

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 5]

Amendment to the Rules of Procedure; Doc. No. 1JD94

Per Curiam

Order

And Now, this 6th day of January, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated November 21, 1997, having adopted a proposed new Rule of Procedure No. 505 and renumbering former Rule 505 as Rule 506, *It Is hereby Ordered*:

That Rule of Procedure Nos. 505 and 506 shall become effective immediately.

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 505. Post Sanction Proceedings.

(A) When the Court includes as part of an order of discipline a period and conditions of probation, the Court shall retain the power to reconsider the sanction imposed if, after hearing, the Court determines that a judicial officer has violated the terms of probation.

(B) When the Board finds that the judicial officer has violated the conditions of probation, the Board shall file a Petition with the Court alleging such a violation. This Petition shall request a hearing and request the Court to provide the Board with any relevant material or other written information in possession of the Court.

(C) At any hearing held pursuant to Section B of this Rule:

(1) The Board shall have the burden of proving by clear and convincing evidence that the judicial officer failed to comply with one or more of the terms of probation.

(2) All testimony shall be under oath.

(3) The Board and the judicial officer shall be permitted to present evidence and examine and cross-examine witnesses.

(4) The judicial officer shall have the right to counsel.

(5) All hearings shall be public proceedings conducted pursuant to the Rules of this Court and in accordance with the principles of due process and the laws of evidence.

(D) When the Court learns that the judicial officer may not be in compliance with the conditions of said probation, and the Judicial Conduct Board has not already filed a Petition alleging failure to comply with a condition of probation, the Court may ask the Board to undertake an inquiry to determine whether a violation has occurred. If upon investigation the Board finds that the judicial officer

has violated the terms of probation, the Board may file a Petition and the matter shall proceed pursuant to Sections B and C of this Rule. If after investigation the Board finds that the judicial officer has not violated the terms of probation, the Board may file a Report stating in detail the basis for that conclusion, and requesting the Court to order the inquiry concluded, ended, and terminated. Notwithstanding the Board's conclusion that no violation of probation has occurred, the Court may order a hearing to determine whether a violation has occurred.

(E) If, after hearing, the Court determines that the judicial officer has violated the terms of probation, the Court may reconsider the original sanction imposed, revoke probation, and impose any sanction it could have ordered initially in its discretion under Article V, § 18(d)(1). If, after hearing, the Court concludes that the judicial officer has not violated the terms of probation, the Court shall enter an Order dismissing the allegation of violation.

(F) The Board and judicial officer shall serve each other with copies of any pleading filed with this Court under the provisions of this Rule.

Rule 506. Appellate Review.

Appellate review shall be governed pursuant to Rules promulgated by the Supreme Court.

[Pa.B. Doc. No. 98-118. Filed for public inspection January 23, 1998, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 200]

Damages for Delay

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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ADDENDUM

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate</i>
January 2, 1980	15% to 15 1/2%
January 2, 1981	20 1/2% to 21 1/2%
January 4, 1982	15 3/4%
January 3, 1983	11% to 11 1/2%
January 3, 1984	11%
January 2, 1985	10 3/4%
January 2, 1986	9 1/2%

<i>Date of Publication</i>	<i>Prime Rate</i>
January 2, 1987	7 1/2%
January 4, 1988	8 3/4%
January 3, 1989	10 1/2%
January 2, 1990	10 1/2%
January 2, 1991	9 1/2% to 10%
January 2, 1992	6 1/2%
January 4, 1993	6%
January 3, 1994	6%
January 3, 1995	8 1/2%
January 2, 1996	8 1/2%
January 2, 1997	8 1/4%
January 2, 1998	8 1/2%

By the Civil Procedural Rules Committee

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 98-119. Filed for public inspection January 23, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 1997-9—Domestic Relations Section Fee Schedule

Order of Court

And Now, this 31st day of December, 1997, the Northampton County Domestic Relations Section fee schedule is amended as follows:

The Transaction fee of Fifty Cents (\$.50) per payment established under Administrative Order #115, 1988.M, is abolished and a yearly transaction fee of Twenty-four Dollars (\$24.00) is adopted, effective January 1, 1998.

Seven (7) certified copies of the amended Fee Schedule 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 Domestic Relations Section of the Pennsylvania Civil Procedural Rules Committee. A copy shall be kept available in the Office of the Clerk of Courts—Civil and in the Domestic Relations Section. A copy is directed to be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 98-120. Filed for public inspection January 23, 1998, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the

Supreme Court of Pennsylvania dated December 3, 1997, pursuant to Rule 219, Pa.R.D.E. The Order became effective January 2, 1998.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Lawrence Leo Abt III
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ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

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