
(Address)
(City, state, zip)

Dear (Last Known Registered Owner):

The Philadelphia Parking Authority is informing you that on (Date of Tow), the following vehicle, registered in your name, was impounded for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. § 6309.1.

Vehicle Year:
Vehicle Make:
Vehicle Color:

State and Tag Displayed:
Vehicle Identification Number:
PPA Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which current exceed \$250.00. In addition, you are liable for a towing fee of \$75.00, a storage charge of \$5.75 per day for the first five (5) days and \$17.25 per day thereafter, and an administrative cost of \$75.00 imposed by the Philadelphia Traffic Court.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact at 686-1680 to determine the exact amount which is due. Upon payment of such outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Court hours Mon. to Fri. 8:30 a.m. to 8:00 p.m.—Sat. 9:00 a.m. to 1:00 p.m.

You may reclaim this vehicle by bringing the Certificate of release issued by the Traffic Court, proof of ownership, proof of insurance, along with payment of the applicable towing and storage fees and ticket fines, to either:

Parking Violations Branch	Hours:	
913 Filbert Street	M/T/Th/Fri	9:00 a.m.—7:00 p.m.
Philadelphia, PA 19107	Wednesday	8:00 a.m.—8:00 p.m.
(215) 561-3636	Saturday	9:00 a.m.—1:00 p.m.

Or

Philadelphia Parking Authority	Hours:	
Impoundment Lot #1	M—W	8:00 a.m.—9:00 p.m.
Columbus Blvd. & Noble St.	Th—Sat	8:00 a.m.—2:00 p.m.
Philadelphia, Pa 19123	Sunday	7:00 p.m.—2:00 a.m.
(215) 683-9550		

Pursuant to 75 Pa.C.S. § 6309.1 and Joint General Court Resolution No. 97-3, if this vehicle is not claimed within fifteen (15) days of the issuance of this notice, the Philadelphia Parking Authority will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction. A petition to sell this vehicle will be filed with the Court requesting leave to sell this vehicle, at public auction on _____ at ____ a.m./p.m. at the following location: Philadelphia Parking Authority Lot #2, 2535 South Swanson Street, Philadelphia, PA 19148. If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to sale from Impoundment Lot #2, or we will dispose of the items.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,

Frank Ragozzino, Manager
Towing and Impoundment

Exhibit "B"

**PHILADELPHIA PARKING AUTHORITY
800 SPRING GARDEN STREET, PHILADELPHIA, PA
NOTICE OF IMPOUNDED VEHICLE SUBJECT TO SALE**

(Date)

(Last Known Registered Owner's Name)
(Address)
(City, state, zip)

Dear (Last Known Registered Owner):

The Philadelphia Parking Authority is informing you that on (Date of Tow), the following vehicle, registered in your name, was impounded for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. § 6309.1, by the Philadelphia Parking Authority.

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	PPA Control Number:

To recover this vehicle, you will be required to pay outstanding fines due to the Philadelphia Traffic Court which current exceed \$250.00. In addition, you are liable for a towing fee of \$75.00, a storage charge of \$5.75 per day for the first five (5) days and \$17.25 per day thereafter, and an administrative cost of \$75.00 imposed by the Philadelphia Traffic Court.

Before you may reclaim the vehicle, you must make arrangements to pay the outstanding fines and costs due to the Philadelphia Traffic Court. You may appear in person at the Traffic Court, 800 Spring Garden Street, Philadelphia, PA or contact at 686-1680 to determine the exact amount which is due. Upon payment of such outstanding fines and costs, the Traffic Court will issue a Certificate of Release. Court hours Mon. to Fri. 8:30 a.m. to 8:00 p.m.—Sat. 9:00 a.m. to 1:00 p.m.

You may reclaim this vehicle by bringing the Certificate of release issued by the Traffic Court, proof of ownership, proof of insurance, along with payment of the applicable towing and storage fees and ticket fines, to either:

Parking Violations Branch	Hours:	
913 Filbert Street	M/T/Th/Fri	9:00 a.m.—7:00 p.m.
Philadelphia, PA 19107	Wednesday	8:00 a.m.—8:00 p.m.
(215) 561-3636	Saturday	9:00 a.m.—1:00 p.m.

Or

Philadelphia Parking Authority
Impoundment Lot #1
Columbus Blvd. & Noble St.
Philadelphia, Pa 19123
(215) 683-9550

Hours:
M—W
Th—Sat
Sunday

8:00 a.m.—9:00 p.m.
8:00 a.m.—2:00 p.m.
7:00 p.m.—2:00 a.m.

Pursuant to 75 Pa.C.S. § 6309.1 and Joint General Court Resolution No. 97-3, if this vehicle is not claimed within fifteen (15) days of the issuance of this notice, the Philadelphia Parking Authority will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction. A petition to sell this vehicle will be filed with the Court requesting leave to sell this vehicle, at public auction on _____ at ____ a.m./p.m. at the following location: Philadelphia Parking Authority Lot #2, 2535 South Swanson Street, Philadelphia, PA 19148. If you do not retrieve your vehicle, you are responsible to remove any personal property from your vehicle 72 hours prior to sale from Impoundment Lot #2, or we will dispose of the items.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,

Bernice A. DeAngelis
Administrative Judge

Exhibit "C"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM, 19
:
Philadelphia Parking Authority :
by _____ :
Director, Enforcement : NO:

ORDER

AND NOW, this _____ day of _____, 19 __, upon Petition of the Philadelphia Parking Authority filed on _____, the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A", as required by Joint General Court Regulation No. 97-3, copies of the notices and certificates of mailing, and proof of certified mail being attached to the Petition, and the said owners or lienholders not having paid, or made satisfactory arrangements to pay, the outstanding fines and costs, IT IS HEREBY ORDERED and DECREED that the Philadelphia Parking Authority, through its authorized agent, is authorized to sell at public auction the motor vehicles described in said Petition on _____, 19 __, at _____ a.m./p.m., _____ Philadelphia, PA.

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the Department of Transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 9 of Joint General Court Regulation No. 97-3, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia.

BY THE COURT:

BONAVITACOLA, P.J.

Exhibit "D"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM, 19
:
Philadelphia Parking Authority :
by _____ :
Director, Enforcement : NO:

ORDER

AND NOW, this _____ day of _____, 19 __, the Philadelphia Parking Authority having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction pursuant to this Court's Order of _____, 19 __, IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the

appropriate Department of Transportation shall cancel any certificates of title which were issued prior to this Order to other persons, and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A", upon completion of the proper forms and payment of the required fees.

BY THE COURT:

BONAVITACOLA, P.J.

[Pa.B. Doc. No. 97-1780. Filed for public inspection November 7, 1997, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Rule of Judicial Administration No. 5000.7; No. 97-1611

Order

And Now, this 3rd day of October, 1997, Berks County Rule of Judicial Administration No. 5000.7 is hereby amended to read as set forth in the form following hereto and made a part hereof, and said Rule as so amended is hereby approved, adopted and promulgated for use in the Court of Common Pleas of Berks County, Pennsylvania. Berks County Rule of Judicial Administration as herein amended shall apply to all transcripts requested on or after January 1, 1998. Berks County Rule of Judicial Administration No. 5000.7 as heretofore adopted shall remain in effect as to all transcripts requested on or before December 31, 1997.

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

(1) Keep continually available for public inspection and copying copies of this Order and of Berks County Rule of Judicial Administration No. 5000.7 as herein approved, adopted and promulgated;

(2) Forward ten (10) certified copies of the Order and Rule as herein amended to the Administrative Office of Pennsylvania Courts for distribution in accordance with Pennsylvania Rule of Judicial Administration No. 103(c)(2).

Anything to the contrary hereinbefore set forth notwithstanding, this Order and Rule 5000.7 as amended and adopted herein shall not become effective unless, and until, the rates set forth therein are approved by the Supreme Court of Pennsylvania pursuant to Pennsylvania Rule of Judicial Administration 5000.7(f).

By the Court

SCOTT D. KELLER,
Acting President Judge

No. 5000.7. Fees for Transcripts.

(a) When a person or entity, other than the Commonwealth, or one of its political subdivisions, requests a transcript, such person or entity shall be liable for the cost of the original transcript at the rate of \$3.90 for each page thereof and shall pay the Clerk one-half (1/2) the estimated cost for the transcript at the time such person or entity requests the transcript and the balance upon completion of the transcript. The court reporter shall not be required to start the transcription until such advance payment is made in full, but when such advance has been paid, the court reporter shall immediately begin the transcription of his or her notes as requested.

(1) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof:

(A) to the District Attorney of Berks County, if such district attorney is a party to the action in his or her official capacity or represents the Commonwealth in such action;

(B) to the County Solicitor of Berks County, if such county solicitor is a party to the action in his or her official capacity or represents Berks County in such action;

(C) to the person or entity who ordered the transcript, if, but only if, such person or entity has paid the balance due for the transcript to the clerk in full, calculated at the rate of \$3.90 for each page of original transcript.

(2) Where the Commonwealth, or any political subdivision, requests a copy of the transcript, the court reporter shall provide the Commonwealth, or political subdivision thereof, with a complete and legible copy thereof without charge.

(3) Where any person or entity, other than the Commonwealth, or a political subdivision thereof, requests a copy of the transcript, such person or entity may purchase the same by paying the clerk \$1.20 for each page of complete and legible copy.

(4) The Clerk shall pay the monies received for original transcript and for copies of the county promptly, and the county shall promptly pay therefrom:

(A) to the court reporter, the sum of \$3.00 for each page of original transcript, or if the transcript is typed on a typewriter, the sum of \$2.10 for each page.

(B) to the typist who typed the original transcript, the sum of \$0.90 for each page of original transcript, if the transcript is typed on a typewriter.

(5) The County of Berks shall retain the balance of the funds received for original transcript and for copies and its own use. See Pa.R.J.A. No. 5000.7(c).

(b) When the Commonwealth or one of its political subdivisions requests a transcript, the Commonwealth, or such political subdivision, shall be liable for the cost of the original transcript at the rate of \$2.00 for each page thereof, and:

(1) the court reporter, upon receipt of the transcript request, shall immediately begin the transcription of his or her notes as directed by the transcript order.

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy thereof:

(A) to the District Attorney of Berks County, if such district attorney is a party to the action in his or her official capacity or represents the Commonwealth in such action;

(B) to the County Solicitor of Berks County, if such county solicitor is a party to the action in his or her official capacity or represents Berks County in such action;

(C) the court reporter shall deliver one (1) complete and legible copy to the Commonwealth or to such political subdivision thereof if, but only if, the Commonwealth, or such subdivision has paid \$2.00 for each page of complete and legible copy. See Pa.R.J.A. No. 5000.7(a), (b) and (c).

(3) Where any person or entity, including the Commonwealth or a political subdivision thereof, requests a copy of the transcript but where such person or entity is not liable for the cost of the original transcript, the court reporter shall provide such person or entity with a complete and legible copy of the transcript without charge.

(4) The Clerk shall pay the monies received for original transcripts to the County of Berks promptly and the county shall promptly pay therefrom:

(A) to the court reporter, \$1.55 for each page of original transcript where the transcript is not typed on a typewriter;

(B) to the court reporter, \$1.10 for each page of original transcript where the transcript is typed on a typewriter;

(C) to the typist who typed the original transcript, \$0.45 for each page of original transcript where the transcript is typed on a typewriter.

(5) The County of Berks shall retain the balance of the funds received for original transcript for its own use.

(c) Where the County of Berks is liable for the cost

(1) the court reporter, upon receipt of the transcript order, shall immediately begin the transcription of his or her notes as directed by the transcript order.

(2) Upon completion of the transcript, the court reporter shall lodge and file the original transcript of record and shall deliver one (1) complete and legible copy to each of the following without charge:

(A) to any party proceeding in forma pauperis;

(B) to the District Attorney of Berks County, if said district attorney is a party to the action in his or her official capacity or is representing the Commonwealth in such action;

(C) to the County Solicitor of Berks County, if the county solicitor is a party to the action in his or her official capacity or is representing the county in said action;

(D) If any person or entity, including but not limited to the Commonwealth, or any of its political subdivisions, desires a copy of the transcript, the court reporter shall provide such person or entity with a complete and legible copy of the same without charge.

(3) Upon completion of the transcript, the County of Berks shall pay:

(A) to the court reporter, the sum of \$1.55 for each page of original transcript where the transcript is not typed on a typewriter;

(B) to the court reporter, the sum of \$1.10 for each page of original transcript where the transcript is typed on a typewriter;

(C) to the typist, the sum of \$0.45 for each page of original transcript where the transcript is typed on a typewriter.

(d) Any judge of the court, the district attorney and county solicitor shall each be entitled to a copy of the transcript in any proceeding upon request without charge. In such case, the county shall be liable for the cost of preparing the original transcript whenever no other person or entity is otherwise liable for the cost therefor.

(e) Nothing in this rule shall authorize delivery of a transcript, or copy thereof, in a proceeding where the record is impounded, to any person or entity not otherwise entitled to the same.

Comments: Rule 5000.2(h) of the Pa.R.J.A. provides that in any case where the court orders a transcript for its own use or where a copy thereof is for the use of a party entitled to proceed in forma pauperis, the county shall pay for the original and one copy of the transcript.

Berks County provides a computer-aided transcription system. For those court reporters who cannot use the system or who must transcribe notes not capable of being translated by the system, the county provides dictation equipment, typewriters, paper and supplies, and pays the typist directly.

[Pa.B. Doc. No. 97-1781. Filed for public inspection November 7, 1997, 9:00 a.m.]

CARBON COUNTY

Adoption of Rules L3154 and L3155 and Amendments to Rules L206.1, L211, L212.1, L216, L229, L440, L1018.1, L1028, L1034, L1035, L1305, L1915.3, L1915.5, L1915.12, L1915.20, L1920.22, L2102, L2206 and L2971; No. 97-2389

Administrative Order No. 8-1997

And Now, this 21st day of October, 1997, it is hereby

Ordered and Decreed that Local Rule L3154 pertaining to Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease and Local Rule L3155 setting forth the Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease—Form are hereby *Promulgated* and become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered and Decreed that the following Local Rules L206.1, L211, L212.1, L216, L229, L440, L1018.1, L1028, L1034, L1035, L1305, L1915.3, L1915.5, L1915.12, L1915.20, L1920.22, L2102, L2206 and L2971 are hereby *Amended and Promulgated* and become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania 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 and in the form provided in Carbon County Local Rule L206.5(D). 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.

(E) Contested Continuances must be presented in the Court Administration Office. Notice of presentation of the contested continuance must be given to opposing counsel at least 3 days prior to presentation. The assigned judge will conduct a telephone conference which will be arranged by presenting counsel.

(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.

THE COURTS

Exhibit "A"

CARBON COURT OF COMMON PLEAS

CIVIL DIVISION

MOTION COURT COVER SHEET

NO. _____

vs.

FILING OF: _____
Movant() Respondent()

<input type="checkbox"/> Assigned Judge
<input type="checkbox"/> Court Action Taken
<input type="checkbox"/> Returned to Attorney for Deficiencies
<input type="checkbox"/> Action Deferred by Court
<i>For Court Use Only</i>

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.

The form of order required by subdivision (b) of the Pa.R.C.P. 206.5 shall be in substantially the following form:

ORDER

AND NOW, this _____ day of _____, 199 __, upon consideration of the foregoing petition, it is hereby ordered that

- _____ (1) A rule is issued upon the respondent _____ to show cause why the petitioner is not entitled to the relief requested;
- _____ (2) The respondent shall file an answer to the petition within _____ days of this date;
- _____ (3) The petition shall be decided under Pa.R.C.P. No. 206.7;
- _____ (4a) Deposition shall be completed within _____ days of this date.
- _____ (4b) An evidentiary hearing on disputed issues of material fact shall be held on _____, 199 __, at _____ o'clock, __ .m., in Courtroom _____ of the Carbon County Courthouse.

- ____ (5a) The question of law presented shall be resolved by the Court on briefs, without oral argument.
- ____ (5b) If answer is filed hearing/argument shall be scheduled by the Court on or around _____ by Court Order.
- ____ (6) The attached motion/petition is Denied and Dismissed for failure to comply with _____ .
- ____ (7) Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

J.

*The Court shall determine which procedure shall be followed in a particular case by checking the appropriate line.

Rule L211. Oral Argument.

(1) The Court Calendar Officer shall prepare the lists of cases to be argued at Argument Court. Such lists shall include cases praeciped thereon by a party or counsel with notice to all adverse parties or their counsel of record, together with such cases as may be ordered on the lists by the Court. Notice of the listing for argument shall be sent by regular mail to all parties or their counsel of record in such cases listed thereon at least ten (10) days prior to the date of argument. Copies of the argument lists shall be made available in the Court Scheduling Office.

(2) Counsel for the moving party shall in all matters file three (3) copies of a brief pursuant to applicable local rule in the Office of the Prothonotary and forthwith serve one (1) copy of a brief upon each adverse party or counsel of record.

(3) Each adverse party or his counsel of record shall file in the Office of the Prothonotary three (3) copies of a brief in answer, not later than three (3) weeks before the date of argument and forthwith serve a copy thereof upon all opposing parties or their counsel of record. No party shall be allowed to argue if the brief is not filed.

(4) Except as provided in (2), and (3) no untimely briefs shall be filed unless upon special allowance or within such time as shall be set by the Court.

(5) Proof of service of briefs shall not be required unless demanded by a party or the Court.

(6) The Court Calendar Officer shall divide the Argument List into a short list and a long list. Unless the Judge shall deem it necessary or appropriate and direct otherwise, the argument of preliminary objections shall be placed on the short list. The Court, with the agreement of counsel, may place such other cases on the short list as they may deem appropriate. The time for argument of cases on the short list shall be limited to not more than five (5) minutes for each side. The time for argument of cases on the long list shall be limited to not more than twenty (20) minutes for each side. Not more than one attorney shall be heard on any side of an issue, except that if several parties plaintiff or defendant have adverse interests, the attorney for each adverse interest shall be limited to not more than five (5) minutes on the short list and not more than twenty (20) minutes on the long list.

(7) Failure to comply with the requirements of the L205.2, pertaining to filing and serving copies of briefs shall constitute a default for which the Court may impose sanctions, including, but not limited to, dismissal of the motion or other matter which is the subject of the argument or allowing the other party to proceed ex parte.

(8) The Court may, upon agreement of the attorneys, or upon its own motion dispense with oral argument and receive the matter on such briefs as may be filed by the parties.

Rule L 212.1. Civil Case Management.

(1) *Cases Subject to Civil Case Management:* All Civil cases commenced on or after January 3, 1995 shall be subject to Case Management.

(2) *Commencement of Action:* All subject actions shall be commenced as provided in Pa.R.C.P. 1007. Carbon County Local Rule L213.2 shall be followed.

(3) *Case Management Review:* Pursuant to Pa.R.C.P. 212, a Case Management Review shall be performed by the Court Calendar Officer in every civil case not earlier than one hundred twenty (120) days after commencement of the action in order to prepare a case management order.

(A) The case management review order establishes: Expedited Case Management Track, Standard Case Management Track, Complex Case Management Track and Extraordinary Case Management Track. Each case shall be assigned to a Case Management Track in accordance with the presumptive track assignment, established hereby and following as "Exhibit A". For cause shown, the Judge or the Court Calendar Officer may reassign the case to any appropriate Case Management Track.

The Case Management Order shall establish the applicable deadlines for each particular case in accordance with the Presumptive Time Standards, established hereby and following as "Exhibit B".

(B) If the Court Calendar Officer determines that a case is not ready for a Management Order because of lack of docket activity, the case shall be scheduled for Management Conference before the Assigned Judge.

(C) Prothonotary shall serve a copy of the Case Management Review order on all attorneys of record, and any unrepresented party.

(D) Management/Telephone Conferences shall be scheduled at the discretion of the Court.

(4) *Relief from Deadlines Set Forth in Case Management Order:* Relief from the time requirements of any Case Management Order may be granted only by the assigned Judge. Any aggrieved party may file a Petition For Modification of Management Milestones, established hereby and following as Exhibit "C", with the Prothonotary prior to the deadline that is sought to be changed.

Any adverse party shall have ten (10) days after the filing of the Petition For Modification of Management Milestones to file a Response to Petition for Modification of Management Milestones, established hereby and following as Exhibit "D". The parties may not extend any Case Management deadline by agreement, without Court approval.

(5) *Settlement Conference:* A settlement conference will be expeditiously scheduled on any case in which counsel concur that such a conference may be productive. Such requests shall be made in writing to the assigned Judge.

In Standard Case Management Track cases, a settlement conference may be scheduled by the Court. In all Complex Management Track cases, a settlement conference will be scheduled by the Court.

(6) *Pretrial Memorandum*: All counsel and unrepresented parties shall file a Pretrial Memorandum for the Pretrial Conference as required by Carbon County Rule L212. The Pretrial Memorandum shall contain all of the information mandated by Rule L212, including but not limited to: A concise summary of the facts of the case, or defense; a list, by name and address, of all witnesses the party anticipates calling at trial classified as to liability or damages or both; a prenumbered list of all exhibits which the party intends to offer into evidence at trial; the Plaintiff shall list an itemization of the injuries or damages sustained, and all special damages claimed, by category and amount; and Defendant shall identify the applicable insurance carrier, together with applicable limits of liability.

The Pretrial Memorandum shall be served upon all counsel and unrepresented parties contemporaneously with filing. Counsel should expect witnesses and exhibits not listed in the Pretrial Memorandum to be precluded at trial.

(7) *Pretrial Conference*: In every case, a Pretrial Conference shall be scheduled by the Court. At the conclusion of the Pretrial Conference, a Pretrial Order controlling the conduct of trial may be entered.

(8) *Trial Date*: At the conclusion of the pretrial conference, a date certain trial date consistent with the "Presumptive Time Standards" shall be established by which the case shall be deemed by the Court to be ready for trial. No Continuance requests shall be entertained, except in accordance with Pa.R.C.P. 216, and subject to Pa.R.C.P. 217.

(9) *Failure to Appear for Scheduled Conferences*: Attendance at all conferences scheduled by the Court is mandatory. If Plaintiff fails to appear, the case may be nonprosessed without further notice. In the event any other party fails to appear, the conference shall be held in their absence; and sanctions may be imposed. All requests to reschedule conferences shall be made by filing an application for continuance and following the procedures set forth in Carbon County Rule L216.

Exhibit "C"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION

PETITION FOR MODIFICATION OF MANAGEMENT MILESTONES

Must be filed with the Prothonotary. Attach self-addressed, stamped envelopes to all counsel and unrepresented parties.

	Plaintiff(s)	:	
vs.		:	NO.
		:	
		:	
	Defendant(s)	:	

Filing of: _____
Name of filing party (state whether Plaintiff or Defendant)

NAME OF PLAINTIFF AND COUNSEL	NAME OF DEFENDANT AND COUNSEL
ASSIGNED TRACK (Check one) <input type="checkbox"/> Fast <input type="checkbox"/> Standard <input type="checkbox"/> Complex	CURRENT APPLICABLE CASE MANAGEMENT MILESTONES (Complete all dates subsequent to the date you are asking to be extended) <input type="checkbox"/> Discovery Date _____ <input type="checkbox"/> Plaintiff Expert Reports _____ <input type="checkbox"/> Defendant Expert Reports _____ <input type="checkbox"/> Pre-Trial Motions _____ <input type="checkbox"/> Pre-trial Memo _____ <input type="checkbox"/> Pretrial Conference _____ <input type="checkbox"/> Trial Date _____
NAME OF JUDGE	
SET FORTH DATES OF ISSUANCE OF ORDERS ON PREVIOUSLY FILED PETITIONS FOR EXTRAORDINARY RELIEF—ATTACH COPIES OF THOSE ORDERS.	

Exhibit "D"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION

RESPONSE TO PETITION FOR MODIFICATION OF MANAGEMENT MILESTONES

Must be filed with the Prothonotary. Attach self-addressed, stamped envelopes to all counsel and unrepresented parties.

	:	
	:	
Plaintiff(s)	:	
vs.	:	NO.
	:	
	:	
Defendant(s)	:	

Filing of: _____
Name of filing party (state whether Plaintiff or Defendant)

NAME OF PLAINTIFF AND COUNSEL	NAME OF DEFENDANT AND COUNSEL
SET FORTH YOUR POSITION CONCERNING THE MOVING PARTY'S REQUESTED RELIEF (ATTACH PROPOSED ORDER).	
A COPY OF THIS RESPONSE WAS SENT OR WILL BE SENT TO THE FOLLOWING PARTIES OR COUNSEL ON THE FOLLOWING DATES:	

I certify the above to be true and correct.

Respectfully submitted,

Date: _____

Attorney for Plaintiff/Defendant

Rule L216. Application for Continuance.

(1) All Applications for Continuance shall be presented to the Court on the form provided and shall be presented for Court action at least three (3) working days prior to the scheduled event, except for Applications for Continuance of Arbitrations under Carbon County Rule L1303.

(2) 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.

(3) Contested Continuances must be presented in the Court Administration Office. Notice of presentation of the contested continuance must be given to opposing counsel at least **3** days prior to presentation. The assigned judge

will conduct a telephone conference which will be arranged by presenting counsel.

Rule L229. Discontinuance of Cases.

(1) Discontinuance of a case prior to the entry of an arbitration award (see L1305(3)), verdict or judgment may be accomplished without leave of Court only by filing a praecipe to settle, discontinue and end, or a praecipe to discontinue (without prejudice), signed on behalf of all parties who have asserted claims in the action.

(2) Discontinuance of an appeal from arbitration before the entry of a verdict or judgment may be accomplished without leave of Court only by filing a praecipe to discontinue the appeal signed on behalf of all parties. If an appeal is discontinued, the arbitration award will remain on the judgment index unless an order to satisfy the award signed on behalf of the prevailing party or parties also is filed.

(3) Discontinuance of a case after the entry of an unappealed arbitration award or after the entry of a verdict or judgment may be accomplished without leave of

Court only by filing a praecipe to satisfy the award, verdict or judgment signed on behalf of the prevailing party or parties.

(4) When a settlement has been consummated, an award, verdict or judgment has been paid, or the parties have otherwise agreed to terminate a case, the appropriate praecipe or praecipes shall be filed within twenty (20) days thereafter, in default of which sanctions may be imposed.

Rule L440. Notice of Bankruptcy Stay.

So that this Court is informed of an automatic stay under 11 U.S.C. § 362, in all civil cases pending before the Court of Common Pleas of Carbon County, a party in such a case who files a Federal bankruptcy case shall, within ten (10) days of such filing, file written notice thereof in this Court.

The written notice shall be filed to the caption and number of the case in this Court and have attached to it a photocopy of the face sheet of the bankruptcy petition certified by the Clerk of the Bankruptcy Court clearly showing the filing date.

All other parties shall be served with a copy of said notice in the manner provided by Pa.R.C.P.440.

If a pre-trial matter, arbitration or trial is scheduled to occur within ten (10) days from the Federal bankruptcy filing, in addition to the written notice required above, the filing party shall immediately give oral notice to all other parties affected by the automatic stay and to the Court Administrator.

Upon termination of this stay, any party may move to reactivate the case in this Court.

Failure to give notice as required by this Rule may result in an order of sanction issued by the Court imposing court costs upon the party who fails to so comply.

Rule L1018.1. Notice to Defend.

The following shall be designated in the notice to defend contained in a complaint filed by a plaintiff and a complaint filed by a defendant against an additional defendant as the organization from whom legal referral can be obtained, as required by Pa.R.C.P. 1018.1.

Legal Services of Northeastern Pennsylvania, Inc.
122 Iron Street
Lehighton, PA 18235
(610) 377-5400

Rule L1028. Preliminary Objections.

(1) Any party who files preliminary objections shall simultaneously file a brief in duplicate in support of the preliminary objections with the Prothonotary and serve copies of said brief upon all adverse parties or their counsel of record.

(2) Failure to file the brief as required by subsection (1) may result in automatic dismissal of the preliminary objections. The Prothonotary shall transmit the record papers of such case to the Assigned Judge who may enter an order dismissing the preliminary objections and, when appropriate, directing the party who filed the preliminary objections to file an answer or reply to the prior pleading within twenty (20) days. A copy of the order shall be served by the Prothonotary upon all parties or their counsel of record by regular mail.

(3) Where preliminary objections raise a factual or jurisdiction issue, the procedure set forth in Pa. R.C.P.1029 shall be followed and the party filing the

preliminary objection shall also file a certification that the preliminary objections raise a factual or jurisdiction issue so that the requirements of Subsection (1) of this rule do not apply.

(4) The adverse party shall file a brief in duplicate, and serve it upon the opposing party no later than twenty-one (21) days prior to the scheduled argument. In the event the adverse party fails to file timely a responsive brief, the matter shall be considered by the court as if uncontroverted.

Rule L1034. Motion for Judgment on the Pleadings.

(1) A Motion for Judgment on the Pleadings shall be accompanied by a legal memorandum setting forth the position of the moving party. The moving party shall file the Motion with the Prothonotary and shall also serve a copy on the Court Calendar Officer, together with a copy of the supporting legal memorandum. Any Motion for Judgment on the Pleadings must be accompanied by a Certificate of Counsel certifying that counsel had made service of the Motion upon opposing counsel. The Prothonotary shall refuse to accept any Motion for Judgment on the Pleadings which is not accompanied by a supporting Legal Memorandum.

(2) The responding party shall file a responsive legal Memorandum thirty (30) days following service of the Motion.

(3) Upon filing, the Prothonotary shall refer the Motion for Judgment on the Pleadings to the Court Calendar Officer.

(4) The pendency of a Motion for Judgment on the Pleadings shall not act as a stay on any discovery, and shall not extend any of the time constraints otherwise mandated by these Rules or the Pennsylvania Rules of Civil Procedure, unless the Court explicitly extends or stays discovery.

Rule L1035. Motion for Summary Judgment.

(1) A Motion for Summary Judgment shall be filed within thirty (30) days after completion of discovery and must be accompanied by a supporting Legal Memoranda. A responsive Memoranda shall be filed thirty (30) days thereafter.

(2) A Motion for Summary Judgment shall be accompanied by a Certificate of Counsel certifying that counsel has made service of the Motion upon all opposing counsel. The moving party shall file the Motion with the Prothonotary and shall also serve a copy on the Court Calendar Officer. The Court Calendar Officer will thereafter schedule Argument on the Motion.

(3) Affidavits in support of the Motion and Counter-Affidavits in opposition to the Motion shall be filed prior to the day of the Argument. At Argument, the Court shall determine whether any genuine issue as to a material fact exists. The Court may at that time also determine whether any party is entitled to judgment as a matter of law.

(4) If the Court determines that further briefing will be helpful, the Court will provide counsel with a briefing schedule.

Rule L1305. Conduct of Hearing.

(1) On the date fixed for the hearing, the chairman and the members of the panel shall take their oaths of office before the Prothonotary and shall organize for the hearing at least fifteen (15) minutes before the scheduled time. The panel shall conduct the hearing in accordance with Pa.R.C.P. 1304 and 1305. The chairman of the panel

shall preside and see to the proper conduct of the hearing. He shall announce all rulings of a majority of the panel pertaining to the law and/or the admissibility of evidence and be responsible for the proper filing of the award. Hearings shall be held in such place as shall be designated by the Court Calendar Officer.

(2) If a hearing is held and cannot be concluded on the initial day scheduled within the time as indicated on the certificate of readiness, a continued hearing shall be scheduled by the chairman with the Court Calendar Officer and notice thereof given either at the conclusion of the hearing or as provided in Carbon Civ. L1302(4).

(3) If case is settled less than 2 days before the Arbitration hearing, one of the attorneys must appear before the Board of Arbitrators and have an Award entered by agreement. If settled more than 2 days before,

Plaintiff's attorney must file a praecipe to strike case from arbitration list because case is settled and notify Panel.

Rule L1915.3. Prosecution of Action.

When a claim for custody, partial custody or visitation is made in a complaint, petition, or counterclaim, such pleading shall comply with Pa.R.C.P. 1915.15(a) and shall have attached an Order of the Court referring the claim to the Hearing Officer for a conference, a Conciliation Conference Notice and a Pre-trial Conciliation Information Form which will be substantially in the same form as "Form A", "Form B" and "Form C" following this rule. The moving party shall follow the Motion practice as set forth in L206.1(9) in the filing and service of the custody pleading.

"Form A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

vs.

:
:
: **NO.**
: **CUSTODY**
:

ORDER OF COURT

You, _____, Defendant, have been sued in Court to obtain custody, partial custody or visitation of the child(ren), _____.

You are ordered to appear in person at _____, Carbon County Courthouse, Jim Thorpe, Pennsylvania, 18229, on _____, 19 __, at _____, __ .m., prevailing time, for a CONCILIATION or MEDIATION CONFERENCE.

If you fail to appear as provided by this Order, an Order for Custody, Partial Custody or Visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Legal Services of Northeastern Pennsylvania, Inc.
122 Iron Street
Lehighton, PA 18235
(610) 377-5400

BY THE COURT:

DATED: _____

_____ J.

"Form B"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

vs.

:
:
: **NO.**
: **CUSTODY**
:

CONCILIATION CONFERENCE NOTICE

TAKE NOTICE that pursuant to Carbon County Rule 1915.3 the above captioned case has been set for a conciliation conference on the _____ day of _____, 19 __, at _____ AM/PM before Carbon County Custody Conference Officer _____, Esquire, in the First Floor Conference Room, Carbon County Court House, Jim Thorpe, Pennsylvania.

Both parties shall complete the Custody questionnaire and shall supply the completed questionnaire to the Custody Conference Officer at least five (5) days before the conciliation conference.

THE PARTIES ARE ADVISED THAT IF HE OR SHE FAILS TO APPEAR AT THIS CONFERENCE, THE COURT OR CUSTODY CONFERENCE OFFICER MAY GRANT LEAVE TO THE PARTY WHO APPEARS TO PRESENT TESTIMONY AND THE COURT MAY PROCEED TO ENTER AN ORDER BASED SOLELY UPON SUCH TESTIMONY. NO STENOGRAPHIC RECORD SHALL BE MADE OF THIS CONFERENCE.

DATED this _____ day of _____, 19__.

BY THE COURT:

_____ J.

“Form C”

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

vs.

:
:
: **NO.**
:
: **CUSTODY**
:

PRE-TRIAL CONCILIATION INFORMATION
(To be submitted at conciliation conference)

GENERAL INFORMATION:

1. Names, addresses, ages and employment of parents:

FATHER

MOTHER

2. Names and ages of all children involved; state with whom living:

3. Names and addresses of other parties involved (if any—children’s services, grandparents, foster parents, etc.)

4. Status of current custody orders or custody arrangements:

5. Addresses of children for past 5 years; state who had custody at each location:

_____ Position of Party Submitting Memorandum:

1. State what living arrangements you consider to be in child(ren)’s best interests (i.e. where children should spend weekdays, weekends, holidays, vacation, attend school, matters of that sort):

2. State kind of environment you can provide under above arrangement (home, school, other children in neighborhood, your availability at various times):

3. Other factors you consider relevant to resolution of dispute:

4. Efforts at mediation, conciliation, counseling:

TRIAL INFORMATION:

1. List of witnesses you would intend to call:

Fact Witnesses: _____

Experts: (attach copies of any reports currently available to the memorandum):

2. Issues for resolution: (e.g., suitability of physical environment, suitability of parent, unusual opportunities for enrichment, particular skills of availability of one parent as opposed to another):

3. Remarks: _____

Counsel for _____

COPIES TO BE SENT TO: Court

Opposing Counsel

Rule L1915.5. Discovery Motion Practice.

(1) Discovery shall be limited to the following Motion practice unless authorized by special order of Court:

(A) Motions authorized by the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. § 5341 et. seq.

(B) Motion for physical or mental examinations.

(C) Motion for a home study.

(2) All discovery motions shall be in writing and filed with the court no later than five (5) days after the pre-hearing conference. All motions shall be supported or opposed according to the practice followed on motion for summary judgment under Pa.R.C.P. 1035(d).

Rule L1915.12. Civil Contempt for Disobedience of Custody Order.

A petition for civil contempt shall be assigned only to the judge who signed the Order which is allegedly violated, who shall take testimony, make a decision and specify the conditions which must be fulfilled to purge the contempt. The petition for civil contempt shall comply substantially with the prescribed format pursuant to Pa. R.C.P.1915.12

Rule L1915.20. Exceptions to Hearing Officer's Report—De Novo Hearings—Final Order.

(1) Within ten (10) days after notice of the filing of the hearing officer's report has been mailed, exceptions may be filed by any party to the report or any part thereof, to rulings on objections to evidence, to statement or findings of fact, to conclusions of law, or to any other matters occurring during the hearings. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the final order, leave is granted to file exceptions raising those matters.

(2) If no exceptions are filed to the hearing officer's report within the ten (10) day period, the Prothonotary shall transmit the entire record to the Court.

(3) If exceptions are filed the Court shall hear arguments and enter an appropriate final order. No exceptions may be filed to the final order.

(4) Exceptions shall be served upon the hearing officer and all opposing counsel.

(5) All costs associated with the exceptions including transcription costs, shall be borne by the party or parties taking the same, unless otherwise ordered by Court.

(6) De Novo hearings shall not be allowed, except upon Petition alleging special or unusual circumstances and Order of Court.

(7) No exceptions shall be argued before the Court unless written briefs have been filed. The moving party shall file three (3) copies of a brief with the Prothonotary's Office no later than twenty (20) days after the filing of the Notes of Testimony, and forthwith serve one (1) copy of the brief upon each adverse party or counsel of record.

(8) Each adverse party or his counsel of record shall file in the appropriate filing office three (3) copies of a brief in answer, not later than twenty one (21) days before the date of argument and forthwith serve a copy thereof upon all opposing parties or their counsel of record.

(9) All briefs shall be prepared in conformity with Rule L210.

Rule L1920.22. Discovery.

Motion

(1) A party seeking a special order of court for discovery pursuant to Pa.R.C.P. 1920.22(a) shall request the same by written motion in accord with Local Rule 206.5.

Compliance

(2) All requests for discovery shall be complied with within the time period established by the order therefor or if no order is required or no period is established by the order then within 30 days from the date of service thereof.

Motion for Compliance

(3) If a party fails to comply with requested discovery within the time period provided by Rule L1920.22(2) the requesting party may, upon expiration of said time period file a motion for compliance and serve a copy thereof on the attorney for the noncomplying party or if no attorney is of record, then, on the noncomplying party. Upon service thereof, the noncomplying party shall:

Mandatory compliance

(A) Comply with the requested discovery within 15 days, unless additional time is granted by the Court.

Sanctions

(4) If a motion for compliance is filed and served in accordance with Local Rule 1920.22(3) and the opposing party fails to comply with Local Rule 1920.22(3)(A), the court shall impose the following sanctions as additional sanctions to those which the Court deems appropriate.

Counsel fees

(A) Require the noncomplying party to pay reasonable counsel fees of the requesting party.

Monetary sanctions

(B) Require the noncomplying party to pay to the requesting party a sum to be set by the Court for each day of noncompliance.

Rule L2102. Zoning Appeals.

(1) Appeals from the decision of a zoning hearing board shall be captioned

 (Name)
 Appellant
 vs.
 (Name) Borough/Township Zoning Hearing Board
 Appellee

(2) Within ten days after the allowance by this court of a writ of certiorari, on petition to review a decision of a zoning board, the petitioner shall give notice in writing of

the court and number of such appeal, to all persons who shall have entered an appearance in writing in the proceedings before the zoning hearing board, stating the name and address of the person or attorney to which it is wished the notice be sent. The appellant shall serve a copy of the petition and order of allowance of the writ upon the solicitor for the zoning hearing board, or, if none, to the solicitor for the municipality for which the zoning board was appointed to serve as such.

(3) Whenever a zoning hearing board or the governing body of a municipality is required under the Pennsylvania Municipalities Planning Code to certify its record to the court in response to a writ of certiorari in a zoning appeal case, said record shall contain a copy of the entire zoning ordinance, building code or other ordinance, with the relevant portions indicated therein, and a copy of the zoning map of the municipality. After the zoning hearing board or the governing body of the municipality has made its return, the appeal shall be at issue. Appellant's brief is due 30 days after the record is received and appellee's brief is due 30 days thereafter. The case shall be scheduled by the Court Calendar Officer on the next available Argument List.

(4) In the event a party desires to present additional evidence, a motion indicating the reasons therefore shall be presented to the Court within twenty (20) days after filing of the appeal.

(5) Appeals from decisions of a zoning hearing board or a governing body of a municipality shall be heard by the court upon the record. No questions shall be heard or considered by the court which were not raised at the hearing before the zoning hearing board or the governing body of the municipality, except:

(A) Questions involving the validity of a statute or the procedure before the zoning hearing board or the governing body of the municipality;

(B) Questions involving the jurisdiction of the zoning hearing board or the governing body of the municipality over the subject matter;

(C) Questions involving the timeliness of the decision rendered by the zoning hearing board or the governing body of the municipality;

(D) Questions which the court is satisfied that the appellant could not, by the exercise of due diligence, have raised before the zoning hearing board or the governing body of the municipality at the time of the hearing. If, upon argument, the court is satisfied that any such additional questions should be raised, further testimony shall be obtained as provided in section 4 hereof.

Rule L2206. Petitions for Approval of Settlement in Wrongful Death and Survival Actions.

(1) Court approval of settlements in wrongful death cases shall be required only where a minor or incapacitated person has an interest.

(2) Petitions for Approval of Settlement shall, and copies thereof, be sent and served on all heirs of the estate wrongful death beneficiaries and any others having a possible interest, pursuant to Carbon Rule L206.1 and be filed with the Prothonotary. When a wrongful death settlement has been approved by a settlement conference or Trial Judge, that Judge shall retain jurisdiction for adjudication of the petition in accord with paragraph (3) below. In all other cases, such petition will be determined by the Assigned Judge.

(3) The petition shall:

- (A) Set forth the factual circumstances of the case;
- (B) State the reasons why the settlement is a reasonable one;
- (C) Be accompanied by the following:
 - (1) A proposed order approving the settlement and allocation between wrongful death and survival; the proposed order shall comply substantially with the prescribed format in Form A.
 - (2) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;
 - (3) A statement setting forth the proposed allocation between wrongful death and survival actions and the amount proposed to be allocated to each beneficiary;
 - (4) A statement clearly identifying those parties believed to be beneficiaries under each of the actions, attaching a copy of the will of the decedent, if any;

- (5) A statement setting forth the following:
 - (a) The time between the injury and death;
 - (b) Whether or not the decedent was conscious, and the circumstances prior to his or her death;
 - (c) The amount of the medical and funeral bills;
 - (d) The amount of the decedent's wage loss; and
 - (e) The age, employment and any other circumstances of any potential beneficiaries under the Wrongful Death Act.
- (6) A certification of service of notice and a copy of the petition to all parties with a possible interest, together with a list of those persons notified.
- (7) A letter from the Department of Revenue stating either their approval or objection to the proposed settlement.

Form "A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

_____,
Plaintiff
vs. _____ NO.
_____,
Defendant

ORDER

AND NOW, this _____ day of _____, 19____, upon consideration of the Petition to Compromise Wrongful Death and Survival Action filed on _____, 19____, it is hereby ORDERED that Petitioner is authorized to enter into a settlement with Defendant(s) _____ in the gross sum of _____ (\$ _____).

It is further ORDERED and DECREED that the settlement proceeds be distributed as follows:

- 1. To: _____, Esq. \$ _____
For Costs
- 2. To: _____, Esq. \$ _____
Counsel Fees
- 3. The balance of the settlement, the sum of \$ _____ is apportioned as follows:
 - Wrongful Death Claim \$ _____
 - Survival Claim \$ _____
 - a. The Wrongful Death Claim shall be paid as follows:
 - i. To: Spouse; and/or \$ _____
 - ii. Adult Child(ren) \$ _____
 - iii. To: Minor Child(ren)¹ as provided hereunder \$ _____

OPTION 1

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Carbon County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled in the name of the minor and shall be restricted as follows:

_____, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be restricted as follows:

_____, a minor, not to be withdrawn, before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

¹ In the event the beneficiary is an incapacitate person, appropriate changes are to be made. Counsel shall set forth in the Order a separate provision for each minor or incapacitated person.

OPTION 2

To: _____, Guardian \$ _____

of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of Carbon County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

OR

[To: Guardian of the Estate of _____ \$ _____

_____, a minor, upon appointment by the Orphans' Court Division of Carbon County and upon the posting of any security as required by the said Orphans' Court pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days. Counsel shall not make any Distribution to said Guardian upon appointment until this provision is fully complied with.]; and/or

iv. To: Parent(s) \$ _____

b. The Survival Claim, in the sum of \$ _____

shall be paid to _____, Administrator/Executor of the Estate of _____, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until additional security as may be required by the Register of Wills of Carbon County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within thirty (30) days from the date of this Order, counsel shall file with the Motion's Court an Affidavit from counsel certifying compliance with this Order.

BY THE COURT:

P.J.

Rule L2971. Confession of Judgment for Possession of Real Property.

(1) When an action is commenced pursuant to Pa.R.C.P. No. 2971 for possession of residential property, the Prothonotary, upon praecipe, shall only enter judgment in conformity with the confession after twenty-one (21) days have elapsed since commencement of the action and either:

(A) service has been made as required by (2) hereof and no petition has been filed which raises the issue of whether there was a knowing and voluntary waiver of due process rights by the defendant when the lease authorizing confession of judgment was executed; or

(B) entry of judgment is authorized by order of court.

(2) Plaintiff must file the complaint and make service of it in accord with Pa.R.C.P. No. 400 et seq, except that service shall not be made by publication under Pa.R.C.P. No. 430(b) or by posting a copy under Pa.R.C.P. No. 410(a)(2) without order of the court. In addition, the plaintiff shall also serve a notice and a petition in the form set forth in the addendum after this rule in the same manner as service of the complaint.

(3) The required notice shall be substantially in the form of the addendum following this rule.

(4) If a petition is filed pursuant to this rule, the Court shall hear the petition within five (5) business days after filing upon such notice to the parties as the Court shall direct and shall promptly dispose of the matter on the testimony, admissions or other evidence.

"Addendum 1"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff :
vs. : NO.
Defendant :

NOTICE TO DEFEND

You have been sued in Court.

A complaint has been filed and a judgment will be entered against you and you may be evicted from your residence.

The judgment will be entered against you unless you file a petition with the Prothonotary which raises the issue of whether you knowingly and voluntarily waived your rights to due process when you signed the lease which authorized confession of judgment against you.

The petition must be filed no later than twenty (20) days from the date of service of the complaint. If you fail to file the petition and judgment is entered against you, you may file a petition with the Court in accord with Pa.R.C.P. 2959 to strike off the judgment or to open it.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LEGAL SERVICES OF NORTHEASTERN PENNSYLVANIA, INC.
122 Iron Street
Lehighton, Pennsylvania 18235
Telephone: 610-377-5400

“Addendum 2”

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff :
vs. : No.
Defendant :

PETITION TO STAY JUDGMENT BY CONFESSION
TO YOUR HONORABLE COURT:

The above-named Defendant files this Petition and states the following:

- 1. I did not knowingly and voluntarily waive my rights to due process when the lease which authorized confession of judgment against me was executed.
- 2. I request a prompt court hearing to determine my rights. Notice of the hearing should be given to me at:

_____ Address

_____ Telephone

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

DATE:

_____ Defendant

Rule L3154. Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease.

(a) After obtaining a final judgment for damages arising under a residential lease, the judgment creditor/landlord may petition the Court to attach the debtor/tenant’s income to satisfy that portion of the judgment representing damages for abuse of the physical make up of the leased premises.

(b) The petition procedure utilized by the judgment creditor/landlord shall be in compliance with Pennsylvania Rules of Civil Procedure 206.1—206.7 and Carbon County Rule L206.1 All petitions for attachment of income shall be accompanied by a proposed “Order of Attachment of Income” substantially in accordance with the form provided in Rule L3155.

(c) At the time of the hearing on the petition it shall be the burden of the judgment credit/landlord to establish: (1) notice to the defendant/tenant of the income attachment hearing date; (2) that the attachment is for a judgment that represents damages for abuse of the physical makeup of the leasehold premises; and (3) that the tenant’s security deposit, if any, has been deducted from the amount subject to attachment, or has been applied to payment of rent due on the same premises for which the judgment of attachment is to be entered.

(d) At the time of the hearing on the petition, it shall be the burden of the debtor/tenant to: (1) establish that the attachment would place the debtor’s net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget; or (2) other good cause why the attachment order should not issue.

Rule L3155. Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease-Form.

To: (employer)

Pursuant to the laws of the Commonwealth of Pennsylvania the net wages of _____, defendant/tenant, _____ (payroll or other identification number, if applicable), of _____ (address), is hereby attached to the following extent.

You are directed to pay to the Prothonotary of the Court of Common Pleas of Carbon County 10% of the net wages due the defendant/tenant. The attachment payment must be sent to the Prothonotary within fifteen (15) days of the date the defendant/tenant is paid. Checks should be made payable to “Prothonotary of Carbon County”, Post Office Box 127, Jim Thorpe, PA 18229.

The order of attachment for damages arising out of a residential lease is binding upon you until further notice and shall have priority over any attachment, execution, garnishment, or wage attachment under state or local law except one relating to a support order or a prior attachment for damages arising out of a residential lease. You must commence the attachment of the defendant/tenant's income as soon as possible but no later than fourteen (14) days from the date of the issuance of this order of attachment.

You are notified further that pursuant to law:

1. The defendant/tenant has been notified that an order of attachment would be issued.
2. Willful failure to comply with this order may result in (i) your being adjudged in contempt of court with appropriate sanctions; (ii) your being held liable for any amount not withheld or withheld but not forwarded to the Prothonotary; and (iii) attachment of your funds or property.
3. The attachment of income or the possibility thereof as a basis, in whole or in part, for the discharge of an employee or any disciplinary action against or demotion of an employee is prohibited. Violation may result in (I) your being adjudged in contempt with appropriate sanctions; and (ii) an action against you by the employee for damages.
4. You must notify the Prothonotary when the defendant/tenant terminates employment and provide the Prothonotary with the employee's last known address and the name and address of the new employer, if known.
5. The maximum amount of the attachment shall not exceed 10% of the employee's net wages per pay period. The total amount of wages attached pursuant to this order shall not exceed _____.
6. For the purposes of this order, "net wages" means all wages paid less only the following items:
 - (i) Federal, State, and local income taxes;
 - (ii) F.I.C.A. payments and nonvoluntary retirement payments;
 - (iii) Union dues; and
 - (iv) Health insurance premiums.

Date of Order: _____

BY THE COURT,

J.

[Pa.B. Doc. No. 97-1782. Filed for public inspection November 7, 1997, 9:00 a.m.]

CARBON COUNTY

Juvenile Transports; No. 245 JV 97

Administrative Order 9-1997

And Now, this 24th day of October, 1997, it is hereby *Ordered and Decreed* that effective January 1, 1998 the Sheriff of Carbon County is directed to transport juvenile delinquents to and from various detention centers, treatment facilities for scheduled Court Detention, Adjudication, and Disposition Hearings upon Writ of the Carbon County Juvenile Court.

By The Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 97-1783. Filed for public inspection November 7, 1997, 9:00 a.m.]

WYOMING AND SULLIVAN COUNTIES

1998 Court Calendar; No. 97-1046

Order of Court

And Now, the 22nd day of October, 1997, *It Is Ordered* that the Court Calendar of the Court of Common Pleas of the 44th Judicial District of Pennsylvania for the Year of 1998, be and the same is hereby established in accordance with the schedule hereto and made a part hereof.

By the Court

BRENDAN J. VANSTON,
President Judge

1998 Court Calendar—Wyoming County

Account Confirmation

January 6	July 7
February 3	August 4
March 3	September 1
April 7	October 6
May 5	November 3
June 8	December 1

Arraignments

January 14	July 8
February 11	August 12
March 11	September 9
April 8	October 14
May 13	November 4
June 10	December 9

Domestic Relations

De Novos

January 13	15
February 10	12
March 10	12
April 14	9
May 12	14
June 9	11
July 14	6
August 11	13
Sept. 8	10
October 13	15
November 10	12
December 8	10

Contempts

General Call

September 1

Juveniles

January 7
February 4
March 4
April 1
May 6
June 3

July 1
August 5
September 2
October 7
November 4
December 2

Criminal Trial Weeks

February 17, 1998
April 20, 1998
June 22, 1998

August 24, 1998
October 19, 1998
December 14, 1998

Guilty Pleas and Status Call

January 9
February 6
March 6
April 3
May 8
June 5

July 17
August 14
September 4
October 9
November 6
December 4

Dependency

January 15
February 12
March 12
April 9
May 14
June 11

July 9
August 13
September 10
October 15
November 12
December 10

Civil Trial Weeks

January 19, 1998
March 16, 1998
May 18, 1998

July 27, 1998
September 21, 1998
November 16, 1998

Close Civil Trial List

December 5, 1997 (March, 1998)
February 6, 1998 (May, 1998)
April 3, 1998 (July, 1998)
June 5, 1998 (September, 1998)
August 7, 1998 (November, 1998)
October 2, 1998 (January, 1999)
December 4, 1998 (March, 1999)

Sentences and ARD Hearings

January 14
February 11
March 11
April 8
May 13
June 10

July 15
August 12
September 9
October 14
November 13
December 9

Prison Board

January 6
February 3
March 3
April 7
May 5
June 2

July 7
August 4
September 1
October 6
November 3
December 1

1998 Calendar—Sullivan County

Miscellaneous, Arraignments and Account Confirmations

January 8
February 5
March 5
April 2
May 7
June 4

July 2
August 6
September 3
October 8
November 5
December 3

Civil and Criminal Trial Weeks

January 26, 1998
March 23, 1998
June 15, 1998
September 28, 1998
October 26, 1998

Close Civil Trial List

November 7, 1997	(January, 1998 Trial Term)
December 5, 1997	(March, 1998 Trial Term)
March 6, 1998	(June, 1998 Trial Term)
June 5, 1998	(September, 1998 Trial Term)
August 7, 1998	(October, 1998 Trial Term)
November 6, 1998	(January, 1999 Trial Term)
December 4, 1998	(March, 1999 Trial Term)

General Call

September 3, 1998

[Pa.B. Doc. No. 97-1784. Filed for public inspection November 7, 1997, 9:00 a.m.]