

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Promulgation of Financial Regulation Pursuant to 42 Pa.C.S.A. § 3502(a); No. 210 Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 7th day of July, 1999, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulation. The fees outlined in the Financial Regulations are effective as of January 1, 2000.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103, the immediate promulgation of the regulation is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

TITLE 15. CORPORATIONS AND UNINCORPORATED ASSOCIATIONS

PART I. PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

TITLE 42. JUDICIARY AND JUDICIAL PROCEDURE

PART IV. FINANCIAL MATTERS

CHAPTER 17. GOVERNANCE OF THE SYSTEM

CHAPTER 35. BUDGET AND FINANCE

Subchapter A. GENERAL PROVISIONS

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S.A. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, clerks of courts of all courts of common pleas and recorders of deeds, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing author-

ity under Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), the following regulations are adopted to implement Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended).

(Editor's Note: The following sections replace the text found in 204 Pa. Code serial pages 29-33—29-35).

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

(a) *Civil cases.*—In calendar year 2000, the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$36.00
(2) Actions involving more than \$500 but not more than \$2,000	\$48.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$59.50
(4) Actions involving more than \$4,000 but not more than \$8,000	\$89.50
(5) Landlord-tenant actions involving less than \$2,000	\$53.50
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$65.50
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000	\$89.50
(8) Order of execution	\$27.00
(9) Objection to levy	\$12.00
(10) Reinstatement of complaint	\$6.00
(11) Entering Transcript on Appeal or Certiorari	\$3.00

(b) *Criminal cases.*—In calendar year 2000, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$34.00
(2) Summary conviction, motor vehicle cases, other than paragraph (3)	\$27.00
(3) Summary conviction, motor vehicle cases, hearing demanded	\$33.00
(4) Misdemeanor	\$39.00
(5) Felony	\$45.00

(c) *Unclassified costs or charges.*—In calendar year 2000, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$6.00
(2) Marrying each couple, making record thereof, and certificate to the parties	\$30.00
(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$12.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$12.00

- (1) Entering transcript of judgment from another member of the minor judiciary \$6.00
- (5) Any other issuance not otherwise provided in this subsection \$12.00

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

In calendar year 2000, Commonwealth portion of fines, etc.

* * * * *

- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$11.92
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$11.92
 - (iii) Summary conviction, motor vehicle cases, hearing demanded \$11.92
 - (iv) Misdemeanor \$15.60
 - (v) Felony \$24.00
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$15.00
 - (B) More than \$500 but not more than \$2,000 \$24.00
 - (C) More than \$2,000 but not more than \$4,000 \$35.70
 - (D) More than \$4,000 but not more than \$8,000 \$59.67
 - (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$23.78
 - (B) More than \$2,000 but not more than \$4,000 \$29.75
 - (C) More than \$4,000 but not more than \$8,000 \$41.77
 - (viii) Objection to levy \$6.00
 - (ix) Order of execution \$18.00
 - (x) Issuing a search warrant (except as provided in section 1725.1(d)(relating to costs)) \$8.40

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

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

(a) *General rule.*—In calendar year 2000, the fees of the Corporation Bureau of the Department of State, including fees for the public acts and transactions of the Secretary of the Commonwealth administered through the bureau, and of county filing officers under Title 13 (relating to commercial code), shall be as follows:

* * * * *

- (8) Uniform Commercial Code:
 - (i) Financing statement—per debtor name:
 - (A) Fee charged by Dept. of State \$12.00
 - (B) Fee charged by County \$57.50
 - Amount payable to Commonwealth \$43.15
 - Amount payable to county \$14.35

- (ii) Each ancillary transaction:
 - (A) Fee charged by Dept. of State \$12.00
 - (B) Fee charged by County \$57.50
 - Amount payable to Commonwealth \$43.15
 - Amount payable to county \$14.35
- (iii) Search—per debtor name:
 - (A) Fee charged by Dept. of State \$12.00
 - (B) Fee charged by County \$57.50
 - Amount payable to Commonwealth \$43.15
 - Amount payable to county \$14.35
- (iv) Additional fee for each financing statement found and for each statement of assignment reported therein:
 - (A) Fee charged by Dept. of State \$1.00
 - (B) Fee charged by County \$5.00
 - Amount payable to Commonwealth \$3.75
 - Amount payable to county \$1.25
- (v) For each financing statement or ancillary transaction not filed on standard forms approved by the Department of State, in addition to the fee provided above, there shall be charged a per filing fee of:
 - (A) Fee charged by Dept. of State \$28.00
 - (B) Fee charged by County \$133.50
 - Amount payable to Commonwealth \$100.10
 - Amount payable to county \$33.40

* * * * *

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

[Pa.B. Doc. No. 99-1170. Filed for public inspection July 23, 1999, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
[204 PA. CODE CH. 211]

Promulgation of Consumer Price Index Pursuant to 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4); No. 211 Judicial Administration Doc. No. 1

Order

Per Curiam:

And now, this 7th day of July, 1999, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S.A. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for the immediately preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4)(as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 211. CONSUMER PRICE INDEX

§ 211.1. Consumer Price Index.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S.A. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the Pennsylvania Bulletin on or before November 30 the percentage increase in the Consumer Price Index for the immediate preceding calendar year as required by Act 167 of 1992, 15 Pa.C.S.A. § 153(a)(8)(vii), 42 Pa.C.S.A. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. _____ Judicial Administrative Docket No. _____.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U. S. City Average, for calendar year 1998, was 1.6% percent. (See, U. S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 16, 1999.)

[Pa.B. Doc. No. 99-1171. Filed for public inspection July 23, 1999, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

[234 PA. CODE CH. 1400]

Order Adopting Amendments to Rule 1410; No. 247 Criminal Procedural Rules Doc. No. 2

The Criminal Procedural Rules Committee has prepared a Final Report explaining the July 9, 1999 amendments to Rule 1410 (Post-Sentence Procedures; Appeal). These changes (1) fill a gap in the rule by addressing, inter alia, the time for appeal following a withdrawal of a post-sentence motion; (2) clarify that Rule 1410 does not address Pa.R.C.P. 1925(b) nor waiver of appellate issues once an appeal is filed; and (3) add a citation to Commonwealth v. Lord, 719 A.2d 306 (Pa. 1998). The Final Report follows the Court's Order.

Order

Per Curiam:

Now, this 9th day of July, 1999, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3), and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pa.R.Crim.P. 1410 is hereby amended as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2000.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1400. SENTENCING

Rule 1410. Post-Sentence Procedures; Appeal.

(A) Timing.

* * * * *

(2) If the defendant files a timely post-sentence motion, the notice of appeal shall be filed:

(a) within 30 days of the entry of the order deciding the motion; [, or,]

(b) [if the judge fails to decide the motion,] within 30 days of the entry of the order denying the motion by operation of law in cases in which the judge fails to decide the motion; or[.]

(c) within 30 days of the entry of the order memorializing the withdrawal in cases in which the defendant withdraws the motion.

(3) If the defendant does not file a post-sentence motion, the defendant's notice of appeal shall be filed within 30 days of imposition of sentence, except as provided in subsection (A)(4).

(4) If the Commonwealth files a motion to modify sentence pursuant to Rule 1411, the defendant's notice of appeal shall be filed within 30 days of the entry of the order disposing of the Commonwealth's motion.

(B) Optional Post-Sentence Motion.

* * * * *

(3) Time Limits for Decision on Motion.

The judge shall not vacate sentence pending decision on the post-sentence motion, but shall decide the motion as provided in this subsection.

* * * * *

(c) When a post-sentence motion is denied by operation of law, the clerk of courts shall forthwith enter an order on behalf of the court, and shall forthwith furnish a copy of the order by mail or personal delivery to the attorney for the Commonwealth, the defendant(s), and defense counsel that the post-sentence motion is deemed denied. This order is not subject to reconsideration.

(d) If the defendant withdraws a post-sentence motion, the judge promptly shall enter an order memorializing the withdrawal. The order shall include the information required by paragraph (B)(4).

(4) Contents of Order.

An order denying a post-sentence motion, whether signed by the judge or entered by the clerk of courts, or an order entered following a defendant's withdrawal of the post-sentence motion, shall include notice to the defendant of the following:

* * * * *

Official Note: Previous Rule 1410, adopted May 22, 1978, effective as to cases in which sentence is imposed on or after July 1, 1978; rescinded March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994, and replaced by present Rule 1410. Present Rule 1410 adopted March 22, 1993 and amended December 17, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective

date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996. Comment revised September 26, 1996, effective January 1, 1997; amended August 22, 1997, effective January 1, 1998; Comment revised October 15, 1997, effective January 1, 1998; **amended July 9, 1999, effective January 1, 2000.**

Comment

This rule is derived from previous Rules 321, 1123, and 1410. See also Rules 1122, 1124, and 1125.

For post-sentence procedures after a sentence of death has been imposed, see Rule 360.

The purpose of this rule is to promote the fair and prompt disposition of all issues relating to guilty pleas, trial, and sentence by consolidating all possible motions to be submitted for trial court review, and by setting reasonable but firm time limits within which the motion must be decided. Because the post-sentence motion is optional, the defendant may choose to raise any or all properly preserved issues in the trial court, in the appellate court, or both.

Timing

* * * * *

When a defendant files a timely post-sentence motion, the 30-day period for the defendant's direct appeal on all matters in that case—including all issues related to any informations and any charges consolidated against the defendant for trial—is triggered by the trial judge's decision on the post-sentence motion, **[or]** the denial of the motion by operation of law, **or the withdrawal of the post-sentence motion.** The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. **See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. 1998), concerning the time for appeal following the withdrawal of a post-sentence motion.** No direct appeal may be taken by a defendant while his or her post-sentence motion is pending. See subsection (A)(2).

* * * * *

Optional Post-Sentence Motion

* * * * *

Under subsection (B)(1)(c), any issue raised before or during trial is deemed preserved for appeal whether or not the defendant chooses to raise the issue in a post-sentence motion. It follows that the failure to brief or argue an issue in the post-sentence motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during trial. **Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. See *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998) (any issues not raised in a 1925(b) statement will be deemed waived).**

* * * * *

Contents of Order

Subsection (B)(4) protects the defendant's right to appeal by requiring that the judge's order denying the motion, **[or]** the clerk of courts' order denying the motion by operation of law, **or the order entered memorializing a defendant's withdrawal of a post-sentence motion,** contain written notice of the defendant's appeal rights. This requirement insures adequate notice to the defendant, which is important given the potential time lapse between the notice provided at

sentencing and the resolution of the post-sentence motion. See Rule 1405.C(3). **See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. 1998), concerning the contents of the order memorializing the withdrawal of a post-sentence motion.**

When a defendant withdraws a post-sentence motion in open court and on the record, the judge should orally enter an order memorializing the withdrawal for the record, and give the defendant notice of the information required by paragraph (B)(4). See *Commonwealth v. Miller*, supra.

* * * * *

Committee Explanatory Reports:

* * * * *

Final Report explaining the July 9, 1999 amendments to subsections (A)(2) and (B)(4) concerning time for appeal and contents of the order entered following withdrawal of post-sentence motion, and revision of the Comment adding the citation to *Commonwealth v. Lord*, published with the Court's Order at 29 Pa.B. 3836 (July 24, 1999).

FINAL REPORT¹

**Amendments to Pa.R.Crim.P. 1410
Withdrawal of Post-Sentence Motions;
*Commonwealth v. Lord***

On July 9, 1999, effective January 1, 2000, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule 1410 (Post-Sentence Procedures; Appeal) to fill a gap in the rule by addressing, inter alia, the time for appeal following a withdrawal of a post-sentence motion. In addition, the Court approved the revision of the Comment (1) to clarify that Rule 1410 does not address Pa.R.A.P. 1925(b) nor waiver of appellate issues once an appeal is filed, and (2) by adding a citation to *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).

Discussion

1. *Withdrawal of Post-Sentence Motions*

As part of the Committee's review of cases addressing Rule 1410 and post-sentence procedures, the Committee considered *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. 1998), in which the Superior Court applied the procedures of Rule 1410 to cases in which the defendant withdraws a post-sentence motion. Because Rule 1410 did not cover withdrawals of post-sentence motions, the Superior Court held that

the withdrawal of a post-sentence motion is the equivalent of a denial of that motion either by the trial court or by operation of law for purposes of the requirements for filing a timely notice of appeal under Pa.R.Crim.P. 1410.

The court also determined that

if the defendant withdraws a post-sentence motion, the court shall issue an order memorializing the withdrawal and notifying the defendant of his or her appellate rights pursuant to Rule 1410(B)(4). Consistent with our earlier conclusion, this notice should state that the appeal period expires thirty days following the date of the withdrawal of the post-sentence motion.

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

The Committee reviewed the Committee history of the development of Rule 1410 and found that the issue of waivers had not been addressed at that time. Although some members noted that the *Miller* case was the first time the issue of withdrawals of post-sentence motions has come before the Committee, and questioned whether any rule changes were necessary, after discussing this matter in more detail, the Committee agreed that, although it is apparent that withdrawal issues do not arise frequently, this was a gap in post-sentence procedures that should be closed in Rule 1410 to avoid further confusion.

Using the process for proceeding following a waiver set forth by the Superior Court in *Miller* as the starting point for the development of the changes, the Committee drafted amendments to paragraphs (A)(2) and (B)(3) and (4) that clarify the time for appeal following a withdrawal, and require the trial judge to issue an order memorializing the withdrawal. We also proposed correlative changes to other parts of Rule 1410 and the Comment. These changes are more fully explained in the Rule 1410 annotations as follows. (The annotations are indicated in italics preceding the changes.)

Rule 1410. Post-Sentence Procedures; Appeal.

(A) Timing.

(1) Except as provided in Section D, a written post-sentence motion shall be filed no later than 10 days after imposition of sentence.

The Committee added the withdrawal provision to paragraph (A)(2). With the addition of the withdrawal provision, the Committee thought that paragraph (2) should be reorganized to make the three provisions more distinct, and that the wording of the provisions should be reorganized so each one begins with the 30-day time period.

The Committee used "entry of the order" for two reasons. First, the entry of the order is consistent with the other two provisions in paragraph (A)(2). Second, it seemed to us that the date that an order is entered is more likely to be a date certain than the date of a withdrawal.

(2) If the defendant files a timely post-sentence motion, the notice of appeal shall be filed:

(a) within 30 days of the entry of the order deciding the motion; [, or]

(b) [if the judge fails to decide the motion,] within 30 days of the entry of the order denying the motion by operation of law in cases in which the judge fails to decide the motion; or [.]

(c) within 30 days of the entry of the order memorializing the withdrawal in cases in which the defendant withdraws the motion.

(3) If the defendant does not file a post-sentence motion, the defendant's notice of appeal shall be filed within 30 days of imposition of sentence, except as provided in subsection (A)(4).

(4) If the Commonwealth files a motion to modify sentence pursuant to Rule 1411, the defendant's notice of appeal shall be filed within 30 days of the entry of the order disposing of the Commonwealth's motion.

(B) Optional Post-Sentence Motion.

The Committee agreed that "file" more accurately describes what a defendant does with a post-sentence motion, and paragraph (1)(a) has been amended accordingly.

(1) Generally.

(a) The defendant in a court case shall have the right to [make] file a post-sentence motion. All requests for relief from the trial court shall be stated with specificity and particularity, and shall be consolidated in the post-sentence motion, which may include:

* * * * *

The Superior Court in Commonwealth v. Miller held that the trial court must issue an order memorializing the withdrawal and notifying the defendant of the appellate rights set forth in Rule 1410(B)(4). The Committee has included the requirement in this section because the section applies to court action following the filing of the post-sentence motion. Again, for purposes of consistency with other Rule 1410 provisions, we have used "enter" instead of "issue" with regard to the court's order.

(B)(3)(d) In cases in which the defendant withdraws a post-sentence motion, the judge promptly shall enter an order memorializing the withdrawal. The order shall include the information required by paragraph (B)(4).

As noted above, the Superior Court held that the order memorializing the withdrawal must also include a notice to the defendant of the requirements of Rule 1410(B)(4). In view of this holding, the Committee has added the requirement to paragraph (B)(4).

(4) Contents of Order.

An order denying a post-sentence motion, whether signed by the judge or entered by the clerk of courts, or an order entered following a defendant's withdrawal of the post-sentence motion, shall include notice to the defendant of the following:

Comment

* * * * *

Timing

Section (A) contains the timing requirements for filing the optional post-sentence motion and taking an appeal. Under subsection (A)(1), the post-sentence motion must be filed within 10 days of imposition of sentence.

The following paragraph has been revised to add the withdrawal provision to the triggering mechanisms, and includes the citation to the Miller case.

When a defendant files a timely post-sentence motion, the 30-day period for the defendant's direct appeal on all matters in that case—including all issues related to any informations and any charges consolidated against the defendant for trial—is triggered by the trial judge's decision on the post-sentence motion, [or] the denial of the motion by operation of law, or the withdrawal of the post-sentence motion. The appeal period runs from the entry of the order. As to the date of entry of orders, see Pa.R.A.P. 108. See also *Commonwealth v. Miller, 715 A.2d 1203 (Pa. Super. 1998), concerning the time for appeal following the withdrawal of a post-sentence motion.* No direct appeal may be taken by a defendant while his or her post-sentence motion is pending. See subsection (A)(2).

* * * * *

Contents of Order

The following paragraph has been revised to add the withdrawal order to the list of orders, and to include another citation to the Miller case.

Subsection (B)(4) protects the defendant's right to appeal by requiring that the judge's order denying the motion, [or] the clerk of courts' order denying the motion by operation of law, or the order entered memorializing a defendant's withdrawal of a post-sentence motion, contain written notice of the defendant's appeal rights. This requirement insures adequate notice to the defendant, which is important given the potential time lapse between the notice provided at sentencing and the resolution of the post-sentence motion. See Rule 1405.C(3). See also *Commonwealth v. Miller*, 715 A.2d 1203 (Pa. Super. 1998), concerning the contents of the order memorializing the withdrawal of a post-sentence motion.

The Superior Court also held that, when the defendant withdraws the motion in open court on the record, the court need not issue a written order; and that it is sufficient to explain the provisions of paragraph (B)(4) on the record. The Committee added this concept to the Comment rather than the rule because we thought it was more a gloss on the procedure the court was establishing than an actual requirement.

When a defendant withdraws a post-sentence motion in open court and on the record, the judge should orally enter an order memorializing the withdrawal for the record, and give the defendant notice of the information required by paragraph (B)(4). See Commonwealth v. Miller, supra.

2. Pa.R.Crim.P. 1410 Comment Revision—*Commonwealth v. Lord*

Another part of our ongoing review of post-sentence practice since the implementation of the procedures in 1994 has been to follow the development of the case law related to the courts' interpretation of the interplay between Criminal Rule 1410 and Pa.R.A.P. 1925. We noted that there was concern about the possible incompatibility between Criminal Rule 1410, which eliminated the "double waiver" rule at the trial level, and Appellate Rule 1925(b), which permitted an appellate court to find waiver of issues not included in a 1925(b) statement of matters complained of on appeal. After an extensive review of the Committee's history on the development of Rule 1410 and the case law decided after 1994, the Committee did not think that an amendment to the text of Rule 1410 or Rule 1925(b) was necessary. However, because the issue continues to come up in case law, indicating that there is still some confusion, the Committee agreed that a clarifying statement should be added to the Rule 1410 Comment as an aid to the bench and bar.

As the Committee was developing this Comment revision, the Supreme Court handed down its decision in *Commonwealth v. Lord*, supra., and directed that this decision be referenced in the rules. Accordingly, the Rule 1410 Comment has been revised, as follows, to make it clear that Rule 1410 does not address the preservation of issues in a 1925(b) statement, and to include the Court-requested reference to *Commonwealth v. Lord*.

Under subsection (B)(1)(c), any issue raised before or during trial is deemed preserved for appeal whether or not the defendant chooses to raise the issue in a post-sentence motion. It follows that the failure to brief or argue an issue in the post-sentence motion would not waive that issue on appeal as long as the issue was properly preserved, in the first instance, before or during trial. *Nothing in this rule, however, is intended to address Pa.R.A.P. 1925(b) or the preservation of appellate issues once an appeal is filed. See Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998), (any issues not raised in a 1925(b) statement will be deemed waived).

[Pa.B. Doc. No. 99-1172. Filed for public inspection July 23, 1999, 9:00 a.m.]

SUPREME COURT

Accreditation of the American Board of Certification as a Certifying Organization; No. 536 Disciplinary Doc. No. 3

Order

Per Curiam:

And Now, this 7th day of July, 1999, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the American Board of Certification is hereby accredited as a certifying organization in the areas of business bankruptcy and consumer bankruptcy for a period of five calendar years.

[Pa.B. Doc. No. 99-1173. Filed for public inspection July 23, 1999, 9:00 a.m.]

Accreditation of the National Elder Law Foundation as a Certifying Organization; No. 537 Disciplinary Doc. No. 3

Order

Per Curiam:

And Now, this 7th day of July, 1999, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the National Elder Law Foundation is hereby accredited as a certifying organization in the area of elder law for a period of five calendar years.

[Pa.B. Doc. No. 99-1174. Filed for public inspection July 23, 1999, 9:00 a.m.]