

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 91]

List of Approved Financial Institutions

Annex A

TITLE 204. JUDICIAL SYSTEMS GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter H. OVERDRAFT NOTIFICATION

§ 91.173. Approval and Termination of Financial Institutions

* * * * *

APPENDIX A

Rule 219, Pa.R.D.E. requires the name of each and every financial institution in this Commonwealth in which funds are held on behalf of a client or third party. For the purposes of Rule 219, financial institutions include but are not limited to banks, bank and trust companies, trust companies, savings and loan associations, credit unions, savings banks, foreign banking corporations and brokerage companies.

On the Attorney's Annual Fee Form, enter the Bank Code(s) of the Financial Institution(s), as well as the Branch Address and Account Number(s). Using a wrong or incorrect bank code may subject you to discipline by the Supreme Court. If you are listing Brokerage account(s) not included in this list, enter the Bank Code "0" and insert the name of the brokerage company in the Branch Address column. Any brokerage account(s) previously provided are not preprinted on the form and must be relisted each year.

Note: You are not required to list operating accounts in which you do not hold funds of clients or third parties.

If you have questions concerning IOLTA or exemptions from IOLTA, please call the IOLTA Board at (717) 238-2001 or (888) PAIOLTA or write to IOLTA, 115 State Street, P. O. Box 1025, Harrisburg, PA 17108-1025.

List of Approved Financial Institutions Who Have Been Approved as Depositories for Fiduciary Accounts of Attorneys

Bank Code A.

374	Abington Savings Bank
2	Adams County National Bank
477	Advest, Inc.
302	Allegheny Valley Bank of Pittsburgh
548	Allegiance Bank of North America
124	Allfirst Bank
375	Altoona First Savings Bank

376	Ambler Savings and Loan Association
532	American Bank of Lehigh Valley
502	American Eagle Savings Bank, PaSA
377	Apollo Trust Company
407	Armstrong County Trust Company

Bank Code B.

155	Bank of Hanover & Trust Company
3	Bank of Lancaster County, N.A.
415	Bank of Landisburg (The)
546	Bank Philadelphia
453	Bank Pittsburgh
519	Beaver Valley Federal Credit Union
396	Bell Federal Savings & Loan Association
397	Beneficial Mutual Savings Bank
399	Bernville Bank, N.A.
391	Blue Ball National Bank
520	Boston Safe Deposit & Trust Company
392	Brentwood Savings Bank
495	Brown Brothers Harriman & Co.
161	Bryn Mawr Trust Company

Bank Code C.

540	C & G Savings Bank
480	Cambria County Federal Savings & Loan Assoc.
393	Carnegie Savings Bank
11	Central Bank
13	Cenwest Bank
394	Charleroi Federal Savings Bank
238	Citizens and Northern Bank
352	Citizens National Bank of Ashland
15	Citizens National Bank - Evans City
328	Citizens National Bank of Lansford
420	Citizens National Bank - Myersdale
177	Citizens National Bank of Southern PA
206	Citizens Savings Association
353	Citizens Trust Company
16	Clearfield Bank & Trust Co.
354	Coatesville Savings Bank
17	Columbia County Farmers National Bank
250	Commerce Bank, PA, NA
18	Commerce Bank/Harrisburg, NA
223	Commercial National Bank of Pennsylvania
522	Commonwealth Bank
310	Community Bank & Trust Company
21	Community Bank, National Association
204	Community Banks National Association
533	Community First Bank, N.A.
430	Community National Bank of Northwestern PA
132	Community State Bank of Orbisonia
379	Corry Savings Bank
23	County National Bank
380	County Savings Association
381	Crusader Bank
382	C S B Bank

Bank Code D.

25	Deposit Bank
339	Dime Bank (The)
27	Dollar Bank
239	Downingtown National Bank

222 Drovers Bank (The)
423 Dwelling House Savings & Loan Association

Bank Code E.

357 Eagle National Bank
424 East Penn Bank
358 East Prospect State Bank
340 East Stroudsburg Savings Association
500 Elderton State Bank
541 Enterprise Bank
28 Ephrata National Bank (The)
383 ESB Bank, F.S.B.
552 Eureka Bank

Bank Code F.

384 Farmers & Merchants Bank - Honesdale
31 Farmers & Merchants Trust Company
30 Farmers First Bank
436 Farmers National Bank of Kittanning
205 Farmers National Bank of Emlenton
34 Fidelity Deposit & Discount Bank
343 Fidelity Savings and Loan of Bucks County
311 Fidelity Bank
385 First American National Bank of PA
389 First Bank of Leechburg
174 First Citizens National Bank
191 First Columbia Bank & Trust Co.
539 First Commonwealth Trust Company
551 First Cornerstone Bank
523 First County Bank
390 First Federal Bank
369 First Federal Savings & Loan Assoc. of Bucks County
437 First Federal Savings & Loan Assoc. of Carnegie
504 First Federal Savings & Loan Assoc. of Greene County
388 First Federal Savings Bank
432 First Federal Savings Bank of Kane
370 First Financial Bank
318 First Heritage Bank
525 First Heritage Federal Credit Union
228 First Keystone Federal Savings Bank
371 First Liberty Bank & Trust
263 First Merit, N.A.
51 First National Bank & Trust Co. of Newtown (The)
416 First National Bank in Fleetwood (The)
42 First National Bank of Berwick (The)
216 First National Bank of Bradford County (The)
138 First National Bank of Canton
246 First National Bank of Centre Hall (The)
421 First National Bank of Fredericksburg
275 First National Bank - Garrett
322 First National Bank of Greencastle
165 First National Bank of Herminie (The)
417 First National Bank of Lilly (The)
418 First National Bank of Liverpool (The)
43 First National Bank - Marysville
44 First National Bank of McConnellsburg (The)
46 First National Bank of Mercersburg (The)
419 First National Bank of Mifflintown (The)
198 First National Bank of Minersville (The)
524 First National Bank of New England
47 First National Bank of Newport (The)

426 First National Bank of Palmerton (The)
48 First National Bank of Pennsylvania
427 First National Bank of Port Alleghany (The)
428 First National Bank of Slippery Rock (The)
52 First National Bank of West Chester (The)
175 First National Community Bank
549 First National Community Bank - Midland
54 First National Trust Bank
170 First Penn Bank
378 First Pennsylvania Savings Association
220 First Republic Bank
40 First Savings Bank of Perkasie
349 First Star Savings Bank
158 First Summit Bank
338 First Union National Bank
408 First United National Bank
325 FirstService Bank
151 Firstrust Savings Bank
493 FNB Bank, N.A.
282 Founders' Bank
291 Fox Chase Bank
241 Franklin Mint Federal Credit Union
58 Fulton Bank
59 Fulton County National Bank & Trust Company

Bank Code G.

506 Glen Rock State Bank
409 Grange National Bank
499 Gratz National Bank (The)
401 Great American Federal Savings & Loan Association
498 Greenville Savings Bank
193 Guaranty Bank, National Association

Bank Code H.

402 Halifax National Bank
244 Hamlin Bank and Trust Company
64 Harleysville National Bank and Trust Company
362 Harleysville Savings Bank
501 Harrisburg BELCO, Federal Credit Union
363 Hatboro Federal Savings
410 Herndon National Bank (The)
411 Hoblitzell National Bank
176 Hollidaysburg Trust Company
68 Honesdale National Bank (The)
350 HSBC Bank of USA
143 Hudson United Bank
508 Huntingdon National Bank of PA
364 Huntingdon Valley Bank

Bank Code I.

365 Indiana First Savings Bank
557 Investment Savings Bank
200 Iron and Glass Bank
526 Iron Workers Savings Bank
366 Irwin Bank & Trust Company

Bank Code J.

70 Jersey Shore State Bank
127 Jim Thorpe National Bank
488 Jonestown Bank and Trust Company
72 Juniata Valley Bank (The)

Bank Code K.

403 Keystone Savings Bank
414 Kishacoquillas Valley National Bank (The)

Bank Code L.

74 Lafayette Ambassador Bank
554 Landmark Community Bank
76 Laurel Savings Bank
187 Lebanon Valley Farmers
182 Leesport Bank
547 Legacy Bank
78 Luzerne National Bank

Bank Code M.

269 Madison Bank
398 Main Street Bank
386 Malvern Federal Savings Bank
412 Manor National Bank
361 Manufacturers and Traders Trust Company
510 Marion Center National Bank
387 Marquette Savings Bank
81 Mars National Bank (The)
367 Mauch Chunk Trust Company
368 Mechanics Savings Bank
5 Mellon Bank, N.A.
555 Mercer County State Bank
192 Merchants National Bank of Bangor (The)
478 Merchants National Bank of Kittanning
555 Mercer County State Bank
294 Mid Penn Bank
511 Mifflin County Savings Bank
276 Mifflinburg Bank & Trust Company
550 Millennium Bank
345 Minersville Safe Deposit Bank and Trust Company
346 Morton Savings and Loan Association
484 Muncy Bank & Trust Company (The)

Bank Code N.

440 National Bank of Commerce
433 National Bank of Malvern
435 National Bank of North East
337 National City Bank of Pennsylvania
88 National Penn Bank
157 Nazareth National Bank
527 NBOC
347 Neffs National Bank (The)
372 Nesquehoning Savings Bank
536 New Century Bank
434 New Tripoli National Bank (The)
545 Nittany Bank
90 NOR-CAR Federal Credit Union
492 North Penn Savings & Loan Association
543 Northern State Bank
373 Northside Bank
439 Northumberland National Bank
93 Northwest Savings Bank

Bank Code O.

348 Old Forge Bank
323 Omega Bank, NA
489 OMEGA Federal Credit Union
94 Orrstown Bank

Bank Code P.

267 Parkvale Savings Bank
512 Patriot Bank
96 Penn Central National Bank
97 Penn Security Bank & Trust Company
168 Penn Star
544 Pennsylvania Business Bank
320 Pennsylvania Capital Bank
445 Pennsylvania State Bank
442 Pennview Savings Bank
99 PeoplesBank, A Codorus Valley Company
446 Peoples Bank of Jennerstown
185 Peoples Bank of Oxford (The)
188 Peoples Bank of Western Pennsylvania
154 Peoples Home Savings Bank
482 Peoples National Bank of Rural Valley (The)
447 Peoples National Bank of Susquehanna County
444 Peoples Savings Bank
491 Peoples State Bank (The)
443 Peoples Thrift Savings Bank
131 PFC Bank
556 Philadelphia Federal Credit Union
448 Phoenixville Federal Savings
79 PNC Bank, National Association
534 Pocono Community Bank
528 Polonia Bank
449 Port Richmond Savings
454 Portage National Bank
450 Premier Bank
455 Prestige Bank, FSB
202 Progress Bank
451 Progressive Home Federal
75 Promistar Bank
456 Prudential Savings Bank
530 PSB

Bank Code Q.

107 Quakertown National Bank (The)

Bank Code R.

109 Reeves Bank
487 Reliable Bank, PaSA
452 Reliance Savings Bank
463 Rittenhouse Trust Company (The)
496 Roxborough Manayunk Federal Savings Bank
208 Royal Bank of Pennsylvania

Bank Code S.

153 S&T Bank
457 Savings and Loan Association of Milton
514 Schuylkill Savings & Loan Association
464 Scottsdale Bank & Trust Company (The)
460 Second Federal Savings & Loan Assoc. of Philadelphia
335 Second National Bank of Masontown
147 Security National Bank
516 Sentry Federal Credit Union
458 Sharon Savings Bank
312 Sky Bank
462 Slovenian Savings & Loan Assoc. of Franklin - Conemaugh
459 Smithfield State Bank
486 Somerset Trust Company

469	Spring Hill Savings Bank, FSB
111	Southwest Bank
316	Sovereign Bank, FSB
465	St. Edmond's Savings and Loan Association
518	Standard Bank PASB
542	Stonebridge Bank
529	Suburban Community Bank
466	Suburban Federal Savings Bank
485	Summit Bank
110	Sun Bank
517	Sun National Bank
236	Swineford National Bank

Bank Code T.

26	Third Federal Savings Bank
150	Three Rivers Bank & Trust Company
467	Turbotville National Bank (The)

Bank Code U.

113	Union Bank and Trust Company
481	Union Building and Loan Savings Bank
232	Union National Bank & Trust Co.
483	Union National Bank of Mount Carmel (The)
133	Union National Community Bank
243	Unitas National Bank
472	United Bank of Philadelphia
475	United Savings Bank
116	US Bank

Bank Code V.

136	Vartan National Bank
313	Vista Bank

Bank Code W.

119	Washington Federal Savings Bank
121	Wayne Bank
65	Waypoint Bank
122	West Milton State Bank
494	West View Savings Bank
473	Westmoreland Federal Savings and Loan Assoc. of Latrobe
553	Wheeling National Bank
476	William Penn Savings and Loan Association
123	Williamsport National Bank
474	Willow Grove Bank
160	Wilmington Trust of PA
272	Woodlands Bank

Bank Code X.**Bank Code Y.****Bank Code Z.**

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

[Pa.B. Doc. No. 01-767. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 21]

Internal Operating Procedures; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 23rd day of April, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted an amendment to Section 201 of the Internal Operating Procedures, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Section 201 of the Internal Operating Procedures shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT PART IV. COURT OF JUDICIAL DISCIPLINE ARTICLE IV. INTERNAL OPERATING PROCEDURES CHAPTER 21. INTERNAL OPERATING PROCEDURES 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)] (D). 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.

[Pa.B. Doc. No. 01-768. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 1300]

Proposed Amendment to Rule 1311 Governing Admission of Documentary Evidence on Appeal from Compulsory Arbitration

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311 governing the procedure on appeal from compulsory arbitration be amended with respect to the admission of documentary evidence. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 8, 2001 to:

Harold K. Don, Jr., Esquire
 Counsel
 Civil Procedural Rules Committee
 5035 Ritter Road, Suite 700
 Mechanicsburg, Pennsylvania 17055
 or E-Mail to
 civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. COMPULSORY ARBITRATION

Subchapter A. Rules

Rule 1311. Procedure on Appeal. Admission of Documentary Evidence.

(a) The trial shall be de novo.

Official Note: Except as otherwise provided by subdivision (c), [The]the provisions of Rule 1305 governing conduct of hearing shall not apply on appeal.

* * * * *

(c)(1) Documents set forth in Rule 1305(b)(1) shall be admitted into evidence at trial as provided in Rule 1305, if

(i) the plaintiff stipulates to a maximum amount of damages recoverable not in excess of \$15,000, and

(ii) forty-five days' notice of the intention to offer the documents at trial was given to every other party accompanied by a copy of each document to be offered.

(2) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as provided by Rule 1305(b)(4).

Explanatory Comment:

The proposed amendments to Rule 1311 recognize that compulsory arbitration involves cases in which the potential damage recovery is often relatively small. The cost of the attendance of a witness, for example an expert witness, to testify to the contents of documentary evidence at a trial de novo upon appeal might be prohibitively expensive when compared with the potential damages to be recovered. Parties to meritorious cases may be denied access to the court solely due to economic considerations.

Therefore, Recommendation 174 proposes to add a new subdivision (c) to Rule 1311 which would permit parties in an appeal from compulsory arbitration to the court of common pleas to take advantage of the relaxed evidentiary rules available in compulsory arbitration under Rule 1305(b). However, in order to utilize this procedure, a party must accept a limit on the damages

recoverable to no more than \$15,000 as well as provide notice of the intent to utilize this procedure at least forty-five days prior to trial.

Subdivision (c) also incorporates the procedure of Rule 1305(b)(4) providing for the subpoena of the person whose testimony has been waived, for cross-examination by an adverse party, and for fees and costs.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-769. Filed for public inspection May 4, 2001, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 2170]

Proposed Amendment to Rule 2177 Governing Actions By and Against a Corporation or Similar Entity

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 2177 governing actions by and against a corporation or similar entity be amended to permit the representation of a corporation by an executive officer in certain cases. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed recommendation should be sent not later than June 8, 2001 to:

Harold K. Don, Jr., Esquire
 Counsel
 Civil Procedural Rules Committee
 5035 Ritter Road, Suite 700
 Mechanicsburg, Pennsylvania 17055
 or E-Mail to
 civil.rules@supreme.court.state.pa.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure nor will it be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2177. Actions by and against a corporation or similar entity. Representation.

(a) An action shall be prosecuted by or against a corporation or similar entity in its corporate name.

(b) In any action prosecuted by or against a corporation or similar entity in which the amount in controversy does not exceed \$8000, the party may be represented by an executive officer or by counsel. If the amount in controversy exceeds \$8000, the party must be represented by counsel.

Official Note: See Rule 2176 for the definition of executive officer.

Explanatory Comment

The proposed amendment permits a corporation to be represented by a corporate officer in cases involving relatively small amounts in controversy brought in the courts of common pleas. This amendment is consistent with the current practice of the district justice courts in which such representation is permissible. The proposed amendment recognizes that many of these cases will involve closely held corporations which are in effect "incorporated individuals".

The new rule would represent a change from the practice established in *Walacavage v. Excell 2000, Inc.*, 331 Pa. Super. 480 A.2d 281 (Pa.Super. 1984) which precluded a corporation from being represented by anyone other than counsel. That decision was premised on the desired goal of protecting courts from inartful representation of the corporation by nonlawyers. As the type of cases contemplated under the new rule would be relatively simple, the goal of insuring access to the courts as well as consistency among the different levels of courts would outweigh the concern expressed in *Walacavage*.

By the Civil Procedural Rules Committee

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-770. Filed for public inspection May 4, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 261 M. D. 2001

Order

And Now, this 19th day of April, 2001, Dauphin County Local Rules of Criminal Procedure are hereby amended as follows:

[Rule 130. Procedure in Court Cases Initiated by Arrest Without Warrant.

(a)—(b) Reserved.

(c) An arresting officer, when the officer deems it appropriate, may promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met.

(1) The most serious offense charged is a misdemeanor of the second degree.

(2) The defendant is a resident of the Commonwealth.

(3) The defendant poses no threat of immediate physical harm to any other person or to himself or herself.

(4) The arresting officer has reasonable grounds to believe that the defendant will appear as required.

(5) The defendant does not demand to be taken before an issuing authority.

(d) When a defendant is thus released, a complaint shall be filed against the defendant within five (5) days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided in Rule 110 of the Pennsylvania Rules of Criminal Procedure.] RESCINDED.

Comment: This rule is rescinded as it is duplicative of the State rule.

Rule of Criminal Procedure [161] 301. Accelerated Rehabilitative Disposition (ARD) in Summary Cases.

(a) *Eligibility:* Pursuant to the District Attorney's designation filed under Pa.R.Crim.P. [160(b)(2)] 300 B(2), all summary first offenders and summary juvenile offenders may apply for admission to the program with the following exceptions:

i. Any offense which is excluded by statute.

ii. Any offense under Title 75 (Vehicles).

iii. Any offense charged by local ordinance, with the exception of local ordinances prohibiting the public display of open containers of alcoholic beverages.

iv. Any offense which is the result of an original charge classified as a misdemeanor three or above, which is subsequently reduced.

v. Any offense which is joined with a court case which is held or waived for trial at a preliminary hearing.

(b) *Program Costs:* The costs taxable under each docket number shall be \$50 (fifty dollars), in addition to restitution, if any, both of which shall be payable no later than the day of admission to the program. The District Justice may, in appropriate cases, waive or defer payment of the ARD fee. Restitution may not be waived. The defendant shall further agree, as a condition of the ARD program, to pay the costs of any recommended treatment and/or community service program, and further pay any assessed probation supervision fees.

(c) *Application:* Eligible offenders may apply for ARD by completing an application, waivers or Rule [1100] 600 and applicable statutes of limitations, and submitting them to the Dauphin County District Attorney for preliminary investigation. The District Attorney shall have full authority to conduct a criminal and social background check and shall have access to any available records to confirm application information. The District Attorney shall further consider input from the victim, if any, and recommend restitution when appropriate. The District Attorney may then move for the defendant's inclusion in ARD.

(d) *Program Conditions:* An offender admitted to ARD shall comply with the following:

i. Obey all federal, state and local penal laws, and all rules of probation.

ii. Complete a minimum of 20 hours of community service.

iii. Undergo a drug and alcohol evaluation, if required by the District Justice, and complete any recommended treatment.

iv. Complete any other adjudication alternative program as directed by the District Justice.

(e) *Program Admission and Completion:* An eligible offender may be admitted to ARD by the District Justice upon the motion of the District Attorney. Bail, security or

other collateral shall terminate upon entry. Admission to ARD shall not affect any period of license suspension/revocation directed by statute. Upon satisfactory completion of the program, the charges against the defendant shall be dismissed. The record of arrest shall not be affected by the operation of this local rule, however upon successful completion of the program, the case record shall be sealed by the District Justice.

The District Justice, in all cases where he/she finds the defendant guilty through trial and therefore ineligible for ARD, may refer the defendant to the program as part of a post-dispositional order. In all such cases the issuing authority shall consider imposing a fine with the provision that the fine be vacated or reduced if the defendant successfully completes the program. Restitution may not be reduced under this provision.

(f) *Program Monitoring*: The Dauphin County Adult and Juvenile Probation departments, or representatives from an adjudication alternative program, or Pre-Trial Services, are hereby authorized to monitor and supervise a defendant's progress in the summary ARD program. Further such organizations shall inform the District Justice of either the offender's successful completion, or the failure to complete, and in the latter case may testify as to the reason therefor in program revocation proceedings. An allegation that the defendant has violated a condition of ARD must be brought during the term of the program, or if filed thereafter, within a reasonable time after the alleged violation was committed.

(g) *Revocation*: Should a defendant fail to comply with any condition of the ARD program, he or she may be revoked from the program by order of the District Justice at a revocation hearing where the defendant will be afforded an opportunity to be heard. The District Justice may issue such process as is necessary to bring the defendant before the Court. Should the defendant fail to appear after receiving notice of a revocation hearing, the District Justice may issue a warrant pursuant to Pa.R.Crim.P. [75] 430. No appeal shall be allowed from a revocation order.

Upon revocation from the summary ARD program, or if a defendant declines to accept the program, the case shall thereafter be scheduled for trial pursuant to Chapter [50] 4 of the Pennsylvania Rules of Criminal Procedure.

(h) *Monthly Report*: District Justices shall submit a monthly report on the disposition of all cases which have applied for entry to ARD to the District Attorney. Should admission to ARD be denied, the reasons for such denial shall be included.

Rule [301] 106. Continuances Where Case Set for Jury Trial.

(a) All motions for a continuance shall be in writing and filed with the Clerk of Courts no later than 4:00 p.m. on the Wednesday prior to the week of criminal jury trials during which the case is scheduled for trial. A copy of the motion shall be served on opposing counsel by the same deadline.

The motion shall contain a procedural history of the case, beginning with date of filing of the criminal complaint, and a recitation of any prior continuances sought. The motion shall aver whether opposing counsel has been contacted concerning the motion and shall state counsel's position thereon.

In cases which have been permanently assigned, the motion shall be addressed to the assigned judge. All other cases shall be referred to the motions judge.

(b) The Court Administrator will assign all such motions to the [**motion's**] **motions** judge who will either dispose of the motion on its face or assign the motion to the judge assigned to the case for trial or plea.

(c) A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

(d) A later motion shall be presented only in open court before the business court judge or the judge assigned to the case for trial. Reasonable notice shall be afforded opposing counsel prior to the presentation of the motion in open court.

Pretrial Proceedings

Rule [302] 120. Attorneys.

(1) The Clerk of Court, his **or her** deputy and employees, and all persons employed in this Court, shall neither practice as attorneys, nor be interested, directly or indirectly, as partners or otherwise, in the fees of attorneys practicing in this Court.

(2) Attorneys shall not communicate or cause another to communicate with a Judge or an official before whom a proceeding in which the attorney is involved is pending, with regard to such proceeding, except:

(a) in the course of official proceedings in the cause;

(b) in writing if **she/he** promptly delivers a copy of the writing to opposing counsel or the adverse party if **she/he** is unrepresented; or

(c) orally upon adequate notice to opposing counsel or to the adverse party if unrepresented.

(3) No attorney, who is also a Notary Public, or otherwise authorized to administer oaths, shall take the affidavit of his **or her** own client.

(4) No attorney will be received as bail or surety in any suit, action, prosecution, or proceeding in any Court of this County, whether or not a Court of record, nor may the Prothonotary, Sheriff, Sheriff's Officer, or any other person concerned in the execution of process, become such bail or surety in any action or proceeding.

Bail

Rule [4006] 520. Types of Bail.

(a) A District Justice or a Judge of the Court of Common Pleas may allow defendants charged with a crime or crimes to post as bail with the District Justice or Clerk of Courts a sum of money, in United States currency, equal to ten (10%) percent of the full amount of the bail, fixed by the District Justice or Judge of the Court of Common Pleas in those cases where the defendant or other surety evidences sufficient financial reliability as to the full amount of the bail.

(b) The sum of money required for percentage cash bail may be furnished by the defendant or by a third person acting as surety, and the bail certificate shall disclose the name and address of the person furnishing the money listing said person as surety.

(c) The sum of money furnished shall be receipted for, deposited, accounted for, forfeited, or returned in accordance with the Pennsylvania Rules of Criminal Procedure.

(d) Rescinded.

Comment: Subsection (d) has been renumbered to Rule 535.

Rule 535. Return of Deposit.

After twenty (20) days following the final disposition of the case, and provided there has been no bail revocation or forfeiture, the sum of money constituting percentage cash bail shall be returned to the person who originally furnished it, less a retention fee for the use of the county for administering the percentage cash bail program. In cases held for court, the retention fee shall be received and accounted for by the Clerk of Courts. In cases not held for court, the issuing authority shall forward the retention fee to the County Controller.

Comment: Former Rule 4006(d).

Rule [4008] 530. Duties and Powers of a Bail Agency.

(a) The Dauphin County Pre-Trial Services Agency is hereby designated as the county bail agency pursuant to Rule [4008] 530 of the Pennsylvania Rules of Criminal Procedure.

(b) The county bail agency shall perform the duties and exercise the powers set forth in Rule [4008] 530 of the Pennsylvania Rules of Criminal Procedure.

(c) The county bail agency shall, in all cases, be qualified to act as supervisory surety with respect to percentage cash bail and nominal bail, and may be so designated by the court or issuing authority; but the county bail agency shall incur no financial liability by acting as supervisory surety.

(d) Designation of the county bail agency as supervisory surety in nominal bail and percentage cash bail cases shall subject the defendant to the supervisory rules and regulations of that agency.

(e) Designation of the county bail agency as supervisory surety shall authorize the county bail agency to charge a fee payable to the County of Dauphin for the performance of the supervisory obligations mandated by Rule [4008] 530. The fees and categories of bail to which they apply are as follows:

(1) nominal bail—twenty-five (\$25.00) dollars;

(2) ten (10%) percent cash bail (with the option of conditions of bail pursuant to Rule [4013] 533 of the Pennsylvania Rules of Criminal Procedure)—thirty (30%) percent of the money furnished or three (3%) percent of the total amount of bail; however, in no event, shall the fee be less than fifty (\$50.00) dollars.

(f) In all cases where nominal bail or percentage cash bail is to be set, the court or issuing authority shall consider the option of designating the county bail agency as supervisory surety. [**Noting**] **Nothing** in this rule shall prohibit the designation of other private surety in percentage cash bail and nominal bail cases without the designation of the county bail agency as supervisory surety.

(g) Nothing in this rule shall prohibit the posting of any other type of bail allowed under Rule [4006] 527 of the Pennsylvania Rules of Criminal Procedure by other private or licensed sureties.

(h) Any designation of Dauphin County Pre-Trial Services Agency as supervisory surety shall be listed on the Bail Certificate as a Condition of Bail pursuant to Rule [4013] 526 of the Pennsylvania Rules of Criminal Procedure.

Rule [1123A] 720A. Appeals.

In every appeal from an order or decree of this Court [to which no post-trial motions or exceptions were filed but such appeal is] taken directly to an appellate court, appellant['s counsel] shall [, immediately upon taking the appeal,] file of record a concise statement of the matters complained of [and intended to be argued] on appeal [,] no later than 14 days after filing notice of appeal. A copy thereof [and] shall be [serve] served [a copy thereof] upon the Judge from whose order or decree the appeal was taken, except that if such Judge was a visiting Judge such copy shall be served upon the Court Administrator [Administrator's Office]. The trial judge may thereafter direct the filing of briefs in support of, and in opposition to, the statement of matters complained of. Whenever an appeal is withdrawn by counsel, notice of such withdrawal shall immediately be [given to the] served upon said Judge [from whose order or decree the appeal was taken, except that if such Judge was a visiting judge such notice shall be given to the] or Court Administrator [Administrator's Office].

Trial**Rule [1123] 720B. Post [Verdict] Sentence Motions.**

(a) Copies of post [-trial] sentence motion in criminal cases shall be filed with the Clerk of Court and delivered to the Trial Judge and served upon all adverse parties. Upon order of Court, the court stenographer shall transcribe the record.

(b)—(c) Reserved.

(d) Reasons for a new trial based on after-discovered evidence must be supported by a written affidavit by the party or his or her attorney containing the names of the witnesses, the substance of their expected testimony, the affiant's belief of its sufficiency to change the verdict, and an explanation why the testimony was not produced at the trial.

(e) The trial judge shall determine whether post [-verdict] sentence motions shall be argued before himself or herself alone or before a panel sitting as a court en banc. Whenever the trial judge hears the motion alone, she/he may make any ruling that could be made by a court en banc.

[Rule 9001. Certification of Pennsylvania Department of Transportation Driver License Records.

a) A copy of a Pennsylvania Department of Transportation drivers license record accessed from the city of Harrisburg's Metro computer system may be used as evidence in all criminal proceedings in Dauphin County.

b) Such a record must be accompanied by a certificate in which:

(1) The Secretary of Transportation certifies the director of the Bureau of Driver Licensing of the Pennsylvania Department of Transportation is the legal custodian of the Driver License Records of the Pennsylvania Department of Transportation.

(2) The legal custodian of the Driver License Records certifies that the records are kept accurately and that the Deputy director of Metro Police

Operations for the City of Harrisburg is authorized to retrieve such records from the Pennsylvania Department of Transportation's computer via the computer linkup with the Metro computer system.

(3) The Deputy Director of Metro Police Operations for the City of Harrisburg certifies that he retrieved the records from the Pennsylvania Department of Transportation computer via the Metro computer system and that the records are accurate.

e) This certificate is pursuant to the requirements of 42 Pa.C.S.A. 6103(a) which concerns proof of official records.

d) The Deputy Director of Metro Police Operations shall be permitted to make notations on the certified records summarizing the contents of the records.] RESCINDED.

Comment: This rule is rescinded as a Rule of Criminal Procedure and is promulgated as a Rule of Evidence.

General Provisions

Rule [9020] 574. Motions, Filing, Service and Notice. Removal of Papers.

(1) Petitions and motions, other than those made during the actual trial of a case, shall be:

(a) made in writing, and the original thereof filed with the Clerk of Court before presentation to the Court;

(b) brought to the Court Administrator's Office for presentation to the Motion Court Judge unless otherwise specifically allowed; and

(c) served forthwith upon the adverse party.

(2) All papers filed in the Office of the Clerk of Court shall bear the name of the attorney or party filing them, and an address as which service can be made.

(3) REMOVAL OF PAPERS: (a) Except as otherwise provided herein, no original papers shall be removed from the office of the Clerk of Court without prior written permission of the Court upon cause shown.

(b) No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Clerk of Court except for use by the Court.

(c) All other papers may be removed by any attorney who is a member of the Dauphin County Bar—

i. For return to the close of the next business day, upon the filing with the Clerk of Court of a signed letter listing with specificity each document to be removed together with a receipt as prescribed by (e) below.

ii. For a period not to exceed thirty (30) days, with written leave of Court.

(d) A referee, auditor, master or other similar officer appointed by the Court may remove papers for the purposes of his **or her** appointment for a period not to exceed ninety (90) days, unless the time be further extended by order of Court.

(e) When an attorney removes papers from the Office of the Clerk of Court with permission of the Court **she/he** shall give a receipt therefor, setting forth the caption and number of the case, a description of the papers removed and the date of removal, which receipt shall be signed by the attorney removing the papers.

(f) All papers removed on receipt, with or without leave of Court, shall be returned promptly, and in no case shall papers be retained for a period longer than prescribed

herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Clerk of Court shall notify the attorney in default of his **or her** failure to return such papers, and if such default continues, for three (3) days following such notice, the attorney concerned shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Clerk of Court shall report such cases of continuing default to the Court for appropriate action.

Rule [9022] 576. Filing.

All papers filed with the Clerk of Court shall bear the name of the attorney or party filing them, and the address at which service can be made. In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Clerk of Courts shall also be filed with the chambers of the assigned judge. The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rules of Appellate Procedure for papers or other documents filed in an appellate court.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 01-771. Filed for public inspection May 4, 2001, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 19th day of April, 2001, Dauphin County Local Rule of Civil Procedure 5005 is promulgated as follows:

Rule 5005. Forfeiture Actions.

1. All petitions in forfeiture filed pursuant to 42 Pa.C.S. § 6801 and § 6802 shall be filed and indexed in the Office of the Prothonotary.

The caption shall include a cross-reference (by defendant name and docket number) to any criminal action. The case shall thereafter proceed in accordance with the procedures set forth in § 6802.

2. Dauph. R.C.P. 1301—Arbitration shall be applicable to all actions in forfeiture.

3. Pa.R.C.P. 1007.1—Jury Trial. Demand, Waiver is made applicable to all actions in forfeiture.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 01-772. Filed for public inspection May 4, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY
Aids in Imposing Sentence

Rule N1403. Aids in Imposing Sentence.

(a) Prior to filing the Information, the District Attorney shall obtain a report of the prior criminal convictions, if any, of the defendant. Within forty-five (45) days of receipt of the report, the District Attorney shall calculate the prior record score for guideline sentencing purposes.

(b) Upon request, the District Attorney shall make said report and calculation available to the Court, defense counsel, and, if unrepresented, the defendant.

(c) Prior to imposition of sentence, a Guideline Sentencing Form, as required by 204 Pa. Code § 303.1(d), shall be presented to the sentencing judge.

(d) (1) If a pre-sentence investigation report is prepared, the Guideline Sentencing Form shall be prepared by the report preparer.

(2) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by defense counsel if defendant is represented. The defense counsel shall use the prior record score provided by the District Attorney unless defense counsel contends that the score is lower than that provided by the District Attorney, in which case the Court shall determine the prior record score.

(3) If a pre-sentence investigation report has not been prepared, the Guideline Sentencing Form shall be prepared by the District Attorney if defendant is unrepresented.

(e) The Guideline Sentencing Form shall be reviewed by counsel for both the Commonwealth and the defendant prior to submission to the sentencing judge.

(f) The Clerk of Court—Criminal Division shall send a copy of the Guideline Sentencing Form to the Pennsylvania Commission on Sentencing.

Comment: 204 Pa. Code § 303.1(d) provides that a Pennsylvania Commission on Sentencing Guideline Sentence Form shall be completed at the Court's direction and shall be made a part of the record no later than twenty days after the date of each sentencing, and a copy shall be forwarded to the Pennsylvania Commission on Sentencing.

As used in Section (c), "imposition of sentence" includes imposition of probation.

Defense counsel has no obligation to disclose information that the prior record score is higher than that provided by the District Attorney. The preparation by defense counsel of portions of the guideline form shall not be deemed an affirmative statement of fact as to the prior record by defense counsel.

Adopted April 18, 2001; effective June 1, 2001.

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 01-773. Filed for public inspection May 4, 2001, 9:00 a.m.]

WESTMORELAND COUNTY
Ownership of Court Reporter Notes; No. 3 of 2001

Administrative Order

And Now This 17th day of April, 2001, It Is Hereby *Ordered* that Westmoreland County Rule of Judicial Administration WJ5000.4 is adopted, and WJ5000.13 is amended by the addition of new subsection (c). These changes are effective 30 days after publishing in the *Pennsylvania Bulletin*.

By the Court

CHARLES H. LOUGHRAN,
President Judge

Rule WJ5000.4. Employment and Duties of Reporters.

A court reporter may not take depositions for private parties during regularly scheduled work hours unless the reporter is on approved vacation, personal day, or leave of absence without pay.

Rule WJ5000.13. Ownership of Notes.

(c) The court reporter that takes the notes of a particular proceeding is responsible for transcribing those notes upon Order of Court or request and payment of an appropriate fee. The obligation of the court reporter to transcribe proceedings remains, subject to payment of transcription fees, after the employment relationship with the Court of Common Pleas of Westmoreland County has ended.

[Pa.B. Doc. No. 01-774. Filed for public inspection May 4, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection Fee and Late Payment Penalty for 2001-2002 Registration Year

Notice is hereby given of the establishment by The Disciplinary Board of the Supreme Court of Pennsylvania for the 2001-2002 registration year of the collection fee for checks in payment of the annual registration fee for attorneys that are dishonored and the late payment penalty for registrations not received on time.

Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) provides that, where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, a collection fee established annually by the Board must be paid before the annual registration fee shall be deemed to have been paid. The Board has established the collection fee for the 2001-2002 registration year as \$50 per returned item.

Pa.R.D.E. 219(h)(2) provides that a late payment penalty established annually by the Board must be paid by an attorney who fails to timely file an annual registration statement before the attorney shall be considered on active status for the new registration year. The Board has

established the late payment penalty for the 2001-2002 registration year as \$75.

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

[Pa.B. Doc. No. 01-775. Filed for public inspection May 4, 2001, 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 March 21, 2001, 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 April 20, 2001 for Compliance Group 2 due August 31, 2000.

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.

Lynn L. Abraham
Parsippany, NJ

Holly A. Adams
Canadaigua, NY

Annemarie Algeo
Mt. Holly, NJ

Paul E. Allen
Plano, TX

Leila M. Baheri
Washington, DC

Donna R. Banks
Springfield, VA

Bradley D. Barbin
Orlando, FL

Christopher E. Barnes
Cherry Hill, NJ

Scott D. Baron
Roseland, NJ

Edward G. Bauer, Jr.
Boca Raton, FL

Gina M. Betts
Teaneck, NJ

Michael L. Block
Burlington, NJ

John A. Bolton
Lutz, FL

David P. Bradley
Cleveland, OH

Alison M. Brown
Mt. Laurel, NJ

David W. Burns
Medford, NJ

James N. Cahill
Endicott, NY

Antonina P. Coffey
Haddonfield, NJ

Madeleine H. Cozine
Lawrenceville, NJ

John B. Cummings
Chester, VA

David H. Dupree
Washington, DC

Thomas P. Frascella
Lawrenceville, NJ

Michael W. Glaze
Cherry Hill, NJ

James J. Gluck
Toms River, NJ

Jeffrey M. Goldstein
Washington, DC

Joshua D. Goodman
Stanford, CT

Devon L. Graf
Trenton, NJ

John F. Griffith
San Francisco, CA

Dennis R. Honabach
Fullerton, CA

Gregory J. Hubachek
New Orleans, LA

Kevin B. Kimble
Alexandria, VA

Sharon A. King
Camden, NJ

James D. Lloyd
Rockaway, NJ

Patrick J. Mahon
Hopkington, MA

Joseph A. Manning
Livingston, NJ

Roman Marin
New York, NY

Allan A. Mascarenhas
Falls Church, VA

Constance S. McAllister
S. Orange, NJ

E. Winther McCroom
Youngstown, OH

Richard D. Meadow
New York, NY

Ira B. Mirsky
Washington, DC

Mark S. Moore
Indianapolis, IN

Timothy S. Murchison
Southern Pines, NC

Paul J. Nemergut III
Woodbridge, NJ

Stephen G. Novosel
Blackwood, NJ

Annette J. O'Donnell
New York, NY

Michael R. Paglione
Trenton, NJ

M. Scott Parsons
Baltimore, MD

Steven Pasternak
Livingston, NJ

Stephen L. Pettler, Jr.
Winchester, VA

Avalyn J. Pitts
Hyattsville, MD

Darren L. Press
New York, NY

Frank J. Raso
Hammonton, NJ

Mark F. Richardson
France

James J. Scanlon
Charlestown, MA

Stephanie F. Schultz
Hazlet, NJ

Clifford S. Sikora
Washington, DC

Paul P. Slawek
Ft. Lauderdale, FL

Jerome Tarver
Ft. Washington, MD

Nathan A. Tash
Boca Raton, FL

Richard L. Thurston
Richardson, TX

Harshad R. Vaidya
Newark, NJ

Jetty L. Viot III
Washington, DC

Barbra D. Watson
New York, NY

Daniel E. Whiteley, Jr.
Cincinnati, OH

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

[Pa.B. Doc. No. 01-776. Filed for public inspection May 4, 2001, 9:00 a.m.]
