

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 3]

#### Amendment to Rule of Procedure 301 Relating to Formal Charges; Doc. No. 1 JD 94

##### Order

*Per Curiam:*

*And Now*, this 13th day of February, 1997, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rule of Procedure No. 301(C) and a new subsection (D), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

##### Annex A

#### TITLE 207. JUDICIAL ADMINISTRATION

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; **Conference Judge**; Scheduling.

(A) *Board Complaint*. Proceedings in the Court shall be commenced by the filing of a Board Complaint with the Clerk and concurrent service of the Board Complaint on the Judicial Officer.

(B) *Appointment of Conference Judge*. Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

(C) **[ Scheduling. After a Board Complaint is filed, the Conference Judge shall promptly schedule a date for the trial and pre-trial conference, and shall notify the Board and the Judicial Officer. ]**

**Duties of Conference Judge Following the Filing of Formal Complaint. In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:**

- (1) dispose of all pre-trial motions;
- (2) schedule and conduct a pre-trial conference, in accordance with C.J.D.R.P. No. 421; and
- (3) upon disposition of all pre-trial matters, certify to the President Judge notice that the matter is ready for trial.

**(D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.**

[Pa.B. Doc. No. 97-297. Filed for public inspection February 28, 1997, 9:00 a.m.]

[207 PA. CODE CH. 5]

#### Amendment to Rule of Procedure 502 Relating to Trial; Doc. No. 1 JD 94

##### Order

*Per Curiam:*

*And Now*, this 13th day of February, 1997, the Court, at a meeting of the Court on January 21, 1997, and pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted a proposed amendment to Rule of Procedure No. 502(B)(4), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 5. TRIAL PROCEDURES

Rule 502. Trial Stipulations of Fact, Conclusions of Law, Withdrawal of Counts.

(A) The trial shall be held before the Court and shall be open to the public.

(B) Conduct of Trial

(1) All testimony shall be under oath.

(2) The Board and the Judicial Officer shall be permitted to present evidence and examine and cross-examine witnesses. The Judicial Officer may, but shall not be required to, testify.

(3) At the conclusion of the trial, the Board and the Judicial Officer may, at the request of the Court, present oral argument and shall submit proposed findings of fact and conclusions of law.

(4) The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5. Any party requesting notes of testimony shall bear the cost of transcription. **[ If ] When** the notes of testimony **[ are ] have been** transcribed, **[ it shall be the duty of ]** the court reporter **[ to file ] shall first submit the [ original ] transcript [ with ] to the Clerk. Following receipt and review of the transcript, the Court shall lodge the transcript and shall inform the court reporter of said lodging. In no instance shall the court reporter provide a version of the transcript to a requesting party until the transcript**

is lodged, and the Clerk has informed the court reporter and the parties that the transcript has been lodged.

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[Pa.B. Doc. No. 97-298. Filed for public inspection February 28, 1997, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CRAWFORD COUNTY

#### Adoption of Civil Rules of Court; No. AD1992-5

##### Order

*And Now*, February 10, 1997, it is ordered and directed that the following rules contained in the Crawford County Civil Rules of Court are amended to read as follows:

##### 1. Rule L1915.3D Deposit

Before a custody mediator is appointed the moving party shall pay the Prothonotary the sum of \$200 as a deposit for payment of the custody mediator fees and costs, or file a petition to proceed *in forma pauperis* in accordance with Pa.R.C.P. No. 240. The custody mediator or the court will allocate the custody mediator fees and costs among the parties.

##### 2. Rule L1930(11)

Child custody mediators may schedule mediator conferences upon receiving reliable information that the moving party has scheduled himself/herself to take the mandatory Seminar for Separating Parents, however, the date for the conference will be set sometime after the course is expected to be completed. Mediators shall inquire of the moving parties, at the mediator conference, as to whether or not they have both completed the course. If the mediator learns that any party has failed to take the course, then the mediator may, in the mediator's discretion, suspend any further action until the parties have completed the course, or, alternatively, proceed with the mediator conference and propose to the court an order containing sanctions and/or a provision requiring that both parents complete the Seminar for Separating Parents by a date certain.

This rule shall become effective thirty (30) days after publication in *The Pennsylvania Bulletin*, and shall apply to all civil proceedings pending at that time.

It is further ordered and directed that, in accordance with Pa.R.C.P. 239, seven (7) certified copies of this rule shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be forwarded to the Legislative Reference Bureau for publication in *The Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and one (1) certified copy shall be filed with the Domestic Relations Rules Committee.

*By the Court*

GORDON R. MILLER,  
*President Judge*

[Pa.B. Doc. No. 97-299. Filed for public inspection February 28, 1997, 9:00 a.m.]

## DAUPHIN COUNTY

### Promulgation of Local Rules Governing Jury Trial; No. 489 MD 1994 1793 S 1989

##### Order

*And Now*, this 11th day of February, 1997, it is hereby ordered that Dauphin County Local Rule of Criminal Procedure 301 is amended as follows:

#### Rule 301. Continuances Where Case Set for Jury Trial.

(a) All motions for a continuance shall be in writing and filed with the Clerk of Courts no later than 4:00 p.m. on the Wednesday prior to the week of criminal jury trials during which the case is scheduled for trial. A copy of the motion shall be served on opposing counsel by the same deadline.

**The motion shall contain a procedural history of the case, beginning with date of filing of the criminal complaint, and a recitation of any prior continuances sought. The motion shall aver whether opposing counsel has been contacted concerning the motion and shall state counsel's position thereon.**

**In cases which have been permanently assigned, the motion shall be addressed to the assigned judge. All other cases shall be referred to the motions judge.**

This amendment shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

CLARENCE C. MORRISON,  
*President Judge*

[Pa.B. Doc. No. 97-300. Filed for public inspection February 28, 1997, 9:00 a.m.]

## COMMONWEALTH COURT

### Opinions on the Internet

The court is pleased to inform you that the reported opinions of the Commonwealth Court are now on the INTERNET. They can be found on the home page of the Administrative Office of Pennsylvania Courts at:

<http://www.cerf.net/penna-courts>

Opinions filed on or after January 2, 1997, will be posted.

G. RONALD DARLINGTON,  
*Executive Administrator*  
*Commonwealth Court of Pennsylvania*

[Pa.B. Doc. No. 97-301. Filed for public inspection February 28, 1997, 9:00 a.m.]