

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 35]

Amendments to Rules of Appellate Procedure— Business of the Superior Court

The Superior Court of Pennsylvania has amended procedures concerning the filing of a docketing statement. This policy is reflected in the Pennsylvania Rules of Appellate Procedure—Business of the Superior Court, with the amendment to Rule 3517, appearing in 210 Pa. Code Chapter 35.

This change becomes effective September 4, 2001.

ERNEST GENNACCARO,
Chief Staff Attorney

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 35. BUSINESS OF THE SUPERIOR COURT

APPEALS AND ARGUMENTS LISTS

Rule 3517. Docketing Statement Form.

Whenever a notice of appeal to the Superior Court is filed, the Prothonotary shall send [**counsel for appellant**] a docketing statement form which [**counsel**] shall be [**complete**] **completed** and [**return**] **returned** within ten (10) days in order that the Court shall be able to more efficiently and expeditiously administer the scheduling of argument and submission of cases on appeal. **Failure to file a docketing statement may result in dismissal of the appeal.**

[Pa.B. Doc. No. 01-1208. Filed for public inspection July 6, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Local Rules of Civil Procedure Regarding Custody Cases

Order

Now, this 10th day of May, 2001, in furtherance of this Court's concern for orderly and effective processing of custody cases and in recognition of the need to regularly review and improve the Court's rules of procedure of such cases the following Order is provided:

It Is Hereby Ordered, Directed and Decreed that Rule No. 1915.21(a) (Custody Litigation Process) is revised and changed to provide that:

a) Not later than ten (10) days after the date of service of a custody Order to a party to the action that party may file a request for evidentiary hearing on a form approved and promulgated by the President Judge of the Court which such form shall be available at the Blair County Custody Office.

It Is Further Ordered, Directed and Decreed, that this Order shall become effective on the thirtieth (30) day after the publication of same in the *Pennsylvania Bulletin* as required by the Supreme Court of Pennsylvania.

By the Court

THOMAS G. PEOPLES, Jr.,
President Judge

[Pa.B. Doc. No. 01-1209. Filed for public inspection July 6, 2001, 9:00 a.m.]

COLUMBIA AND MONTOUR COUNTIES

Amendment to Local Rule 5.08 Governing Exceptions to the Custody Hearing Officer's Report; No. 2001 MV 43

Order

And Now, this 20th day of June, 2001, it is hereby *Ordered* that the following amendment to Local Rules of the Court of Common Pleas of Columbia and Montour Counties, 26th Judicial District is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d).

It is further *Ordered* that the District Court Administrator shall file seven (7) certified copies of this rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy with the Domestic Relations Procedural Rules Committee.

It is further ordered that this amendment to the Local Rules shall be kept continuously available for public inspection and copying in the office of prothonotary.

By the Court

SCOTT W. NAUS,
President Judge

*Amendment to Local Rule 5.08 Governing
"Exceptions to the Custody Hearing Officer's Report"*

L.R. No. 5.08

D. In the event exceptions are timely filed, the excepting party shall state in the exceptions whether or not that party objects to the immediate implementation of the interim order pending further court hearing on the matter. If there is no objection, the matter shall proceed to a de novo custody trial in accordance with the local rules.

If there is a timely objection in the exceptions to the immediate implementation of the interim order, custody shall be governed by any prior order then in effect. If there is no such prior order or if such order has been substantially modified in writing or by circumstances, a party may request a hearing regarding the establishment of an interim order pending full de novo hearing.

If a hearing is requested regarding the interim order, the court will forthwith schedule a hearing to establish an appropriate interim order or grant appropriate special relief. If no hearing is requested regarding the interim order, the interim order shall remain in full force and effect until further order of court. The matter shall then proceed to a *de novo* custody trial in accordance with the local rules.

[Pa.B. Doc. No. 01-1210. Filed for public inspection July 6, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY

Rule of Civil Procedure N216—Continuances and Modification of Time; C0048CV2001—005012

Order of Court

And Now, this 15th day of June, 2001, Rule N216, Continuances and Modification of time is adopted effective September 1, 2001. Seven (7) certified copies of the within rules shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy of these rules shall be kept available in the Office of the Clerk of Courts—Civil Division. A copy shall be published in the *Northampton County Reporter*.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N216. Continuances and Modification of Time.

1. (a) Applications for continuances shall be on a form available in the Court Administration Office.

(b)(1) Applications for continuance of the following matters shall be submitted to the President Judge: civil jury trials, and civil non-jury listings.

(2) Applications for continuance of a domestic relations section matter shall be submitted to a domestic relation section judge.

(3) Applications for continuance of a juvenile section matter shall be submitted to a juvenile section judge.

(4) Applications for continuance of any post-trial proceeding shall be submitted to the trial judge.

(5) All other applications for continuances shall be submitted to the judge assigned to hear the matter, if any, or to the motions judge, if there is no assigned judge.

(c) An unopposed application for continuance of a civil jury trial shall be accompanied by a proposed date agreed to by all counsel for attachment of counsel for trial.

2. (a) An application for continuance from a civil jury or non-jury trial list shall be submitted to the Court Calendar Officer in the Court Administration Office prior to submission to the President Judge.

(b) A motion for continuance of a matter from a domestic relations court non-compliance list may be pre-

sented only after a copy of said motion has been given to the Director of Domestic Relations Section at least three days prior to the intended date of presentation. Notice of the time and place of presentation must accompany the copy of the motion.

3. A request for modification of deadlines contained in any pre-trial or status order shall be by petition with notice to all counsel and unrepresented parties. Said requests shall be submitted to the assigned judge, if any, or to the motions judge, if there is no assigned judge.

Comment See also Rules N212A(c) and N212B(c).

[Pa.B. Doc. No. 01-1211. Filed for public inspection July 6, 2001, 9:00 a.m.]

NORTHAMPTON COUNTY

Waiver of Attendance at Omnibus Hearing

Rule N305.102. Waiver of Attendance at Omnibus Hearing.

A defendant shall be present at a hearing on an omnibus pretrial motion unless excused in advance by the court. Attendance will be excused only for compelling reasons and only when defendant has executed a waiver in the following form:

WAIVER OF CONSTITUTIONAL RIGHT TO ATTEND HEARING

I hereby certify

1. The charges pending against me and the maximum possible penalties therefore are:

2. My attorney has filed a pre-trial motion, the purpose of which is:

3. A hearing on the Motion will be held on:

4. I understand that I have a constitutional right to be present at the hearing and to confront the witnesses against me.

5. I understand that by not attending the hearing, I will not be able to aid my lawyer with respect to:

a) factual issues which may arise;

b) whether any witness is making an error in his testimony;

c) how to effectively cross-examine any Commonwealth witness.

6. I voluntarily give up my right to be present for the hearing.

(Attorney)

(Defendant)

(Date)

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 01-1212. Filed for public inspection July 6, 2001, 9:00 a.m.]