

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

[Correction]

Promulgation of Financial Regulation Pursuant to 42 Pa.C.S.A. § 3502(a); No. 195; Doc. No. 1

An error occurred in the document amending 204 Pa. Code §§ 29.402—29.404 which appeared at 28 Pa.B. 3252 (July 11, 1998). The fees that were bracketed were not accurate in reflecting an amendment to these sections which was published at 27 Pa.B. 2734 (June 7, 1997). The following correction in Annex A corrects this error.

The new fees outlined in the Financial Regulations are effective as of January 1, 1999.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.402. Costs under 42 Pa.C.S. § 1725.1.

(a) *Civil cases.*—In calendar year [1998] 1999, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less... [\$35.00] \$35.50
- (2) Actions involving more than \$500 but not more than \$2,000 [\$46.00] \$47.00
- (3) Actions involving more than \$2,000 but not more than \$4,000..... [\$57.50] \$58.50
- (4) Actions involving more than \$4,000 but not more than \$8,000..... [\$86.50] \$88.00
- (5) Landlord-tenant actions involving less than \$2,000 [\$52.00] \$53.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 [\$63.50] \$64.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 [\$86.50] \$88.00
- (8) Order of execution..... [\$26.00] \$26.50
- (9) Objection to levy [\$11.50] \$12.00
- (10) Reinstatement of complaint.....\$6.00
- (11) Entering Transcript on Appeal or Certiorari ..\$3.00

(b) *Criminal cases.*—In calendar year [1998] 1999, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases [\$33.00] \$33.50
- (2) Summary conviction, motor vehicle cases, other than paragraph (3).. [\$26.00] \$26.50
- (3) Summary conviction, motor vehicle cases, hearing demanded..... [\$31.00] \$31.50
- (4) Misdemeanor [\$37.50] \$38.50
- (5) Felony..... [\$43.50] \$44.00

(c) *Unclassified costs or charges.*—In calendar year [1998] 1999, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary.....\$6.00
- (2) Marrying each couple, making record thereof, and certificate to the parties [\$29.00] \$29.50
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) [\$11.50] \$12.00
- (4) Issuing a search warrant (except as provided in subsection (d))..... [\$11.50] \$12.00
- (5) Any other issuance not otherwise provided in this subsection [\$11.50] \$12.00

§ 29.403. Fines under 42 Pa.C.S. § 3571.

In calendar year 1999, Commonwealth portions of fines, etc.:

* * * * *

- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases [\$11.58] \$11.76
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) [\$11.58] \$11.76
 - (iii) Summary conviction, motor vehicle cases, hearing demanded.. [\$11.58] \$11.76
 - (iv) Misdemeanor [\$15.00] \$15.40
 - (v) Felony [\$23.20] \$23.47
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less [\$14.58] \$14.79
 - (B) More than \$500 but not more than \$2,000 [\$23.00] \$23.50
 - (C) More than \$2,000 but not more than \$4,000 [\$34.50] \$35.10
 - (D) More than \$4,000 but not more than \$8,000 [\$57.67] \$58.67
 - (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less..... [\$23.12] \$23.56
 - (B) More than \$2,000 but not more than \$4,000 [\$28.87] \$29.32
 - (C) More than \$4,000 but not more than \$8,000 [\$40.37] \$41.07
 - (viii) Objection to levy..... [\$ 5.75] \$ 6.00
 - (ix) Order of execution [\$17.33] \$17.67
 - (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) [\$ 8.05] \$ 8.40

(Editor's Note: Ellipses refer to the text of 42 Pa.C.S. § 3571.)

§ 29.404. Fee schedule under 15 Pa.C.S. § 153.

(a) *General rule.* [The] In calendar year 1999, the fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:

* * * * *

- (8) Uniform Commercial Code:
 - (i) Financing statement—per debtor name:
 - (A) Fee charged by Department of State . . . \$12.00
 - (B) Fee charged by County [\$55.50] \$56.50
 - Amount payable to Commonwealth [\$41.60] \$42.35
 - Amount payable to County . [\$13.90] \$14.15
 - (ii) Each ancillary transaction:
 - (A) Fee charged by Department of State . . . \$12.00
 - (B) Fee charged by County [\$55.50] \$56.50
 - Amount payable to Commonwealth [\$41.60] \$42.35
 - Amount payable to County . [\$13.90] \$14.15
 - (iii) Search—per debtor name:
 - (A) Fee charged by Department of State . . . \$12.00
 - (B) Fee charged by County [\$55.50] \$56.50
 - Amount payable to Commonwealth [\$41.60] \$42.35
 - Amount payable to County . [\$13.90] \$14.15
 - (iv) Additional fee for each financing statement found and for each statement of assignment reported therein:
 - (A) Fee charged by Department of State \$1.00
 - (B) Fee charged by County [\$5.00] \$5.00
 - Amount payable to Commonwealth [\$3.75] \$3.75
 - Amount payable to County . [\$1.25] \$1.25
 - (v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:
 - (A) Fee charged by Department of State . . . \$28.00
 - (B) Fee charged by County [\$129.00] \$131.00
 - Amount payable to Commonwealth [\$96.75] \$98.25
 - Amount payable to County . [\$32.25] \$32.75

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(Editor's Note: Ellipses refer to the text of 15 Pa.C.S. § 153.)

[Pa.B. Doc. No. 98-1088. Filed for public inspection July 10, 1998, 9:00 a.m.]

PART IV. ADMISSION TO PRACTICE LAW
[204 PA. CODE CH. 71]

Adoption of Rule 105 of the Pennsylvania Bar Admission Rules; No. 199; Supreme Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of July, 1998, the Pennsylvania Bar Admission Rules are amended by the adoption of Rule 105 to read as follows:

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate adoption of Pa. B.A.R. 105 is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter A. PRELIMINARY PROVISIONS

Rule 105. CIVIL IMMUNITY OF THE BOARD OF LAW EXAMINERS, ITS MEMBERS, EMPLOYEES AND AGENTS AND ENTITIES PROVIDING INFORMATION REGARDING AN APPLICANT TO THE BOARD.

(A) The Board of Law Examiners, and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

(B) Records, statements of opinion and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the Board of Law Examiners, or to its members, employees or agents are privileged, and civil suits predicated thereon may not be instituted.

[Pa.B. Doc. No. 98-1181. Filed for public inspection July 24, 1998, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 89]

Amendment to the Rules of Organization and Procedure of the Board; Order No. 53; Doc. R-124

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 218(b) of the Rules of Disciplinary Enforcement provides that a person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the date of disbarment. The Rules of Disciplinary Enforcement, however, do not restrict when a person who has been suspended may apply for reinstatement. The rules of the Board provide in § 89.272(b) that the Board will entertain a petition for reinstatement filed within nine months prior to the expiration of a suspension or disbarment, which is inconsistent with Pa.R.D.E. 218(b). The Board is accordingly amending § 89.272(b) to conform to Pa.R.D.E. 218(b) with respect to persons applying for reinstatement after disbarment. No change is being proposed with respect to persons applying for reinstatement after a suspension because the Board rule is not inconsistent with the Rules of Disciplinary Enforcement in that respect.

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* and shall apply to petitions for reinstatement filed on or after that date.
- (4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Executive Director & Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

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 **more than nine months prior to the expiration** of the term of 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. 98-1182. Filed for public inspection July 24, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONROE COUNTY

Local Civil Rule 1905A. Violation of a Temporary or Final Order

Order

And Now, July 6, 1998, the following Local Rule of Civil Procedure is adopted to be effective September 1, 1998.

By the Court

RONALD E. VICAN,
President Judge

Rule 1905A. Violation of a Temporary or Final Order.

If a temporary order of a District Justice is violated, or if a temporary order or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer shall take the defendant before a District Justice in the magisterial district in which the abuse for which relief is requested occurred. The District Justice shall advise the defendant:

- (1) That he or she is being charged with violating a temporary order of a District Justice or a Judge, as appropriate, or of a final order of a Judge, and
- (2)(a) That, if a violation of a temporary order of a District Justice, the matter will be referred to the Court after which a hearing will be set within ten (10) days; or

(b) That, if a violation of a temporary order of a Judge, that a hearing has already been set and the defendant shall be told of the time and the place of that hearing; or

(c) That, if the violation is of a final order of the Court, a hearing will be set by the Court within ten (10) days of the Court's receipt of the notice of the alleged violation; and

(3) Of the defendant's right to counsel, and the address and telephone number of the Monroe County Public Defender's Office.

The District Justice shall then consider bail for the defendant in accordance with any and all applicable Bail Rules.

[Pa.B. Doc. No. 98-1183. Filed for public inspection July 24, 1998, 9:00 a.m.]
