

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 89]

Amendment to the Rules of Organization and Procedure of the Board; Order No. 52; Doc. R-122

In this Order, the Disciplinary Board of the Supreme Court of Pennsylvania is adopting a technical correction to its Rules of Organization and Procedure relating to the procedure for reinstatement of suspended or disbarred attorneys.

Rule 208(g) of the Rules of Disciplinary Enforcement provides that the Supreme Court may tax the expenses of a formal proceeding against the attorney who is disciplined. Rule 218(e) similarly provides that the Supreme Court may tax the expenses of a reinstatement proceeding against the formerly admitted attorney seeking reinstatement. The Rules of the Board provide that a formerly admitted attorney cannot apply for reinstatement until the formerly admitted attorney pays any expenses that were taxed against the formerly admitted attorney by the Supreme Court in connection with the formal proceeding that led to his or her suspension or disbarment, but the Rules of the Board are silent as to whether a formerly admitted attorney who has failed to pay the expenses of a previous reinstatement proceeding as ordered by the Supreme Court is also barred from applying for reinstatement. This Order amends the Rules of the Board to correct that omission. As amended by this Order, 204 Pa. Code § 89.272(b) will also prohibit a formerly admitted attorney from applying for reinstatement until any previously taxed expenses from a reinstatement proceeding have been paid.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendment to the Rules of Organization and Procedure of the Board adopted hereby is not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and is necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Rule 205(c)(10) of the Pennsylvania Rules of Disciplinary Enforcement, orders:

- (1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.
- (2) The Secretary of the Board shall duly certify this Order and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).
- (3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.
- (4) This Order shall take effect immediately.

By the Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.272. Waiting period.

* * * * *

(b) *Premature petitions.* Unless otherwise provided in an order of suspension or disbarment, the Board will not entertain a petition for reinstatement filed more than nine months prior to the expiration of the period set forth in subsection (a), or of the suspension, as the case may be. The Board will also not entertain a petition for reinstatement filed before the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) or under § 89.278 (relating to expenses of reinstatement proceedings) with respect to any previous reinstatement proceeding and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

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[Pa.B. Doc. No. 98-591. Filed for public inspection April 17, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Filing Fees in Prothonotary—Data Processing Fee; No. 98-0613

Administrative Order No. 6-1998

And Now, this 31st day of March, 1998 in order to cover the costs of maintaining, updating, and improving the computerized docketing system in the offices of the Prothonotary, it is hereby *Ordered* and *Decreed* that effective May 1, 1998, a charge of \$10.00 shall be added to the initial filing fee for all civil cases, and judgments. This charge shall be kept separate and distinct from other funds due the County of Carbon and shall be used solely and exclusively for the Court computer system through which said office maintains its computerized services.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 98-592. Filed for public inspection April 17, 1998, 9:00 a.m.]

LEHIGH COUNTY

Administrative Order Governing Destruction of Trial Exhibits in Civil Cases Tried Prior to January 1, 1997 and Held by the Court Transcription Unit; File No. 98-J-15

Order of Court

Now, this 30th day of March, 1998, *It Is Ordered* that the following Administrative Order governing destruction of exhibits in civil cases is promulgated, to become effective thirty (30) days after the publication of the order in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; and two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of the Court of Common Pleas of Lehigh County.

Order of Court

Now, this 30th day of March, 1998, *It Is Ordered* that the Court Administrator of the Lehigh County Court of Common Pleas destroy all trial exhibits held by the Court Transcription Unit, resulting from civil cases tried prior to January 1, 1997, and from which no appeal has been taken. The Court Administrator shall give notice of such action by publication in the *Pennsylvania Bulletin*, the Lehigh Law Journal, and a newspaper of general jurisdiction. Any plaintiff, defendant, or attorney of record shall have thirty (30) days from the effective date of this order to notify the Court Administrator of intention to reclaim such civil case exhibits.

By the Court

JAMES KNOLL GARDNER,
President Judge

[Pa.B. Doc. No. 98-593. Filed for public inspection April 17, 1998, 9:00 a.m.]

NORTHAMPTON COUNTY

Rules of Civil Procedure N206 and N1035; Misc. No. 1998-CM-2451

Order of Court

And Now, this 3rd day of April, 1998, Northampton County Rules of Civil Procedure N206 (Motions and Rules—Notice of Intent to Present) and N1035 (Motion for Summary Judgment) are hereby amended as follows hereto, 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 the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee. One (1) copy of these rules shall be kept available in the

Office of the Clerk of Courts. A copy is directed to be published in the Northampton County Reporter.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N206. Motions and Rules. Notice of Intent to Present.

Motions and petitions which request a definitive order or decree and which are not governed by any other statute or rule of court may be presented to the appropriate Motions Judge in Motions Court only after a copy of the motion or petition and the proposed order of court have been served on all counsel of record and any unrepresented party at least three (3) business days prior to the intended date of presentation. Notice of the date, time and place of presentation must accompany the copy of the motion or petition and proposed order of court. Service may be made in any manner, including facsimile transmission, which results in the delivery of the required documents at least three (3) business days before the day of presentation. The presenting party must attach to the motion or petition a certification of compliance with this rule setting forth the date on which the motion or petition was served on counsel and unrepresented parties.

For purposes of this rule, a rule to show cause will not be considered a definitive order or decree unless it contains a stay of proceedings. If a rule contains a stay of proceedings, the notice requirements of this rule must be met before presentation will be permitted by the Court.

Explanatory Comment: The purpose of this rule is to foster the use of Motion Court practice for all matters which are not likely to require lengthy evidentiary hearings or involve argument on complex legal issues. Nevertheless, sufficient notice and receipt of the motion or petition and proposed order of court is required by law and fundamental fairness. Counsel desiring to take advantage of Motions Court practice must be diligent in complying with the notice requirement. For purposes of this rule, the use of the term "business day" and the computation of the required three (3) day notice period shall be governed by and construed consistent with Pa. R.C.P. 106 (Computation of Time).

Rule N1035. Motion for Summary Judgment.

A. A motion for summary judgment shall state specifically the grounds relied upon.

B. A motion for summary judgment shall be submitted for decision no later than ninety (90) days prior to the date scheduled for commencement of trial, unless otherwise allowed by order of court.

Comment: Pa.R.C.P. 1035.2 provides that motions for summary judgment are to be filed "within such time as not to unreasonably delay trial." Rule of Judicial Administration 703 allows judges 90 days to decide matters prior to reporting a matter as undecided to the Administrative Office of Pennsylvania Courts. In order to afford the court reasonable time to decide the summary judgment motion without delaying trial, and consistently with its responsibilities in other matters, the moving party must list the summary judgment motion on an argument list at least 90 days prior to the trial date and timely file a brief in support of the motion. See Rule N210(c).

[Pa.B. Doc. No. 98-594. Filed for public inspection April 17, 1998, 9:00 a.m.]