

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

#### Prohibited Political Activity by Court-Appointed Employees; No. 201 Judicial Administration Doc. No. 1

##### Order

##### *Per Curiam*

*And Now*, this 24th day of November, 1998, the prohibition against political activity by court-appointed employees is hereby reaffirmed, and the following guidelines, as amended this date, are intended to clarify the policy which was previously approved by this Court. These guidelines, as amended, shall be effective immediately.

Mr. Justice Castille files a dissenting statement which is joined by Mr. Justice Nigro and Madame Justice Newman.

##### *Dissenting Statement*

##### MR. JUSTICE CASTILLE

I respectfully dissent to this amendment to the Guidelines regarding political activity by Court-appointed employees. I believe that allowing court-appointed employees to participate in elective partisan political activity presents, at a minimum, the appearance of impropriety. By not requiring court-appointed employees to resign their respective positions in order to campaign on a partisan basis, this amendment gives rise to the inescapable conclusion that the judicial system itself is involved in partisan electoral politics, thereby raising an appearance of bias. I believe that the better practice is to require the resignation of any court-appointed employee who wishes to seek elective office, as the Guidelines presently require.

Mr. Justice Nigro and Madame Justice Newman join in this dissenting statement.

##### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter M. PROHIBITED POLITICAL ACTIVITY BY COURT-APPOINTED EMPLOYEES GUIDELINES REGARDING POLITICAL ACTIVITY BY COURT-APPOINTED EMPLOYEES

##### 1. *Definitions.*

(a) The term "partisan political activity" shall include, but is not limited to, running for public office, serving as a party committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, soliciting contributions for political campaigns, and soliciting contributions for a political action committee or organization, but shall not include involvement in non-partisan or public community organizations or professional groups.

(b) The term "court-appointed employees" shall include, but is not limited to, all employees appointed to and who are employed in the court system, statewide and at the county level, employees of the Administrative Office of Pennsylvania Courts, Court Administrators and their employees and assistants, court clerks, secretaries, data processors, probation officers, and such other persons serving the judiciary.

##### 2. *Prohibition of Partisan Political Activity.*

(a) Court-appointed employees shall not be involved in any form of partisan political activity.

(b) This prohibition shall not apply to court-appointed employees who are duly sworn Court-appointed full-time masters and members of Board of Viewers, who are attorneys in good standing admitted to the practice of law in this Commonwealth, who may become candidates for higher judicial office. Said employees shall, during such candidacy, be subject to the provisions of the Code of Judicial Conduct and, particularly, Canon 7, which governs judicial campaigns.

##### 3. *Termination of Employment.*

Except as provided in paragraph 2(b), above, henceforth, a court-appointed employee engaging in partisan political activity shall cease such partisan political activity at once or shall be terminated from his or her position. In the event an employee chooses to become a candidate for any office, such employee shall be terminated, effective the close of business on the first day of circulating petitions for said office.

##### 4. *President Judge.*

The President Judge of each appellate court or county court of common pleas shall be responsible for the implementation of these guidelines and shall be subject to the review of the Judicial Inquiry and Review Board for failure to enforce.

[Pa.B. Doc. No. 98-2014. Filed for public inspection December 11, 1998, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

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

#### Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

##### *Per Curiam*

##### Order

*And Now*, this 24th day of November, 1998, 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. 502(F), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

*That* Rule of Procedure 502(F) 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 502. Trial. Stipulations of Fact. Conclusions of Law. Withdrawal of Complaints or 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. When the notes of testimony have been transcribed, the court reporter shall first submit the transcript 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.

(C) Any witness shall have the right to be represented by counsel, but the witness-counsel shall not participate in the trial except by permission of the Court.

(D) Stipulations of Fact.

(1) In lieu of a trial, the parties may submit to the Court an agreed statement of all facts necessary to a decision of the issues in the case. Said statement as submitted shall be binding upon the parties and shall be adopted by the Court as the facts of the case upon which the decision shall be rendered. When submitted, any such statement shall include a signed waiver of any right to trial granted under the Constitution and the Rules of this Court.

(2) The parties may submit stipulations as to issues of fact to which they agree, but which do not resolve all relevant issues of fact. In such case, the parties shall be bound by the stipulations as submitted and the Court shall proceed to trial on all other remaining factual issues.

(E) Conclusions of Law.

At the close of the evidence, the parties may submit suggested Conclusions of Law which the Court may consider in rendering the decision, however, said conclusions when submitted are not binding upon the Court.

(F) Withdrawal of Complaints or Withdrawal of Counts.

The Board may file a motion to withdraw a Complaint or any of the Counts in a Complaint, which, in either case, shall be supported by good cause.

[Pa.B. Doc. No. 98-2015. Filed for public inspection December 11, 1998, 9:00 a.m.]

**PART II. CONDUCT STANDARDS****[207 PA. CODE CH. 33]****Amendment of Canon 7B(2) of the Code of Judicial Conduct; No. 199 Judicial Administration Doc. No. 1****Amended Order**

*Per Curiam*

*And Now*, this 24th day of November, 1998, the last paragraph of the Order entered by this Court on November 9, 1998, is amended to read as follows: "This Order shall be effective January 1, 1999, and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration."

[Pa.B. Doc. No. 98-2016. Filed for public inspection December 11, 1998, 9:00 a.m.]

**PART II. CONDUCT STANDARDS****[207 PA. CODE CH. 51]****Amendment of Rule 15D(4) of the Rules Governing Standards of Conduct of District Justices; No. 117 Magisterial Docket; No. 1 Book 2****Amended Order**

*Per Curiam*

*And Now*, this 24th day of November, 1998, the last paragraph of the Order entered by this Court on November 9, 1998, is amended to read as follows: "This Order shall be effective January 1, 1999, and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration."

[Pa.B. Doc. No. 98-2017. Filed for public inspection December 11, 1998, 9:00 a.m.]

**Title 231—RULES OF CIVIL PROCEDURE****PART I. GENERAL****[231 PA. CODE CH. 200]****Amendment of Rules Governing Subpoena to Attend and Testify; No. 305 Doc. No. 5****Order**

*Per Curiam*

*And Now*, this 24th day of November, 1998, the Note to Pennsylvania Rule of Civil Procedure 234.1 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 1999.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 234.1. Subpoena to Attend and Testify.

(a) A subpoena is an order of the court commanding a person to attend and testify at a particular time and place. It may also require the person to produce documents or things which are under the possession, custody or control of that person.

**Official Note:** See Discovery Rule 4009.1 et seq. for a request upon a party and a subpoena upon a person not a party for the production of documents and things other than at a deposition or a trial.

**The twenty-day notice requirement of Rule 4009.21(a) is not applicable to a subpoena issued under Rule 234.1 in connection with a deposition. The provision of Rule 4007.1(d)(2) that materials subpoenaed in connection with a deposition "shall be produced at the deposition and not earlier, except upon the consent of all parties to the action", serves the same purpose as the notice requirement under Rule 4009.21(a).**

\* \* \* \* \*

Explanatory Comment

Several comments from attorneys have indicated that there is confusion as to whether the twenty-day notice requirement prior to service of a subpoena under Rule 4009.21 applies also to a subpoena under Rule 234.1. Rule 4009.21(a) provides for a twenty-day written notice prior to the service of a subpoena for the production of documents or things upon a person who is not a party to an action. Rule 234.1 providing for a subpoena duces tecum in connection with a deposition contains no such requirement. However, Rule 4007.1(a) requires that the party desiring to take the deposition of any person upon oral examination "shall give reasonable notice in writing to every party to the action . . ."

It was not the intent of the Committee that the twenty-day notice requirement be applied to a subpoena issued under Rule 234.1. Upon the adoption of Rule 4009.21, the Supreme Court also amended Rule 4007.1 to provide that materials subpoenaed may not be produced prior to a deposition except upon consent of the parties. The purpose of this amendment was twofold. First, the amendment eliminated the possibility of circumventing the notice provision of Rule 4009.21 by means of a subpoena duces tecum issued in connection with a deposition. Second, the amended rule provided a period of time, i.e. the "reasonable notice," during which other parties to the action could object to the production of the records sought, thereby accomplishing the same function as the notice period under Rule 4009.21. The amended note to Rule 234.1(a) explicitly states this intention.

By the Civil Procedural Rules Committee

EDWIN L. KLETT,  
Chairperson

[Pa.B. Doc. No. 98-2018. Filed for public inspection December 11, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BRADFORD COUNTY

Rule of Civil Procedure No. 1301; No. 95IR000066

Order

And Now, this 20th day of November, 1998, the Court hereby amends the following Bradford County Rule of Civil Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

JEFFREY A. SMITH,  
President Judge

Bradford County Rule of Civil Procedure 1301

1301. Cases for Submission

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S.A. Section 101, et seq, shall apply to all civil cases wherein the amount in controversy, exclusive of interest and costs, shall be twenty thousand dollars (\$20,000.00) or less, including appeals from a civil judgment of a district justice, except those involving title to real estate or actions in equity. Such actions shall be submitted to and heard by a board of arbitration consisting of three attorneys.

B. The amount in controversy generally will be determined by the pleadings or by an agreement of the attorneys, however, the court, on its own motion or on the motion of any party, may, based upon affidavits, depositions, stipulations of counsel or after hearing, determine that the amount actually in controversy does not exceed twenty thousand dollars (\$20,000.00) and enter an order certifying the case to a board of arbitration. In the event that a case within the arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

C. A civil action will be referred to arbitration by order of court or when either party or its counsel files a praecipe in substantially the form attached, with the prothonotary certifying that the pleadings are closed and the matter is ready for arbitration. A copy of the arbitration praecipe shall immediately be delivered to the Court Administrator by the Prothonotary. The party filing the praecipe shall immediately serve all other counsel and unrepresented parties.

D. Cases subject to compulsory arbitration will not be scheduled for a pre-trial conference. Such cases will, however, come under the caseload control of the court administrator.

**1301.1. Agreement of Reference.**

Cases, whether or not in litigation and regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case. Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issues involved for determination by the board of arbitrators and may contain stipulations with respect to facts.

**1302. Selection of Arbitrators.**

A. The Court Administrator shall maintain a Master List of Arbitrators consisting of attorneys actively engaged in the practice of law primarily in Bradford County. The Master List shall be maintained in alphabetical order, except for those submitted at a later date in which case they shall be added chronologically based upon the date of application. The Master List shall indicate the Attorney's name, Bar Admission Date and firm or association name.

B. The Court Administrator shall assign each case for which praecipes have been received to an Arbitration Board consisting of three (3) members chosen from the Master List. At least one Arbitrator shall have practiced law for at least three (3) years. No two members shall be appointed from the same firm or association of attorneys, nor shall an attorney be appointed to a Board who shall be related by blood or marriage or who shall be a law partner or an associate of any arbitrator or attorney of record in the case. Any attorney who shall be disqualified for appointment to a Board for any of the foregoing reasons shall be appointed to another Board for which he shall not be disqualified.

C. The Court of Common Pleas will establish the amount and method of compensation for arbitrators. The members of the board shall not be entitled to receive their fees until a report and award has been filed with the Prothonotary. A payment request shall be forwarded to the Court Administrator by the Prothonotary upon the entry of an award so that payment may be processed.

**1303. Hearing. Notice.**

A. The Court Administrator shall fix a time, date, and place of hearing in accordance with the annual court calendar and shall notify the Arbitrators, all counsel of record, and unrepresented parties. The Hearing notice shall contain the following statement: "This matter will be heard by a board of arbitrators at the time, date, and place specified; but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

B. All requests for continuances shall be in writing in the form set forth by local rule and submitted to the Court Administrator. Continuances which have been submitted less than seven (7) days prior to the date of hearing shall not be granted, except for the most compelling reasons and, in those instances, consideration will be given to requiring the party requesting the continuance to pay the Board of Arbitrator fees. Any continuance request that the hearing be rescheduled beyond the month in which it was originally scheduled must be accompanied by a relist payment of \$15.00 or a receipt attached verifying payment of the relist fee.

**1308. Arbitration Appeal.**

An appeal from an award of arbitrators shall be filed in the Office of the Prothonotary in duplicate. The copy of said appeal shall be transmitted immediately to the Court Administrator. The Court Administrator shall schedule a pre-trial conference on the case immediately following receipt of said copy and shall send notice thereof to counsel of record and unrepresented parties.

**1312. Award.**

A. The oath or affirmation shall be administered by the Prothonotary.

B. The Arbitration Report and Award shall be in the form set forth in Rule 1312 of the Pennsylvania Rules of Civil Procedure.

IN THE COURT OF COMMON PLEAS OF BRADFORD COUNTY, PENNSYLVANIA

VS. NO:

PRAECIPE FOR APPOINTMENT OF ARBITRATORS TO THE PROTHONOTARY OF SAID COURT:

The undersigned requests you to appoint a Board of Arbitrators and certifies that:

1. \_\_\_\_\_ The amount in controversy is \$ \_\_\_\_\_
2. \_\_\_\_\_ The pleadings are closed.
3. \_\_\_\_\_ An agreement of reference has been filed of record.
4. \_\_\_\_\_ Estimate of hearing time required.

Record appearances have been entered for:

Plaintiff by \_\_\_\_\_

Defendant by \_\_\_\_\_

Attorney for \_\_\_\_\_

[Pa.B. Doc. No. 98-2019. Filed for public inspection December 11, 1998, 9:00 a.m.]

**CARBON COUNTY**

**Amendment to Local Rule L1302 Governing the Selection of Arbitrators and Rule L1305 Governing Conduct of Hearing; No. 98-2338**

**Administrative Order No. 14-1998**

And Now, this 23rd day of November, 1998, it is hereby Ordered and Decreed that, effective January 7, 1999, the Carbon County Court of Common Pleas hereby Amends Local Rule L1302 governing procedures for the Selection of Arbitrators and Local Rule L1305 governing procedures for the Conduct of Hearing in arbitration cases.

It is further Ordered and Decreed that seven (7) certified copies of this Administrative Order 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.

By the Court

JOHN P. LAVELLE,  
President Judge

**Rule L1302. Selection of Arbitrators.**

(1) Each attorney who is a member of the Bar of this Court, who maintains his or her principal office within Carbon County, Pennsylvania, and who expresses a willingness to serve shall be eligible for inclusion on the "List of Arbitrators".

(2) Each attorney who satisfies the requirements of L1302(1) and who is actively engaged in the practice of law in this Court for at least ten (10) years shall be eligible for inclusion on the "List of Chairpersons of Boards of Arbitrators".

(3) The composition of the board of arbitrators shall be as prescribed by Pa. R.C.P. 1302. The Court Calendar Officer shall designate a chairman and two (2) arbitrators from separate lists of attorneys selected by the Court to serve as chairman and as arbitrators respectively, and shall make necessary substitutions from said lists.

(4) If, after the board is sworn and hearing commenced, but before a decision is rendered, an arbitrator is unable to continue his services because of death, disability or a conflict of interest, or for good cause is unwilling to continue (report of which shall be made by the Court Calendar Officer to the President Judge), the case shall be decided by the remaining arbitrators. If the remaining arbitrators cannot agree, they shall so notify the Court Calendar Officer who shall then appoint a third arbitrator to rehear and decide the case jointly with them.

(5) If an arbitrator wishes to be replaced, he shall notify the Court Calendar Officer at least two (2) court days before the scheduled hearing. If an arbitrator without having given said notice fails to serve on two (2) occasions without having offered to provide a substitute, he shall be removed from the list of persons qualified to act as arbitrator until otherwise ordered by the Court.

(6) Notice of the appointment of arbitrators and the time and place of arbitration shall be given by the Court Calendar Officer in accordance with Pa. R.C.P. 1303 and served as prescribed by Pa. R.C.P. 233. The Notice shall include the following language:

"The matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

**Rule L1305. Conduct of Hearing.**

(1) On the date fixed for the hearing, the chairman and the members of the panel shall take their oaths of office before the Prothonotary and shall organize for the hearing at least fifteen (15) minutes before the scheduled time. The panel shall conduct the hearing in accordance with Pa. R.C.P. 1304 and 1305. The chairman of the panel shall preside and see to the proper conduct of the hearing. He shall announce all rulings of a majority of the panel pertaining to the law and/or the admissibility of evidence and be responsible for the proper filing of the award. Hearings shall be held in such place as shall be designated by the Court Calendar Officer.

(2) If a hearing is held and cannot be concluded on the initial day scheduled within the time as indicated on the certificate of readiness, a continued hearing shall be scheduled by the chairman with the Court Calendar Officer and notice thereof given either at the conclusion of the hearing or as provided in Carbon Civ. L1302(4).

(3) If case is settled less than 2 days before the Arbitration hearing, one of the attorneys must appear before the Board of Arbitrators and have an Award entered by agreement. If settled more than 2 days before, Plaintiff's attorney must file a praecipe to strike case from arbitration list because case is settled and notify Panel.

(4) The matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge. A party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

[Pa.B. Doc. No. 98-2020. Filed for public inspection December 11, 1998, 9:00 a.m.]

**LYCOMING COUNTY****Amendments to Orphans' Court Rule L3.4, 98-01895****Order**

*And Now*, this 18th day of November, 1998, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Orphans' Court Rule L3.4 is hereby promulgated.

2. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. File one (1) certified copy of this order with the Pennsylvania Orphans' Court Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

3. The rules revision approved by this order shall become effective 30 days after their publication in the *Pennsylvania Bulletin*.

*By the Court*

CLINTON W. SMITH,  
*President Judge*

**L3.4. Motion Procedures.** The provisions of Lyc. Co.R.C.P. L206 shall apply to all filings in the Orphans' Court which are intended to be brought before the court for hearing, argument, conference of similar dispositive action.

[Pa.B. Doc. No. 98-2021. Filed for public inspection December 11, 1998, 9:00 a.m.]



8. Expert witnesses—List name and speciality and attach all expert reports.

9. Exhibits—list all exhibits and indicate whether or not they have been shown to opposing counsel. Each party may be limited to the use of the listed exhibits at trial.

10. Scheduling—List any unusual scheduling problems which are anticipated.

11. Requested stipulations (Qualifications of experts, admissibility of documents without custodian, special damages, etc.).

12. Unusual legal issues—issues on which trial briefs should be required.

13. Has there been a timely demand for a jury trial? Yes \_\_\_\_\_ No. \_\_\_\_\_. Number of jurors demanded? \_\_\_\_\_ 8 \_\_\_\_\_ 12.

14. Estimated time to try.

15. Outstanding motions:

16. Counsel are required to be prepared to inform the court of the demand and offer and to discuss settlement. (Party must be available in person or by phone at the time of pre-trial conference for purpose of settlement discussions).

17. Miscellaneous—List any matter which you feel is important but which has not been covered.

C. *Listing of cases.* One week before the session of trial commences, the court administrator shall serve upon all counsel (and parties not represented by counsel) a final list of cases to be tried during the term. The listing will have prior approval from the trial judge.

D. *Re-pretrials of continued cases.* Where a continuance is allowed (see Lyc. Co. R.C.P. L216) after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

E. *Striking cases from trial list.* Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.

#### **L216. Continuances.**

A. *Time limitations.* Applications for continuance under Pa.R.C.P. No. 216 shall be submitted no later than the time set for pre-trial conferences.

B. *Prior commitments of counsel.* No continuances will be granted by reason of prior commitment of counsel in any court, state or federal, where such commitment was reasonably foreseeable and counsel has not made a reasonable attempt to secure substitute counsel.

C. *Form.* All requests for continuances of any matter before the court or board of arbitration shall be made in writing on a form supplied by the district court administrator. Any such request shall be filed with the prothonotary and be immediately forwarded to the court administrator.

#### **L1920.16. Bifurcation.**

A. A praecipe to transmit record requesting entry of a divorce decree under Domestic Relations Code § 3301(c) or § 3301(d) should not be filed prior to the resolution of all other claims raised unless an order has been entered permitting bifurcation or the other party consents to

bifurcation. The filing party must indicate in the praecipe to transmit that either, (1) there are no outstanding claims, or (2) bifurcation has been consented to by the other party, as verified by an affidavit attached to the praecipe to transmit, or approved by court order, a copy of which is attached to the praecipe to transmit. Where the other party does not consent to bifurcation, a request for bifurcation shall be made by motion in accordance with the procedure set forth in Lyc. Co. R.C.P. L206, and may be referred by the court, in its discretion, to the family court hearing office for hearing thereon.

B. A motion for appointment of master to hear a claim for divorce on "fault" grounds may include a request for bifurcation. If such a request is included, the master shall rule on both the claim for divorce and the request for bifurcation. If both are granted, the master shall forward to the court a proposed decree, retaining jurisdiction of all outstanding claims. If the request for bifurcation is denied, assuming the claim for divorce is granted, no decree shall be entered until all remaining claims are resolved.

#### **L4005. Interrogatory Limits.**

In the case of interrogatories served pursuant to Pa.R.C.P. No. 4005, the first set of interrogatories propounded to a party may not exceed fifty (50) in number, including subparts, whether or not they are separately numbered. In the event that the response given to the first set of interrogatories is considered by the requesting party to indicate a need for additional interrogatories, a second set of interrogatories, limited to fifty (50) including subparts, may be served upon a party. The second set of interrogatories must be case specific. The responding party shall not be compelled to answer any interrogatories beyond the number allowed under this rule. The court may, in its discretion, allow additional interrogatories to be served in an appropriate case.

**L227.1. Post-Trial Relief.** Any motion for post-trial relief shall be filed in accordance with Lyc. Co. R.C.P. L206. [ duplicate with one copy being forwarded by the prothonotary to the court administrator

**NOTE: This rule was derived from former Lyc. Co. R.C.P. L252. The remaining portions of Rule L252 that have not been carried over into Rule L227.1 have been superseded by Pa.R.C.P. 227.1. ]**

L902. Appeal [ as Supersedeas ] of a District Justice Judgment for Possession of Real Property.

A. [ In lieu of bond, a party against whom a district justice has entered a judgment for the possession of real property may make rental payments becoming due during the court common pleas proceedings by depositing with the prothonotary an amount equal to the rental payments due in the month the appeal is taken and thereafter the tenant shall make each succeeding rental payment to the prothonotary on the date payment is due under the lease agreement, or on the first following business day. If the appellant files a bond or is permitted to deposit rental payments with the prothonotary in lieu of a bond, the prothonotary shall make upon the notice of copies a notation that it will separate as a supersedeas when received by the district justice. ] A landlord's application under Pa.R.C.P.D.J. No. 1008B for the payment of sums deposited with the prothonotary shall be in the form of a motion and shall comply with Lyc. Co. R.C.P. L206.

**[ B. The failure of the tenant to make payments when and as required by subsection A of this rule shall operate as a termination of the supersedeas.**

**C. In the event the supersedeas has been terminated by virtue of the failure of the tenant to make payments when and as required, the prothonotary, upon praecipe of the party or whose behalf the district justice entered the judgment for possession, shall issue a notice of termination of the supersedeas which will evidence the termination of the supersedeas when received by the district justice.**

**D. At the conclusion of the proceedings or upon termination of the supersedeas, payments under this rule shall, by order of court, be applied to the payment of any judgment, including costs, against the tenant, with any excess deposits refunded to the tenant.**

**E. ]B.** At any stage of the proceedings following the filing of any appeal, either party may make an application for relief to the court, where relief is sought from scheduled payments, for special or unusual expenses, or to resolve other matters related to the appeal. The matter shall be heard within **[ five (5) ] fourteen (14)** days of filing.

**[ F. Allowance of in forma pauperis status by the court shall not relieve tenant from payments under this rule. ]**

**L1301.1. Agreement of Reference.** Cases, whether or not in litigation, regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case. Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issues involved for determination by the board and **[ when agreeable, ]** shall also contain any stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

**L1302. List of Arbitrators.**

A. The court administrator shall keep a current list of all members of the bar qualified and willing to act as arbitrators.

B. Any attorney not wishing to serve as an arbitrator shall notify the court administrator in writing.

C. An attorney may remove his or her name from the arbitrators list **[ provided that ]** and such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has been appointed by the court.

**L1302.1. Selection of Arbitrators.**

A. Upon receipt of a praecipe, the court administrator shall nominate from the list of attorneys a board of potential arbitrators. The nominations shall be made at random, except where an attorney is excused by reason of incapacity, illness, or other disqualification. No more than one member of a family, firm, professional corporation, or association shall be nominated to serve on one potential board.

**B. [ In cases where the amount in controversy is more than two thousand (\$2,000) dollars, the ]** The court administrator shall nominate to the potential board **[ three (3) ] four (4)** attorneys plus three (3) attorneys for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney **[ within five (5) days of the receipt of the praecipe ]**. Each party in the case or counsel for each party may strike off up to three (3) attorneys so named and return the list to the court administrator within five (5) days of receipt. If any or all parties strike the same name or fail to exercise their right to strike off three names from the potential board, the first three (3) remaining names will make up the board of arbitrators. The fourth listed attorney shall become an alternate arbitrator, who will serve only if one of the first three is unable to serve or is disqualified from serving.

**[ C. In cases where the amount in controversy is two thousand (\$2,000) dollars or less, the court administrator shall nominate a list of three (3) attorneys plus one (1) attorney for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his attorney within (5) five days of the receipt of the praecipe. Each party in the case or counsel for each party may strike off one (1) attorney so named and return the list to the court administrator within five (5) days of receipt. If both or all parties strike the same name or no name from the list, the first three (3) remaining names will make up the board.**

**[ D. ]C.** As soon as the court administrator receives that returned list from the parties (or after five (5) days if a list is not returned) each arbitrator and the alternate shall be notified of his or her selection. A final board list shall be sent to the parties or their attorneys.

**L1303. Scheduling of Hearings.**

A. The court calendar shall reflect that two rooms will be reserved for at least two days out of each month, for the purpose of holding simultaneous arbitration hearings, to the extent that there are cases to be heard.

B. Upon the receipt of a praecipe, pursuant to L1301, the office of the district court administrator shall schedule the case to be arbitrated for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m., in one of the two rooms reserved.

C. After having been identified as a member of an arbitration panel under the methods set forth previously in L1302.1, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to B above, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, it shall be that panel member's responsibility **[ to make a reasonable effort to find a potential substitute. The panel member will then identify the potential substitute to each party, or their representatives, who will then communicate their concurrence or objection in writing to the panel member seeking to be substituted within five days. ]** to notify the district court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the district court administrator shall select an arbitrator.



**L1304. Arbitrator's Questions. [ Conduct of Hearings. The conduct of all hearings, generally and with respect to the admissibility of evidence, shall be as set forth in Pa.R.C.P. Nos. 1304, 1305 and 1308(a). ]** Arbitrators shall exercise reasonable restraint in the questioning of witnesses. **[ Witness fees shall be taxed as costs, as in other actions. ]**

**L1304.1. Continuances.**

A. Continuances shall be granted only by court order for good cause shown on notice sent by the court administrator to the parties and the court. Requests for continuances shall be submitted in writing on forms provided by the court administrator. An application for continuance should be filed not later than three (3) days prior to the scheduled date for the arbitration hearing.

B. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed ex parte and render an award on the merits.

**L1306. Awards. [ A. ]** After the case has been heard, the arbitrators shall make their **[ report ]** award, **[ which shall be signed by at least a majority of them. An award must be submitted ]** within ten (10) days after the day of the hearing or the last adjournment thereof.

**[ B. The award shall be transmitted through the court administrator for filing with prothonotary.**

**C. The prothonotary shall enter the award of the arbitrators in the appearance docket and shall index the same in the judgment index. If an appeal is taken, the prothonotary shall notify the court administrator, who shall place it on the next pre-trial list.**

**D. Upon the award being indexed, the prothonotary shall give immediate written notice of the award to all the parties or their attorneys by regular mail. ]**

**L1308. Compensation for Arbitrators.**

A. Each of the three members of an arbitration panel shall receive compensation in the amount of \$100.00 per case for which the member serves as an arbitrator. A substitute arbitrator who does not serve shall receive \$50.00.

B. Each arbitrator shall be entitled to receive additional compensation at the rate of twenty-five (\$25.00) dollars per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3½) hours.

C. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with subsection A of this rule.

D. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to the aforesaid fee. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for

hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half (½) of the base fee as set forth in subsection A of this rule. The attorney for the plaintiff in all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing shall notify the court administrator, who will then in turn file with the prothonotary the appropriate award form indicating disposition of the case and the amount of compensation due members of the arbitration board.

**L1311. Appeals.**

**[ A. Any party to the proceeding may appeal from the decision or award of the arbitrators to the court of common pleas, upon repayment to the county of the fees of the members of the board. Said appeal shall be taken not later than thirty (30) days after the date of the entry of the award of the arbitrators on the docket. Repayment to the county of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrator's fees.**

**B. ]** The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled for pre-trial conference and trial by the court administrator at the earliest practical date.

**[ C. If no appeal is filed within thirty (30) days, judgment shall be taken on the award. ]**

**L1920.42. Affidavit and Decree Under [ Sections 3301 ] § 3301(c) or [ 3301 ] § 3301(d) of the Domestic Relations Code.**

A. A copy of the praecipe to transmit record, proposed divorce decree and notice that decree will be entered **[ shall be served upon opposing counsel or party and a certificate of service shall be filed ]** (unless notice has been waived under Pa.R.C.P. **[ Any objection to the entry of the final decree shall be in writing and filed within ten (10) days from the date the praecipe is filed. A hearing on the objection may be scheduled before the court or a master or hearing officer as the court deems appropriate ]** No. 1920.42(e) shall be served upon opposing counsel or party and a certificate of service shall be filed.

B. If related claims are resolved by means of a written agreement between the parties, a copy of the agreement may be attached to the praecipe to transmit record along with an appropriate proposed decree. If related claims are pending, the attached proposed decree shall contain a provision reserving the court's jurisdiction over the unresolved issues.

C. A decree will not be entered unless the appropriate administrative fee has been paid to the prothonotary or the court has granted leave to proceed in forma pauperis.

[Pa.B. Doc. No. 98-2023. Filed for public inspection December 11, 1998, 9:00 a.m.]

## LYCOMING COUNTY

## Amendments to Rules of Criminal Procedure; 98-01895

## Order

And Now, this 18th day of November, 1998, it is hereby Ordered and Directed as follows:

1. Lycoming County Rule of Criminal Procedure L101A is hereby rescinded.
2. Lycoming County Rule of Criminal Procedure L107A is hereby promulgated.
3. The Prothonotary is directed to:
  - a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
  - b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
  - c. File one (1) certified copy of this order with the Pennsylvania Criminal Procedural Rules Committee.
  - d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.
  - e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.
  - f. Keep continuously available for public inspection copies of this order.
4. The rules revision approved by this order shall become effective 30 days after their publication in the *Pennsylvania Bulletin*.

By the Court

CLINTON W. SMITH,  
President Judge

**L107A. Approval of Police Complaints and Arrest Warrant Affidavits by the Attorney for the Commonwealth.** The District Attorney of Lycoming County having filed a certification pursuant to Pa.R.Crim. P. 107, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedures, charging any felony or the following misdemeanors where the victim is less than 18 years of age:

- Simple Assault [18 Pa.C.S.A. § 2701];  
 Unlawful Restraint [18 Pa.C.S.A. § 2702];  
 False Imprisonment [18 Pa.C.S.A. § 2703];  
 Recklessly Endangering Another Person [18 Pa.C.S.A. § 2705];  
 Luring a Child Into a Motor Vehicle [18 Pa.C.S.A. § 2710];  
 Indecent Assault [18 Pa.C.S.A. § 3126];  
 Concealing the Death of a Child [18 Pa.C.S.A. § 4302];  
 Endangering the Welfare of a Child [18 Pa.C.S.A. § 4304];  
 Corruption of Minors [18 Pa.C.S.A. § 6301];

shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 98-2024. Filed for public inspection December 11, 1998, 9:00 a.m.]

## SOMERSET COUNTY

## Consolidated Rules of Court; No. 98 Miscellaneous 1998

## Adopting Order

Now, this 17th day of November, 1998, it is hereby Ordered:

1. The following designated Somerset County Rules of Judicial Administration (Som. R.J.A.) following hereto, are hereby adopted as Rules of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:
 

Som. R.J.A. 4010	Dockets For Proceedings In Civil Division
Som. R.J.A. 4020	Clerk Of Court's Dockets
Som. R.J.A. 4030	Juvenile Cases
Som. R.J.A. 4040	Numbering, Combined Numbering
Som. R.J.A. 4041	Filing Of Schedules And Trial Lists
Som. R.J.A. 4050	Captions
Som. R.J.A. 4060	Docket Entries

2. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Civil Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,  
President Judge

## RULES OF COURT

## Records Of The Court—Dockets

**Som. R.J.A. 4010. Dockets For Proceedings In Civil Division.**A. *Civil Docket.*

1. Every adverse proceeding at law or in equity, whether in the form of an action, motion, petition or other application which seeks or requires court action for its completion, shall be entered only in the Civil Docket, except (i) proceedings required to be entered in the divorce, judgment, mechanics lien, domestic relations, older adults or miscellaneous dockets; and (ii) proceedings incidental to a proceeding filed in the divorce, judgment, mechanics lien, Domestic Relations, older adults or miscellaneous dockets, which shall be entered only in the docket of the proceeding to which it is incidental.

*Note:* For example, a petition to open a confessed judgment, and a writ of execution upon a confessed judgment are incidental to the confession; similarly, a motion for the appointment of a master in divorce is incidental to the divorce action.

(Formerly R-46-110).

2. All execution proceedings shall be docketed in the Civil Docket as part of the civil action in which execution is issued, and all execution papers shall be captioned and filed as part of such civil action. Executions shall continue to be noted in the judgment index as heretofore.

*Note:* Verdicts will be entered in the judgment index, if for payment of money.

(Formerly R46-107).

3. All petitions for the appointment of viewers filed pursuant to Article V, § 502 of the Eminent Domain Code, (26 P. S. § 1-502) shall be docketed in the Civil Docket. A docket entry shall be made on the Civil Docket referring by docket number to the declaration of taking.

(Derived from former R21-102).

*Note:* The Civil Docket was formerly known as the Continuance Docket. The name change was effected by former Local Rule R46-101, adopted September 2, 1970, effective January 1, 1971, No. 40 Miscellaneous 1970.

The Equity Docket was abolished by former Local Rule R46-109, adopted November 21, 1973, effective January 1, 1974, No. 55 Miscellaneous 1973. All equity proceedings are entered only in the Civil Docket and shall continue to be indexed as heretofore.

#### B. Judgment Docket.

1. The Judgment Docket shall contain: (i) all proceedings for the entry of judgment by confession, whether or not for money, pursuant to an instrument authorizing such confession; and (ii) all proceedings for the entry of judgment by transfer, transcript, exemplification or similar procedure.

2. Such proceedings shall not otherwise be docketed but they shall continue to be indexed as heretofore.

*Note:* See Pa. R.C.P. 3001, et seq. governing transfer of judgments between counties. See, also, 23 Pa.C.S.A. § 4352(d) (support arrearages); 42 Pa.C.S.A. § 9728 (restitution, fines, costs, etc. in criminal proceedings).

Verdicts will be entered in the judgment index, if for payment of money.

(Formerly R46-108).

#### C. Divorce Docket.

The Divorce Docket shall contain all actions of divorce and actions for annulment of marriage. Such actions shall not be entered in the Civil Docket or any other official docket of the court. Such actions shall continue to be indexed in the ejection and miscellaneous index as heretofore.

*Note:* Ancillary claims for support and alimony pendente lite will be docketed in the Domestic Relations Section's docket when the separate complaint is filed with the Domestic Relations Section, as required by Som. R.C.P. 1920.31.

(Formerly R46-106).

#### D. Mechanics Lien Docket.

The Mechanics Lien Docket shall contain the record of mechanics lien proceedings.

#### E. Miscellaneous Docket.

1. Non-adverse or ex parte proceedings shall be entered in the Miscellaneous Docket, unless otherwise provided by rule of court or special order.

2. Returns of tax sales by the Tax Claim Bureau, filed for confirmation according to law, shall be filed in the Miscellaneous Docket. See 72 P. S. 5860.607.

3. A declaration of taking in eminent domain, although adverse, shall be filed in the Miscellaneous Docket.

*Note:* A non-adverse or ex parte proceedings is one which involves only the party or parties filing it. See

C.J.S. Actions. As indicated in the foregoing Rule, returns of tax sales and declaration of taking in eminent domain are to be filed in the Miscellaneous Docket by specific direction contained in this Rule.

(Formerly R46-111 and R46-112).

#### F. Domestic Relations Docket.

All support and non-support proceedings shall be entered in a separate docket which shall be known as "Domestic Relations Docket", which shall be maintained by the Domestic Relations Section.

(Formerly R46-103).

#### G. Older Adults Protective Services Docket.

All proceedings under the Older Adults Protective Services Act, 1987, November 6, P. L. 381, No. 79 § 1 et seq., 35 P. S. § 10225.101 et seq., as amended, shall be entered in a docket designated "Older Adults Protective Services Docket".

*Note:* See Som. R.C.P. 1908 governing proceedings under the Older Adults Protective Services Act.

### Som. R.J.A. 4020. Clerk Of Court's Dockets.

#### A. Criminal Docket.

The Criminal Docket shall contain all criminal adversary proceedings.

*Note:* The Criminal Docket was formerly comprised of the Oyer and Terminer and Quarter Sessions Dockets, which were combined into a single Criminal Docket by former Local Rule R46-102, adopted September 2, 1970, effective January 1, 1971, 40 Miscellaneous 1970.

#### B. Special Docket.

The Special Docket shall contain all proceedings not otherwise docketed in the office of the Clerk of Courts.

(Formerly R46-104).

*Note:* The Special Docket was formerly known as the Miscellaneous Docket. The name change was effective by former Local Rule R46-104, adopted September 2, 1970, effective January 1, 1971, 40 Miscellaneous 1970.

Road and bridge cases filed in the office of the Clerk of Courts are entered in the Special Docket. The former road and bridge docket was abolished by former Local Rule R46-118, adopted December 20, 1977, effective January 1, 1978, No. 15 Miscellaneous 1977.

See, also, Som. R.C.P. 207.2 pertaining to pleadings and orders in road and bridge cases.

### Som. R.J.A. 4030. Juvenile Cases.

Custody of the dockets and official file papers of the Juvenile Court shall be with the Probation Department which shall be responsible for the care and safekeeping of the records, making docket and index entries, maintaining the docket and indices in current condition, taking and keeping minutes of Juvenile Court sessions, and otherwise handling and maintaining the records as required by these Rules or by a special order of court.

(Formerly R46-113).

### Som. R.J.A. 4040. Numbering. Combined Numbering.

A. All proceedings shall be numbered consecutively, beginning each calendar year with number one, without use or reference to terms or sessions of court.

(Formerly R46-105).

B. Each case or separately captioned proceeding shall be assigned a separate docket number in the appropriate docket, except that all filings during the calendar year shall be filed and docketed to a single number for that year in the following proceedings:

1. Consolidated Rules of Court (Miscellaneous Docket);
  2. Civil Trial Lists and Civil Trial Schedules (Miscellaneous Docket);
  3. Argument Court Schedules (Miscellaneous Docket);
  4. Criminal Trial Lists and Criminal Trial Schedules (Special Docket);
  5. Juvenile Court Schedules (Miscellaneous Docket);
  6. Appointment Orders, judicial staff (Miscellaneous Docket);
  7. Appointment Orders, public officers (Miscellaneous Docket), except election officers;
  8. Election Orders, including appointments of election officers (Special Docket);
  9. Office and Duty Schedules, District Justices (Special Docket);
  10. District Justice Assignment Orders (Special Docket);
  11. Jury Precepts and Venires, civil juries (Miscellaneous Docket); and
  12. Jury Precepts and Venires, criminal (petit juries) (Special Docket).
- (Formerly R46-120).

**Som. R.J.A. 4041. Filing Of Schedules And Trial Lists.**

A. The Administrator shall file a copy of each Civil Trial List and a copy of each Civil Trial Schedule, to the Miscellaneous Docket. All such Lists and Schedules issued for trial sessions of the calendar year shall be filed in that year to a single docket number.

(Formerly R46-701).

B. The Administrator shall file a copy of each Argument Court Schedule to the Miscellaneous Docket. All such Schedules issued for Argument Court sessions of the calendar year shall be filed in that year to a single docket number which shall be separate from that used for the Trial Lists and Schedules.

(Formerly R46-702).

C. The Administrator shall file a copy of each Criminal Trial List and a copy of each Criminal Trial Schedule to the Special Docket. All such Lists and Schedules issued for trial sessions of the calendar year shall be filed in that year to a single docket number.

(Formerly R46-703).

D. The Administrator shall file all revised and supplementary Lists and Schedules issued, so that the Docket and the filed papers shall reflect accurately and completely the issued Lists and Schedules for the Civil Trial, Criminal Trial and Argument sessions of the Court.

(Formerly R46-705).

E. Each List and Schedule shall be enclosed in a filing cover which shall be properly endorsed with the caption, docket number, title of the List or Schedule enclosed, and the term and dates of the sessions covered.

(Formerly R46-706).

**Som. R.J.A. 4050. Captions.**

All actions and proceedings shall be captioned so as to indicate by the docket designation the nature of the proceeding and the place of filing, with the docket to be designated by full docket name or by an appropriate abbreviation as follows:

*A. Prothonotary's Office:*

No.	Civil	19
No.	Divorce	19
No.	Judgment	19
No.	Mechanics	19
No.	Miscellaneous	19
No.	Aging	19

*B. Clerk of Court's Office:*

No.	Criminal	19
No.	Special	19

*C. Clerk of Orphans' Court:*

No.	Adoption	19
No.	Estate	19
No.	Incapacitated Person	19
No.	Marriage	19

*D. Domestic Relations Office:*

No.	Domestic	19
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*E. Probation Office:*

No.	Juvenile	19
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(Formerly R46-201).

**Som. R.J.A. 4060. Docket Entries.**

A. Except in the Orphans' Court Division, the custodian of each docket shall make a record in the appropriate docket of each Court proceeding filed, showing the following:

1. A case heading showing the names and designations of the parties, docket number, names of counsel of record, and a marginal notation of costs taxed and paid;
2. Each paper or document filed in the case, except that no such entry need be made of orders making special assignment of District Justices (Special Docket);
3. A record of distribution of documents, as provided in Som. R.J.A. 400. F.;
4. The transmittal to the Court of transcripts by the Prothonotary;
5. In eminent domain cases, a cross-reference in the Civil Docket to the Declaration of Taking in the Miscellaneous Docket, as provided in Som. R.J.A. 4010; and
6. Any other fact occurring or action taken concerning the case, as may be desired by the custodian, or as may be specially requested by any party or his counsel upon payment of the prescribed fee.

B. Docket entries shall concisely state:

1. Date of filing the document;
2. Date of occurrence of other fact or action noted;
3. Nature of description of document, fact or action noted;
4. The information required in Part C of this Rule.

C. Docket entries need not state the contents of any document, except:

1. Entry of appearance by counsel shall state the name of counsel and shall specify the party for whom counsel appears.

2. Final decrees and orders in civil proceedings in the Prothonotary's office, other than divorce decrees, shall be transcribed on the docket in full.

3. Entry of the filing of Mechanics Liens and Municipal Claims shall state the name of the municipality in which the land is located.

4. In road and bridge proceedings, the final Court Order relocating, altering or otherwise affecting any road or bridge, as prescribed in Som. R.C.P. 207.2, shall be transcribed in full (Special Docket).

5. Inactive case docket entries shall conform to Som. R.J.A. 1901.5; and

6. The date or dates of service, and the name or names of the persons served, shown in any return, affidavit or acceptance of service shall be stated.

7. The contents of any other document as may be requested by any party or his counsel, upon payment of the prescribed fee.

*Note:* Decrees and Orders of Court, lien releases and agreements, mechanics liens and municipal claims, etc., will not be recorded in full unless specially requested under C. 7., supra.

(Formerly R46-119).

[Pa.B. Doc. No. 98-2025. Filed for public inspection December 11, 1998, 9:00 a.m.]