

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Amendments to Internal Operating Procedures of the Commonwealth Court

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT

§ 67.53. Reporting of Opinions; Determination as to Reporting

A. Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge's recommendation as to whether the opinion should be reported. **A decision generally should be reported when it:**

1. establishes a new rule of law;
2. applies an existing rule of law to facts significantly different than those stated in prior decisions;
3. modifies or criticizes an existing rule of law;
4. resolves an apparent conflict of authority;
5. involves a legal issue of continuing public interest; or
6. constitutes a significant, non-duplicative contribution to law because it contains:
 - (a) an historical review of the law,
 - (b) a review of legislative history,
 - (c) a review of conflicting decisions among the courts of other jurisdictions.

B. The recommendation shall govern the determination as to reporting, unless a majority of the **commissioned** members of the court disagree with it. Opinions of a **[duty]** single judge shall be filed but not reported unless, because of the unique character of the case, the executive administrator, the prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the **[active]** **commissioned** members of the court shall concur with the recommendation.

§ 67.55. Reporting of Opinions; Certain Decisions not to be Cited.

[Unreported opinions of the court shall not be cited in any opinion of this court or in any brief or argument addressed to it, except that any opinion filed in the same case may be cited as representing the law of the case. A one-judge opinion, even if reported, shall be cited only for its persuasive value, not as a binding precedent.] Unreported opinions of the court shall not be relied upon or cited by a Court or party in any other action or

proceeding, except that such a memorandum decision may be relied upon or cited when it is relevant under the doctrine of law of the case, *res judicata*, or collateral estoppel. When an unreported memorandum opinion is relied upon pursuant to this rule, a copy of the memorandum must be attached to the brief. A single-judge opinion, even if reported, shall be cited only for its persuasive value, not as a binding precedent. This rule shall be effective retroactively, so as to apply to opinions filed before the effective date of this section, as well as to opinions filed in the future.

§ 67.57. Reporting of Unreported Opinions.

After an opinion has been filed as unreported, the court, at any time on its own motion or on the motion of any party to the case, may order the opinion to be reported. Motions to report unreported opinions by parties shall be filed within 30 days after the filing of the opinion, and may be granted by majority vote of the commissioned judges.

[Pa.B. Doc. No. 01-438. Filed for public inspection March 16, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Orphans' Court Local Rule O.C.R. 15.5(a)(1); No. 01-9091

Administrative Order 10-2001

And Now, this 1st day of March, 2001, it is hereby

Ordered and *Decreed* that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas *Adopts* Orphans' Court Local Rule Carbon County O.C.R. 15.5(a)(1) requiring the payment of twenty-five (\$25.00) dollars upon the filing of a Petition for Adoption to cover the cost of the transcript for preservation of the record.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Orphans' Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Orphans' Court Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule 15.5(a)(1). Petition.

A petition for adoption under Section 401 of the Adoption Act shall require the payment of twenty-five \$25.00 dollars upon the filing of the Petition to cover the cost of the transcript for preservation of the record.

[Pa.B. Doc. No. 01-439. Filed for public inspection March 16, 2001, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 18 Misc. 2001

Adopting Order

And Now, this 28th day of February, 2001, it is hereby *Ordered*:

1. Som. R.C.P. 1018.1, Notice To Defend Or Plead, is amended to read in its entirety as shown on the following copy, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator shall:

A. File seven (7) certified copies of this Order and the following rule with the Administrative Office of Pennsylvania Courts.

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

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

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

Som. R.C.P. 1018.1. Notice To Defend Or Plead.

The name, address, and telephone number of the agency from whom legal help can be obtained, required to be included in the Notice To Defend by Pa. R.C.P. 1018.1, or by any other rule of court now or hereafter promulgated, shall be as follows:

Southwestern Pennsylvania Legal Services
132 East Catherine Street
Somerset, PA 15501
814-443-4615

[Pa.B. Doc. No. 01-440. Filed for public inspection March 16, 2001, 9:00 a.m.]

WESTMORELAND COUNTY

Civil Rules; No. 3 of 2001

Administrative Order

And Now this 1st day of March, 2001, *It Is Hereby Ordered* that Westmoreland Rule of Civil Procedure W1920.63 is rescinded.

By the Court

CHARLES H. LOUGHRAN,
President Judge

[Pa.B. Doc. No. 01-441. Filed for public inspection March 16, 2001, 9:00 a.m.]

COMMONWEALTH COURT

Special Independent Prosecutor's Panel; In the Matter of Preliminary Investigation No. 1; No. 2 I.C. 2000

Order

Per Curiam

And Now, this 1st day of March, 2001, upon consideration of the Application for Appointment of Independent Counsel filed by Robert J. DeSousa, Esquire, Special Investigative Counsel for Preliminary Investigation No. 2 of 2000, the Application is granted and Donald E. Lewis, Esquire, is appointed as Independent Counsel pursuant to Section 9315(a)(2) of the Independent Counsel Authorization Act, Act of February 18, 1998, P. L. 24, No. 19.

[Pa.B. Doc. No. 01-442. Filed for public inspection March 16, 2001, 9:00 a.m.]