

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Certification of Questions of Law; No. 197 Judicial Administration Doc. No. 1

*Per Curiam*

*And Now*, this 28th day of October, 1998, the Supreme Court of Pennsylvania adopts the following rules and procedures regarding certification of questions of Pennsylvania law.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter L. CERTIFICATION OF QUESTIONS OF LAW

##### § 29.451. Order.

1. This Court will accept Certification Petitions, on a trial basis, from January 1, 1999 to January 1, 2000.

2. Any of the following courts may file a Certification Petition with this Court:

- a. The United States Supreme Court; or
- b. Any United States Court of Appeals.

3. A court may file a Certification Petition either on the motion of a party or sua sponte.

4. A Certification Petition shall contain the following:

- a. A brief statement of the nature and stage of the proceedings in the petitioning court;
- b. A brief statement of the material facts of the case;
- c. A statement of the question or questions of Pennsylvania law to be determined;
- d. A statement of the particular reasons why this Court should accept certification; and
- e. A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with this Court.

f. The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a Response thereto, a Stipulation of Facts, etc.

##### § 29.452. Internal Operating Procedures.

**A. Court limitation and One Year Trial Period.** This Court will accept Certification Petitions from any of the following courts:

1. The United States Supreme Court; or
2. United States Courts of Appeal.

This will be for a trial period, from January 1, 1999 to January 1, 2000.

**B. Standards.** Like granting allocatur, acceptance of certification is a matter of judicial discretion. This Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefor, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;

2. The question of law is one with respect to which there are conflicting decisions in other courts; or

3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

4. This Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.

5. This Court shall decide whether to accept or refuse certification without hearing oral argument.

**C. Assignment and Disposition.** The prothonotary shall refer Certification Petitions to the Chief Justice. The Chief Justice will prepare memoranda setting forth the positions of the parties and a recommended disposition. Vote proposals shall be circulated within thirty days from the date of assignment, and shall contain a proposed disposition date no greater than thirty days from the date of circulation. A vote of the majority of those participating is required to implement the proposed disposition.

Every Certification Petition shall be decided within sixty days. Orders disposing of Certification Petitions shall include the names of any justices who did not participate in the consideration or decision of the matter.

Upon acceptance of certification, the prothonotary shall:

1. Issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on briefs or designated by the Court to be heard at the argument session;

2. Establish a briefing schedule;

3. If oral argument is granted, list the matter for oral argument; and

4. Take such further action as this Court directs.

**D. Reconsideration.** A vote of the majority is required to grant reconsideration.

[Pa.B. Doc. No. 98-1870. Filed for public inspection November 13, 1998, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Mental Health Procedures Act of 1976, As Amended; Designation of Hearing Site; Administrative Doc. No. 001 of 1998**

#### Order

*And Now*, this 30th day of October, 1998, upon review and consideration of the request made by Kirkbride Center, located at 111 North 49th Street, in the City and County of Philadelphia, to be designated as a Hearing Site for Mental Health Hearings conducted pursuant to the Mental Health Procedures Act of 1976, as amended, the Court being satisfied that the facilities meet the Court's criteria, *It Is Hereby Ordered and Decreed* that Kirkbride Center is designated as a Hearing Site for Mental Health Hearings, effective November 2, 1998.

The scheduled day(s) and time(s) of Mental Health Hearings at the site shall be as directed by the Court from time to time.

This Order is issued in accordance with Phila. R. Civ. P. No. 7109. The original Order shall be filed with the Prothonotary in an Administrative Docket maintained for Orders 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 Procedure 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.

*By the Court*

ALEX BONAVIDACOLA,  
*President Judge*

[Pa.B. Doc. No. 98-1871. Filed for public inspection November 13, 1998, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**District Justice Offices Hours of Operation; No. 30MI98 (Criminal Division); 98-0041 (Civil Division)**

#### Amended Administrative Order No. 5-1998

*And Now*, this 28th day of October, 1998, pursuant to the official action taken by the Carbon County Commis-

sioners on October 21, 1998 restoring one-half (1/2) hour to regular business hours, it is hereby

*Ordered and Decreed* that the hours of operation in the District Justice Offices *Are Reset* to 8:30 a.m. to 4:30 p.m., Eastern Standard Time, Monday through Friday, commencing November 2, 1998.

*By the Court*

JOHN P. LAVELLE,  
*President Judge*

[Pa.B. Doc. No. 98-1872. Filed for public inspection November 13, 1998, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Gerald Robert Patterson a/k/a G. Robert Patterson, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated October 28, 1998, disbaring Gerald Robert Patterson, a/k/a G. Robert Patterson from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1873. Filed for public inspection November 13, 1998, 9:00 a.m.]

### Notice of Disbarment

Notice is hereby given that Dale John Belock, having been disbarred from the practice of law in the State of Ohio, the Supreme Court of Pennsylvania issued an Order dated October 28, 1998, disbaring Dale John Belock from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director & Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 98-1874. Filed for public inspection November 13, 1998, 9:00 a.m.]