

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701(a) of the Pennsylvania Rules of Judicial Administration; No. 202 Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 8th day of December, 1998, Rule 701(a) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 701(a) is hereby found to be required in the interest of justice and efficient administration.

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.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of Judges to Courts.

(a) *Certification of availability for assignment by former or retired judges.* A former or retired judge who consents to accept assignment on temporary judicial service shall file with the Administrative Office a statement of the period during which he is willing to be assigned to a court, and a certification that he has not, since his last judicial duty, engaged in the practice of law or in any activity incompatible with judicial office and does not intend to engage in the practice of law in the future. **Excepting those in appellate senior judge status, senior judge status shall end at age seventy-five; however, those serving in senior judge status as of the effective date of this rule may continue to do so notwithstanding the age seventy-five limitation.** In order to be qualified for assignment, such judge shall not have been defeated for re-election and shall have served as a judge (whether or not continuously or on the same court) by election or appointment for an aggregate of at least ten years, except that any duly elected justice or judge, having an aggregate of five years' judicial service or seniority, who is required to retire at age seventy, shall be eligible for assignment. **Suitable facilities and adequate staff are to be provided for senior judges, the parameters of which are to be determined and promulgated by the Administrative Office.**

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[Pa.B. Doc. No. 98-2100. Filed for public inspection December 24, 1998, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 21]

Internal Operating Procedures of the Court of Judicial Discipline; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 9th day of December, 1998, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 106 which replaces former Sections 106, 208 and 209 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That the following Internal Operating Procedures are a complete replacement for the existing text of Title 207 Pa. Code, Pages 227-1 through 227-8.

That Court Administrator Wanda W. Sweigart provide for the publication of the Internal Operating Procedures in the *Pennsylvania Bulletin*.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE IV. INTERNAL OPERATING PROCEDURES

CHAPTER 21. INTERNAL OPERATING PROCEDURES

GENERAL PROVISIONS

§ 101. Classification of Judges. Judges who are serving a term of office which has not expired shall be classified as Active Members or Judges. Those Judges whose terms have expired, but who must continue to participate in a hearing in accordance with Article V, § 18(b)(2), shall be classified as Participating Former Members or Judges.

§ 102. Composition of Court or Panel. En banc or full Court proceedings shall be conducted by the entire Court. The President Judge shall preside unless he or she is unavailable to participate, in which case, the empanelled Judge most senior shall preside. Panels appointed to conduct a trial pursuant to C.J.D.R.P. No. 501 shall be composed of no fewer than three Judges of the Court, one of whom shall be the Conference Judge, and at least one of whom shall be a non-lawyer elector in accordance with C.J.D.R.P. No. 501(B). The Judge who has seniority shall preside over three-member panel proceedings.

§ 103. Location of Proceedings. Proceedings before the Court shall be in Harrisburg, unless the Court selects another location for a proceeding.

§ 104. Duty Month Judges. Each month an Active Judge of the Court shall be designated the duty Judge for the month. Assignment as duty Judge shall be based upon reverse seniority. A new assignment schedule shall be developed by the Court Administrator each year, following the appointment of new members, and shall be approved by the Court. The schedule shall reflect any previous service of members by ensuring that assignments are made in an equitable fashion.

§ 105. Conducting Conferences by Telephone. When a particular proceeding does not entail the creation of a record or public access, the Court or a Judge conducting a conference, may elect to proceed by teleconference.

§ 106. Opinions and Orders of Court.

(A) Opinions.

(1) *Assignment.* The President Judge, or the Presiding Judge, shall assign to the Conference Judge the duty to draft a majority opinion, unless, following preliminary deliberations by the Judges, the Conference Judge does not agree with the majority of Judges with regard to disposition of the matter. In such case, the President Judge, or the Presiding Judge, shall assign one of the Judges in the majority to draft the majority opinion.

(2) *Circulation.* When the Judge to whom a matter has been assigned for opinion writing has prepared an opinion, the Judge shall direct the Court Administrator to forward the draft opinion to the other Judges participating in the decision-making process. The draft shall bear a cover sheet that shall include a standardized form requesting the responding Judges to inform the Court Administrator of their agreement or disagreement with the opinion as well as any suggestions they desire to make with regard to the draft opinion. The form shall provide a choice for response as follows: Join, Concur in Result, Will Write a Concurring Opinion, Dissent, Will Write a Dissenting Opinion.

(3) *Responding.* Judges shall respond to a circulating opinion within 14 days, unless the responding Judge requests and obtains from the authoring Judge an extension of time to respond.

(4) *Concurrences and Dissents.*

(a) When a Judge responds to a circulating opinion by stating he or she concurs or dissents and intends to write a concurring or dissenting opinion, the Court Administrator shall hold the draft majority opinion until all Judges have responded to the concurring or dissenting opinion.

(b) The concurring or dissenting Judge shall submit a draft concurring or dissenting opinion to the Court Administrator for circulation to all Judges within 14 days from the date of the concurring or dissenting Judge's response.

(c) The concurring or dissenting opinion shall bear a cover sheet with a standardized form for response, including the following options: (1) "Concurring/Dissenting Opinion Noted," which shall indicate that the responding Judge does not alter any previously submitted votes, and (2) "I join in the Concurring/Dissenting Opinion." Judges shall respond to concurring or dissenting opinions within 14 days of circulation, unless the responding Judge requests and obtains from the author of the draft majority opinion an extension of time to respond.

(d) The author of the draft majority opinion may consider the reasoning of the concurring or dissenting

opinion, as well as suggestions offered by any other Judge, and revise his or her draft for recirculation.

(e) Any recirculation shall boldly note on the cover sheet the date of circulation, and a reasonable time period for response shall also be noted. However, if an authoring Judge, whether it be the majority, concurrence or dissent, deems that the alterations are not substantive, no cover sheet shall be required, but the author shall attach a memorandum indicating the nature of the changes and that no further response is required. In all cases, an authoring Judge shall advise all Judges that a draft has been revised.

(5) *Reassignment.* When draft opinions have been circulated and a majority of Judges either (1) dissent to the draft majority opinion or (2) vote in accordance with a concurring or dissenting opinion, the author of the original draft majority opinion shall request the President Judge, or Presiding Judge to reassign the matter to a Judge whose vote is in the majority or to the author of the draft opinion that has garnered a majority of votes, who shall submit his or her draft to the Court Administrator as the new majority opinion, to be circulated in accordance with these provisions.

(6) *Revisions of Opinions after Filing.* When, after the filing of an opinion, whether the opinion is a majority or concurring or dissenting opinion, the authoring Judge determines that a change to the opinion is warranted, the authoring Judge shall circulate a proposed order to the members who participated in the decision-making process which shall:

(a) in the case of revisions that alter a significant portion of the filed opinion, with the concurrence of the members who joined in the original opinion, indicate that the original opinion has been revoked and withdrawn, and replaced with a new opinion, or

(b) in the case of revisions that are not substantial in nature, indicate the alterations made to the original. When this alternative is used, the revisions shall be incorporated into the original and the Court Administrator shall ensure that the new revised opinion thereafter shall be distributed to whomever the original had been distributed.

(7) *Notations of concurring or dissenting Judges.* Whenever a Judge concurs in the result of a majority opinion or dissents to the majority opinion, said notation shall be indicated at the bottom of the last page of the majority opinion in the following exemplary style: Judge Smith dissents/consurs in the result; Judge Smith files a dissenting/concurring opinion. The accompanying concurring or dissenting opinion shall begin in the following exemplary style: Judge Smith dissenting/concurring.

(8) *Panel Decisions.*

(a) The assignment and circulation of draft opinions of panels shall follow the procedure applicable to decisions of the full Court.

(b) After the majority or concurring or dissenting opinions of the Panel are in final form, they shall be circulated to the full Court in accordance with these provisions.

(B) Orders.

(1) *Applicability.* This provision shall govern this issuance of all orders of the Court except those issued by Conferences Judges in the exercise of the duties with which they are empowered.

(2) When the Court determines that the issuance of an order regarding a pending matter is warranted, and when the matter requires a majority vote of the full Court, the President Judge, or the Presiding Judge, shall cause to be distributed for vote by the Court a proposed per curiam order.

(3) Circulation of Proposed Per Curiam Orders. The President Judge, or the Presiding Judge, shall direct the Court Administrator to provide a response sheet with each proposed per curiam order upon which each Judge shall respond as to whether or not he or she is in agreement with the proposed order. The response sheet shall indicate the date by which a response is directed to be forwarded. Responses shall be returned to the Court Administrator, who shall keep the President Judge, or the Presiding Judge informed as to the status of votes.

(4) Whenever a Judge concurs with or dissents from an order that is not accompanied by an opinion, his or her concurrence or dissent shall be noted on the order. In such case, no concurring or dissenting opinion may be included.

(5) When a Judge concurs with or dissents from an order that is accompanied by an opinion, his or her concurrence or dissent shall be noted on the opinion as directed by subsection A(7) of this I.O.P. and shall not be noted on the order.

§ 107. Judicial Conferences. The Court shall convene regularly to address the business of the Court. The President Judge shall preside over conferences. The Court Administrator shall develop an agenda for judicial conferences in consultation with the President Judge, who shall approve the agenda. The Court Administrator shall distribute copies of the agenda and any related materials to all Judges before the date of the judicial conference.

§ 108. Adoption of Rules of Procedure. When the Court determines that it should adopt or amend any rule of procedure, Counsel shall draft a proposed rule for consideration by the full Court. When the Court determines that the rule satisfies the purpose or need for the adoption or amendment, it shall vote upon the new or amended rule. When approved by a majority of the Court, the Court Administrator shall forward a copy of the rule to the Legislative Reference Bureau for initial publication in the *Pennsylvania Bulletin*, seeking responses in the form of criticisms or suggestions from the public. If suggestions or criticisms are received during the 30-day response period, the Court shall consider those suggestions and criticisms before final adoption of the rule, and, if a majority believes that the suggestions or criticisms should be reflected in the rule, the approval procedure described above shall be repeated and the full Court must approve the new draft for republication in the *Pennsylvania Bulletin* and response as set forth above. If the Court rejects the suggestions and criticisms, or if the Court receives no suggestions or criticisms, the Court Administrator shall submit the rule for final publication and adoption in the *Pennsylvania Bulletin*. All proposed and final rule adoptions and changes sent to the Legislative Reference Bureau shall be accompanied by a Per Curiam Order stating whether the publication is for public response or a final rule adoption. The Court may forego the above procedures herein described if it determines that exigent circumstances warrant the immediate adoption or amendment of a rule.

§ 109. Confidentiality. All members of the Court, staff employees and any contractual employees shall at all times maintain strict confidentiality concerning pro-

ceedings before the Court, and shall refrain from discussing with persons not a member or employee of the Court the substance of deliberations concerning any matter. This provision applies to all matters involving the deliberative process regardless of whether the matter still is pending or has already been decided.

FORMAL COMPLAINTS

§ 201. Assignment of Conference Judge. When the Judicial Conduct Board files a Formal Complaint with the Court, the Court Administrator shall immediately notify the President Judge that a Formal Complaint has been filed. The President Judge shall appoint a Conference Judge or Judges in accordance with C.J.D.R.P. No. 301(B). The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under this Court's Rules of Procedure and these Internal Operating Procedures.

§ 202. Distribution of Formal Complaints and Filings Related to Formal Complaints. When the Judicial Conduct Board files a Formal Complaint, the Court Administrator shall forward copies of the Complaint to all Active Judges of the Court. The Court Administrator shall forward copies of all pleadings and filings related to a Formal Complaint to all Active Judges. When a former member of the Court must participate in a pending matter by virtue of Article V, § 18(b)(2), the Court Administrator shall forward copies of pleadings and filings relating to the pending matter to such Participating Former Members.

§ 203. Orders and Decisions of Conference Judge. When a Conference Judge issues an order or decision regarding a preliminary matter which the Conference Judge has the power to decide in accordance with C.J.D.R.P. Nos. 301 and 421, the Court Administrator shall circulate copies of said orders and decisions to all Active Judges, and, if applicable under I.O.P. No. 101, shall circulate said copies to Participating Former Members of the Court.

§ 204. Deferral of Disposition of Omnibus Motion by Conference Judge to the Full Court. When, under the authority of C.J.D.R.P. No. 414(A), a Conference Judge determines that the full Court should dispose of an issue or issues raised in an Omnibus Motion, or, when, upon consideration of an Omnibus Motion, a Conference Judge proposes to dismiss a charge or terminate the case, under C.J.D.R.P. No. 414(C), he or she shall submit a memorandum to the President Judge summarizing the issues to be decided. The President Judge shall set a date for determination of the issues by the full Court and may schedule a date for hearing or argument if either is necessary.

§ 205. Certification by Conference Judge That Case is Ready for Trial. Following the filing of Stipulations of Fact in Lieu of Trial under C.J.D.R.P. No. 502(D), or following pre-trial conference, and when the Conference Judge believes that a case is ready for trial, the Conference Judge shall certify to the President Judge that a case is ready for disposition. When the Conference Judge has certified a case as ready for disposition or trial, the President Judge shall set a date for trial or deliberation on the stipulations, as required.

§ 206. Deliberation Following Trial. Unless otherwise decided by the Court, the Court shall convene

immediately following the conclusion of trial in order to develop a general consensus as to matters necessary for adjudication.

§ 207. Assignment to Judge. When the Court reaches a general dispositive conclusion as to issues raised in a trial, the President Judge shall assign the matter to the Conference Judge to develop a draft decision, unless the Conference Judge is not in agreement with the majority vote, in which case, the President Judge shall assign the matter to a Judge whose conclusions are in accord with the majority.

§ 208. Disposition of Objections to Findings of Fact and Conclusions of Law. Upon receipt of objections to the Court's Findings of Fact and Conclusions of Law, the Court Administrator shall forward such objections to the members of the Court. The President Judge shall obtain responses of the members to the objections as to whether the objections have or lack merit and whether oral argument is warranted. When a majority of the Court concludes that the objections lack merit and that no argument is necessary, the President Judge shall cause to be issued an Order disposing of the objections. If a majority of the Court concludes that the objections have merit or that oral argument is necessary, the President Judge shall set a date for oral argument and thereafter cause to be drafted an order affirming the Court's Findings and Conclusions or addressing the revisions warranted by a majority of the Court, as the case may be.

SANCTION PHASE OF PROCEEDINGS

§ 301. Scheduling Sanction Hearings. When the Court has issued Findings of Fact and Conclusions of Law which have become final under C.J.D.R.P. No. 503(C), and when such Conclusions of Law authorize the Court to impose a sanction upon a judicial officer, the Court shall schedule a hearing on the sanction to be imposed. Orders scheduling sanction hearings shall direct the judicial respondent and the Judicial Conduct Board to submit a list of witnesses they propose to call at the hearing.

§ 302. Sanction Hearings. The President Judge shall preside at sanction hearings unless he or she is unavailable to participate. The Board shall proceed first with the presentation of testimony, if it elects to present such testimony. The respondent shall follow with the presentation of testimony if he or she elects to present such testimony.

§ 303. Deliberation Following Sanction Hearing. The Court shall convene following sanction hearings in order to determine the sanction to be imposed upon a judicial officer. A majority of participating Judges must agree upon a particular sanction in order for a sanction to be imposed.

§ 304. Formal Sanction Order. The Court may enter an order of sanction or discipline in open Court following deliberation, or it may defer the entry of its decision regarding sanctions for written disposition. However, in either case, the Court must reduce its sanction order to written form in accordance with C.J.D.R.P. No. 504(B).

REQUESTS FOR OTHER RELIEF

§ 401. Initial Procedure. When the Judicial Conduct Board files a Petition for Relief under C.J.D.R.P. No. 701, the Court Administrator shall inform the President Judge of the filing, and at his or her request shall immediately

mail or fax a copy of the filing to the President Judge. If, upon review of the Petition, the President Judge deems that the matter should be expedited, he or she may convene the Court in person or by teleconference to determine whether the judicial officer must respond before the normal 14-day response period provided under C.J.D.R.P. No. 703. If the Court concludes that an expedited answer is warranted, the Court shall so notify the respondent by Order.

§ 402. Conference Judge. As provided under C.J.D.R.P. No. 706, the President Judge may appoint a Conference Judge or Judges to preside over preliminary motions arising in a matter commenced under Chapter 7. The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under the Court's Rules of Procedure and these Internal Operating Procedures. When the Conference Judge or Judges deem that a ruling regarding a preliminary motion should be deferred to the judgment of the full Court, they shall forward to the President Judge a memorandum describing the issue to be resolved by the full Court.

§ 403. Preliminary Motions Deferred to the Full Court. When a Conference Judge defers to the full Court a preliminary motion under C.J.D.R.P. No. 706, the President Judge shall set a date for hearing or argument before the full Court, if the matter requires the presentation of evidence or warrants oral argument, or may convene the Court by teleconference, if the matter does not require the presentation of evidence or oral argument.

§ 404. Hearing and Oral Argument Requested. When a Petition for Relief filed by the Judicial Conduct Board under C.J.D.R.P. No. 702 indicates that an evidentiary hearing or oral argument is required, the President Judge shall review the request. If following the filing of a judicial officer's response, the President Judge concludes that the presentation of evidence or oral argument is required, he or she shall set a date for hearing or oral argument.

§ 405. Deliberation and Decision. Following the receipt of the judicial officer's answer to the Judicial Conduct Board's Petition, or, if the Court has elected to convene for a formal hearing or oral argument under I.O.P. No. 404, following the hearing or oral argument, the Court shall deliberate upon the issues and relief requested. If a formal written decision requiring findings of fact and conclusions of law is warranted, the President Judge shall designate a Judge to draft said findings of fact and conclusions of law. Drafting of such findings and conclusions, circulation, voting and filing, shall be accomplished in the same manner in which such decisions are processed under Section 2 of these Internal Operating Procedures, relating to Formal Complaints. If the full Court deems that an Order only is warranted, the President Judge shall direct Counsel to prepare an Order that incorporates the decision of the Court, which shall be approved by the President Judge for circulation and approval by the full Court.

[Pa.B. Doc. No. 98-2101. Filed for public inspection December 24, 1998, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendment of the Rules Relating to the Support Guidelines; No. 306 Doc. No. 5

Amended Order

Per Curiam:

And Now, this 8th day of December, 1998, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rule 1910.16-1 is amended.
2. Rules 1910.16-2, 1910.16-3, 1910.16-4, and 1910.16-5 are rescinded and replaced.
3. Rule 1910.16-6 and 1910.16-7 are adopted and added.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective April 1, 1999.

(Editor's Note: For the text of the rules, see 28 Pa.B. 6162 (December 19, 1998).)

[Pa.B. Doc. No. 98-2102. Filed for public inspection December 24, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Temporary Detention of Prisoners; No. 134MI98 Administrative Order No. 15-1998

And Now, this 11th day of December, 1998, pursuant to 61 P. S. § 789, it is hereby

Ordered and Decreed that, effective January 1, 1999, Carbon County *Shall Provide*, except as hereinafter provided, for the temporary detention of any individual arrested between the hours of 12 a.m. and 8 a.m. at the Carbon County Prison. Said individual *Shall Be Arraigned* the following morning during normally scheduled hours or as directed by the District Justice.

Any *Female* or individual charged with *Felony Crimes Shall Be Brought* before the on-call District Justice for immediate arraignment or as directed by the District Justice.

It Is Furthered 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 Legislative Reference Bureau for publication in the *Pennsylvania*

Bulletin; and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 98-2103. Filed for public inspection December 24, 1998, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Civil Rule *207; Misc. No. 90-18200 Order

And Now, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule *207 be and the same is hereby adopted and shall read as follows:

Rule *207—Petition to Change Name.

Except where petitioner is electing to resume a prior surname pursuant to 54 Pa.C.S.A. § 704 (relating to a divorced person), a petition for change of name shall be filed in duplicate and shall be accompanied by a complete set of petitioner's fingerprints to be forwarded by the Office of Judicial Support to the Pennsylvania State Police pursuant to 54 Pa.C.S.A. § 702(b).

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-2104. Filed for public inspection December 24, 1998, 9:00 a.m.]

DELAWARE COUNTY

Adoption of Civil Rule *208; Misc. No. 90-18200 Order

And Now, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule *208 be adopted as follows:

Rule *208—Medical Malpractice, Health Care Provider, Affidavit of Noninvolvement.

All affidavits of noninvolvement filed by health care providers in medical malpractice actions shall be accompanied by a notice plainly appearing on the face thereof indicating the filing date and advising that a motion challenging the affidavit pursuant to § 827-A(c) of the Health Care Services Malpractice Act (40 P. S. § 1301.101 ff.) must be filed within thirty (30) days from the filing date.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-2105. Filed for public inspection December 24, 1998, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Civil Rule *29 (a) and (c); Misc No. 90-18200

Order

And Now, this 17th day of November, 1998, it is hereby *Ordered* that sections (a) and (c) of Civil Rule *29 be amended to read as follows:

(a) Petitions appealing from the denial of a driver's license or the cancellation, suspension, recall or revocation of one's operating privilege shall have a face sheet in the form of a notice for the Court Administrator's use in setting the hearing date.

Petitions appealing a suspension imposed pursuant to 75 Pa.C.S.A. § 1547(b) (refusal to submit to chemical testing after arrest) must identify the municipality in Delaware County where petitioner's arrest for driving under the influence of alcohol and/or controlled substance took place.

(c) The petitioner shall promptly deliver a conformed copy of the petition to the Court Administrator to obtain a hearing date.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-2106. Filed for public inspection December 24, 1998, 9:00 a.m.]

DELAWARE COUNTY

Amendment of Civil Rule *223(a)(5); Misc. No. 90-18200

Order

And Now, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule *223 (a)(5) be amended to read as follows:

(a)(5) The trial judge or any master appointed to take testimony may, sua sponte or upon application of any party, require that prospective witnesses remain outside the room where testimony is being taken until they are called to testify, subject to the provisions of Pa. Rule of Evidence 615.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-2107. Filed for public inspection December 24, 1998, 9:00 a.m.]

DELAWARE COUNTY

Rescission and Re-Adoption of Civil Rule *1920.54; Misc. No. 90-18200

Order

And Now, this 17th day of November, 1998, it is hereby *Ordered* that Civil Rule *1920.54 in its present form be rescinded in its entirety and re-adopted as follows:

Rule *1920.54—Hearing by Master. Report. Related Claims.

(d) Once the ancillary claims for property division, alimony and counsel fees/expenses are ripe for determination, either party may file a motion for a case management conference with the Office of Judicial Support which will then be forwarded to the Court Administrator. This motion should be in substantially the following form:

(Caption)

MOTION FOR CASE MANAGEMENT CONFERENCE

1. The moving party is _____, the (plaintiff or defendant) in the above matter.

2. Respondent is _____, the (plaintiff or defendant) in the above matter.

3. The moving party represents that both parties have filed affidavits of consent and the case is ripe for equitable distribution; or that plaintiff has filed and served a 3301(d) affidavit to which no counter-affidavit has been filed; or that a fault divorce master has recommended that a divorce be granted and no exceptions have been filed.

4. (Moving party) respectfully requests that the matter be scheduled for a case management conference.

Respectfully submitted,
BY: _____

As a condition precedent to the scheduling of a case management conference for the disposition of the outstanding ancillary claims, one of the following must have occurred:

1. Both parties have executed and filed affidavits of consent pursuant to § 3301(c) of the Divorce Code; 2) one party has filed and served a 3301(d) affidavit and all accompanying materials pursuant to the Pennsylvania Rules of Civil Procedure, and twenty (20) days have passed from service thereof without a counter-affidavit having been filed refuting either the allegation of a two year separation or the allegation of an irretrievable breakdown of the marriage; 3) a recommendation for a fault divorce has been issued by a divorce master and no exceptions have been taken thereto; or, if exceptions have been taken, those exceptions have been resolved by the court in favor of upholding the master's recommendation.

(e) The Court Administrator shall then schedule a case management conference before a hearing officer. At the conclusion of the case management conference, a case management order shall be issued which shall include: 1) a listing of document production or other discovery required; 2) a schedule for such discovery/document production; 3) a due date for the parties' pre-trial statements; 4) a date for a pre-trial conference; and 5) such other matters necessary to prepare the case for the pre-trial conference as the hearing officer shall deem appropriate.

(f) At the pre-trial conference, the hearing officer will discuss the issues applicable to the case as well as potential settlement. The hearing officer will also resolve any outstanding discovery issues. At the conclusion of the pre-trial conference, in the discretion of the hearing officer, the case will be assigned either a date for another pre-trial conference or a hearing date.

(g) The parties must be present at the hearing and prepared to present testimony and/or documentary evidence. The hearing will be a non-record hearing. However, on application of a party, and in the sole discretion of the hearing officer, the hearing or portions thereof may be reported (and transcribed). It shall be the obligation of

the party requesting reporting (and transcription) to make the necessary arrangements therefor.

(h) All case management conferences, pre-trial conferences and hearings shall be held in the courthouse complex or other authorized facilities.

(i) Hearings shall be conducted in accordance with the Pennsylvania Rules of Evidence. A party may, however, offer into evidence without formal proof certain forms of documentary evidence in the nature of real estate and personal property appraisals, estimates of value or worth, listings of fees and costs, actuarial and other economic reports, as well as the official or certified record of any governmental or judicial body, provided that true and correct copies of all such documentary evidence have been provided to the adverse party no later than the date for pre-trial conference, unless the time has been extended by the hearing officer.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 98-2108. Filed for public inspection December 24, 1998, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 5000.13: Use of Court Reporter Transcripts; No. 2397 of 1998, G.D.

Order

And Now, this 3rd day of December, 1998, it is hereby *Ordered* that Fayette County Rule of Judicial Administration 5000.13 is adopted as follows. The rule shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

The Prothonotary of Fayette County is *Ordered* and *Directed* to do the following:

(1) File seven (7) certified copies of this Order and Amended Rule with the Administrative Office of Pennsylvania Courts.

(2) File two (2) certified copies of this Order and Amended Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) File one (1) certified copy of this Order and Amended Rule with the Pennsylvania Civil Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

(6) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 5000.13. Use of Court Reporter Transcripts.

(a) In all cases, the Court shall have the original transcript available for its own use. No person shall reproduce the original or a copy of the transcript by copy machine or other methods of image production unless specifically authorized by order of Court. Any person

making such a reproduction is liable to the reporter for the cost, and shall be liable for any other costs or damages as provided by law.

(b) The prothonotary, clerk of courts and clerk of orphans' court shall not permit the original transcript or a copy thereof to leave its custody except for use by a judge or by order of Court or to send it to an Appellate Court, as required by law or rules of Court.

[Pa.B. Doc. No. 98-2109. Filed for public inspection December 24, 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 November 9, 1998, pursuant to Rule 219, Pa.R.D.E. The Order became effective December 9, 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.

Martin J. Ahljianian
Arlington, VA

John Richard Anderson
Monroeville, WV

Arlindo B. Araujo
Newark, NJ

Philip Steven Aronow
Mt. Holly, NJ

Leila M. Baheri
Vienna, VA

Patricia M. Bailey
Concord, MA

Thomas A. Bambrough
Tenafly, NJ

Stephen R. Basser
San Diego, CA

Timothy P. Beck
Warren, NJ

Werten F.W. Bellamy, Jr.
Morristown, NJ

Michael Vincent Benedetto
Ocean Township, NJ

Marie-Marcelle Benjamin
Silver Spring, MD

Susan W. Berson
New York, NY

Elizabeth Rose Blandon
Miami, FL

Timothy Joseph Bloh
Hammonton, NJ

Martin L. Borosko
Plainsboro, NJ

Paula Angela Borowsky
West Long Branch, NJ

Michael T. Bourque
New York, NY

Ivan Brixi
McLean, VA

David Michael Brown
Endicott, NY

James Frederick Brown
Moorestown, NJ

Stephen James Buividas
Cherry Hill, NJ

Philip Alan Bulliner
New York, NY

Douglas David Burgess
Wallington, NJ

Gregory Busch
Bridewater, NJ

Paul K. Caliendo
Belleville, NJ

Jennifer A. Campbell
Washington, DC

Francis X. Canuso
Cherry Hill, NJ

Gregory Scott Carter
Vienna, VA

Dawn Marie Cartwright
Toms River, NJ

Michael Joseph Casey
Arlington, VA

Bart A. Chase
Summit, NJ

Larry G. Cobb
Duluth, GA

Raymond William Cobb
Wilmington, DE

Lisa Carol Cohen
Cherry Hill, NJ

Susan Elise Cohen
Maple Shade, NJ

Frederick Coles III
East Orange, NJ

Dino Samuel Colombo
Morgantown, WV

Theresa Hatfield Cooney
Washington, DC

Dana Gail Cornblath
Encino, CA

Cathy Marie Cosgrove
South River, NJ

Donald Richard Daines
Ridgefield, CT

Richard E. Daniels
San Antonio, TX

Tammi L. Davidow
Atlanta, GA

Michael Thomas Dean
Alexandria, VA

Jennifer Claire Deitchman
Smyrna, GA

John Joseph DiBernardi, Jr.
New York, NY

Donna Marie DiChiara
Miami, FL

Christopher Aileen Ditunno
Boston, MA

Helen C. Dodick
Morristown, NJ

Mechelle Evans
Maplewood, NJ

Suzy Evans
Merrick, NY

Joseph G. Fallon
Ridgefield Park, NJ

Joseph Michael Feeney
Atlantic City, NJ

Jodi R. Feldman
Trenton, NJ

George A. Fernandez
Medford Lakes, NJ

Keith Finch
Tokyo, Japan

Lisa Cheryl Fogel
New York, NY

Deanna L. Forbush
Las Vegas, NV

Ronald L. Fowler
Mitchellville, MD

Robert M. Friedman
Phoenix, AZ

Henry Donnell Gamble
Durham, NC

Harris F. Goldich
Merchantville, NJ 08109

Amy C. Grossman
Roseland, NJ

Thomas Joseph Gruseck
Miami, FL

Carol Velasquez Guerrero
New York, NY

James F. Guidera
New York, NY

Everna Gwynn-McCray
Greensboro, NC

Tiffany L. Hartsell
Los Angeles, CA

Daniel D. Hediger
Paramus, NJ

Jeremy D. Heep
Washington, DC

Alexander Hemsley III
North Arlington, NJ

Dawn Lynn Henry
Wilmington, DE

Reginald Keith Henry
Washington, DC

Keith Michael Hoffman
Tampa, FL

Laurie Hoffman
Annapolis, MD

James Elliot Howard
Brooklyn, NY

James C. Hubbard
Willingboro, NJ

Vincent J. Hudock, Jr.
Arlington, VA

Leslie Teresa Jackson
Washington, DC

Robert K. Jenkins, Jr.
Washington, DC

Alake Johnson-Ford
Washington, DC

John W. Jones, Jr.
Bridgeton, NJ

Timothy Francis Xavier Jones
New York, NY

David P. Kaplan
Bethesda, MD

Lawrence Craig Kasmen
Atlanta, GA

Kathleen R. Kelly
Naples, FL

Moraima Awilda Kelly
Carmichael, CA

William M. Kinney
Red Bank, NJ

Donald Charles Kordich
Manhattan Beach, CA

Lydia Lakind
Cherry Hill, NJ

Corey Campbell Lamb
Chicago, IL

James Lamb
Jersey City, NJ

Raymond M. Larizza
Washington, DC

Elizabeth Mary Lascheid
Los Angeles, CA

Harris Craig Legome
Mt. Laurel, NJ

Benjamin B. Lessem
Overland Park, KS

Adam Eli Levy
High Bridge, NJ

Christopher Joseph Liebman
Guymon, OK

Quinne Harris Lindsey
Temple Hills, MD

Stefan Mark Lopatkiewicz
Washington, DC

Kenneth Maiman
New York, NY

John Michael Makowski
Voorhees, NJ

Amy F. Maroney
Chantilly, VA

Ann R. Martinson
Wyckoff, NJ

Todd E. Mason
New York, NY

Elizabeth Kay Maurer
Bellevue, WA

Harry A. Mazaheri
New York, NY

Victor Mba-Jones
Adelphi, MD

Margaret Anne McCarthy
Gardner, MA

John F. McCourt, Jr.
Chicago, IL

Michael J. McElhatton
Haddon Heights, NJ

Donnie R. McFerren
Memphis, TN

Lisa M. McGrath
North Andover, MA

James Albert McGuire
Kingwood, TX

Alexander R. McMullen III
Towson, MD

Deborah Ann Meaney
Gaithersburg, MD

Anthony M. Miranda
Buffalo, NY

Russell F. Moon, Jr.
Winder, GA

Robert S. Naylor
Columbus, OH

Douglas David Neustadt
Washington, DC

Barbara E. Nicastro
Washington, DC

Chinyere C.M. Nwani
Washington, DC

Walter Mark Miller O'Brien
West Trenton, NJ

Clint Edward Odom
Washington, DC

Richard N. Papper
New York, NY

Lucas Evelyn Phillips, Jr.
East Orange, NJ

Katherine Lindsay Pringle
Washington, DC

Steven M. Prunty
Morgantown, WV

Leslie A.W. Purdy
Baltimore, MD

Sylvia Louise Quinton
Lanham, MD

Edith L. Watson Randall
Laurel, MD

Thomas Eugene Redmond
Washington, DC

Robert Edward Reno
Kew Gardens, NY

Gary A. Robinson
Naples, FL

Katherine Webster Robinson
Washington, DC

Chrys A. Rogers
Macon, GA

Evan S. Rosen
Middlesex, NJ

Daniel Wesley Roslokken
Midland Park, NJ

Louis B. Rubin
San Diego, CA

Roy D. Ruggiero
Haddonfield, NJ

Esther Salas
North Brunswick, NJ

Stephen A. Saville
Voorhees, NJ

Gerard P. Scala
Point Pleasant, NJ

Keith Schweppenheiser
Seattle, WA

Daniel Richard Seidberg
Syracuse, NY

Nicholas Seminara
Hartford, CT

Tracy L. Sepe
Owings Mill, MD

David M. Shepard
Wilmington, DE

Brett D. Sherman
New York, NY

Kevin McVey Simpson
Washington, DC

Francine St. Clare
New York, NY

Geoffrey L. Steiert
Voorhees, NJ

Michael G. Stern
Weston, FL

Donald Allen Streater
Washington, DC

Mark Aaron Talsky
Irvine, CA

Ronald James Theleen
White Plains, NY

Damon Paul Tobias
Washington, DC

Robynn Laurette Van Patten
Norristown, NJ

Gerard J. Waldron
Washington, DC

Susan Carol Walker
Fort Lauderdale, FL

Heidi Ruth Weintraub
Cherry Hill, NJ

Michael H. Weiss
Gainesville, FL

Michael Wells
Alexandria, VA

Daniel E. Whiteley, Jr.
Cincinnati, OH

Michael Patrick Whitman
Wilmington, DE

Weldon Calvin Williams III
Berlin, NJ

Scott J. Wood
Brielle, NJ

Margaret E. Smith Worland
Silver Spring, MD

Wendy E. Wunsh
Washington, DC

Daniel Joseph Zirrieth
Piscataway, NJ

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

[Pa.B. Doc. No. 98-2110. Filed for public inspection December 24, 1998, 9:00 a.m.]

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 November 13, 1998, pursuant to Rule 111(b), Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 13, 1998 for Compliance Group 1 due April 30, 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.

ROBERT R. ANDERSON, JR.
Arlington, VA

ROBERT J. ANNETT
Cherry Hill, NJ

THOMAS A. BAMBROUGH
Tenafly, NJ

WILLIAM R. BELL
Brooklyn, NY

MARK E. BELLAND
Cherry Hill, NJ

MICHAEL VINCENT BENEDETTO
Ocean Township, NJ

MARJORIE PAIGE BERRY
Princeton, NJ

JAMES FREDERICK BROWN
Moorestown, NJ

PHILIP ALAN BULLINER
New York, NY

C. PETER BURRO
Somers Point, NJ

FRANCIS X. CANUSO
Cherry Hill, NJ

KEVIN CARMICHAEL
Miami, FL

GREGORY SCOTT CARTER
Vienna, VA

BART A. CHASE
Summit, NJ

JONATHAN D. CLEMENTE
Morristown, NJ

LARRY G. COBB
Duluth, GA

DINO SAMUEL COLOMBO
Morgantown, WV

LAWRENCE S. COVEN
Green Brook, NJ

FRANK J. CUCCIO
Jersey City, NJ

RICHARD E. DANIELS
San Antonio, TX

SHARON DENEEN DICKERSON
Turnersville, NJ

HELEN C. DODICK
Morristown, NJ

ALBERT L. ELDER III
Washington, DC

JOSEPH M. ENGLISH
Atlanta, GA

KYRA M. FLEMING
Youngstown, OH

JAMES A. FOX
New York, NY

JOSEPH JEROME FRITZEN
Denville, NJ

JAMES KENNETH FRUEHLING
Madison, NJ

HARRY FURMAN
Vineland, NJ

HENRY DONNELL GAMBLE
Durham, NC

AMY C. GROSSMAN
Roseland, NJ

THOMAS JOSEPH GRUSECK
Miami, FL

CLEMON ALEXANDER HAMMIE
Accokeek, MD

CLARE HARIG-BLAINE
Annapolis, MD

ALEXANDER HEMSLEY III
North Arlington, NJ

PATRICK J. HERMESMANN
Cranford, NJ

JOHN J. HOPKINS III
Long Branch, NJ

SHAWN D. HUTCHISON
Blackwood, NJ

AXEL J. JOHNSON IV
Whitehouse Station, NJ

GEORGIA LENA JONES
South Orange, NJ

DAVID A. KASEN
Cherry Hill, NJ

KATHLEEN R. KELLY
Naples, FL

DONALD CHARLES KORDICH
Manhattan Beach, CA

SUZANNE M. KOURLESIS
Marlton, NJ

BERNARD LAMBERT
Newark, NJ

RAYMOND M. LARIZZA
Washington, DC

CHRISTOPHER JOHN LEPORATI
Pennsauken, NJ

CHRISTOPHER JOSEPH LIEBMAN
Guymon, OK

BRIAN O. LIPMAN
Livingston, NJ

JAYE ANTOINETTE LOWE
Washington, DC

KENNETH MAIMAN
New York, NY

AMY F. MARONEY
Chantilly, VA

TODD E. MASON
New York, NY

KEITH G. MATTHEWS
Brooklyn, NY

VICTOR MBA-JONES
Adelphi, MD

SUZANNE McCARTHY
Chicago, IL

MICHAEL J. McELHATTON
Haddon Heights, NJ

VAUGHN L. McKOY
Newark, NJ

ALEXANDER R. McMULLEN III
Towson, MD

BRENDA M. MEARS
Medford, NJ

DAVID C. MICHAUD
Burlington, NJ

KEVIN PATRICK NERWINSKI
Lawrenceville, NJ

BARBARA E. NICASTRO
Washington, DC

RONALD EDWARD NORMAN
Blackwood, NJ

KRZYSTZOF L. NOWAK
Old Bridge, NJ

D. STEPHEN PEEPELS
Hong Kong

JOSEPH IVES PICILLO
Sicklerville, NJ

WAYNE POWELL
Cherry Hill, NJ

OTTO JOHN PREIKSZAS, JR.
Boston, MA

GEORGE REESE
Annandale, VA

ERIC ADAM SAIONTZ
Baltimore, MD

STEPHEN A. SAVILLE
Voorhees, NJ

DONALD SCHUCK, JR.
New York, NY

SCOTT T. SCHWEIGER
Atco, NJ

SHERRI LEE SCHWEITZER
Haddon Heights, NJ

RICHARD P. SEARS
Roseville, MN

DANIEL RICHARD SEIDBERG
Syracuse, NY

TRACY L. SEPE
Owings Mills, MD

DANIEL ADAM SHABEL
Mt. Laurel, NJ

SALVATORE A. SIMEONE
East Hanover, NJ

JAY BARON SPIRT
Towson, MD

RONALD JAMES THELEEN
White Plains, NY

JACQUES ALAN TOLIVER
Oxon Hill, MD

JOHN WILLIAM TRIMBLE, JR.
Turnersville, NJ

LILA WYNNE WILLIAMS
Cherry Hill, NJ

WELDON CALVIN WILLIAMS III
Berlin, NJ

MICHAEL WOGAN
W. Collingswood, NJ

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

[Pa.B. Doc. No. 98-2111. Filed for public inspection December 24, 1998, 9:00 a.m.]