

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendments to the Rules of Disciplinary Enforcement and the Rules of Professional Conduct; No. 13; Disciplinary Rules Doc. No. 1

Order

Per Curiam:

And Now, this 28th day of June, 2001, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. Rules 218 and 219 of the Pennsylvania Rules of Disciplinary Enforcement are hereby amended to read as set forth in Annex A.

2. The Pennsylvania Rules of Professional Conduct are amended by adding a new Rule 1.17 and Rules 1.6, 5.4, 5.6 and 7.2 are amended to read as set forth in Annex B.

3. This Order shall be processed in accordance with Pa.R.J.A. 103(c). New Rule 1.17 and these amendments shall take effect upon publication of this Order in the *Pennsylvania Bulletin* and shall govern matters thereafter commenced and, in so far as just and practicable, matters then pending.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 218. Reinstatement.

(a) No attorney suspended for a period exceeding one year, transferred to inactive status more than three years prior to resumption of practice **or transferred to inactive status as a result of the sale of his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct**, or disbarred may resume practice until reinstated by order of the Supreme Court after petition therefor pursuant to these rules.

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(g) Attorneys who have been on inactive status for three years or less may be reinstated pursuant to Enforcement Rule 219(h) or (j) (relating to periodic assessment of attorneys) as appropriate. **This subdivision (g) does not apply to any attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.**

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Rule 219. Periodic assessment of attorneys; voluntary inactive status.

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(i) An attorney who has retired [or], is not engaged in practice **or who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct** shall file with the Administrative Office a notice in writing that the attorney desires voluntarily to assume inactive status and discontinue the practice of law. Upon the transmission of such notice from the Administrative Office to the Supreme Court, the Court shall enter an order transferring the attorney to inactive status, and the attorney shall no longer be eligible to practice law but shall continue to file the statement required by this rule for six years thereafter in order that the formerly admitted attorney can be located in the event complaints are made about the conduct of such person while such person was engaged in practice. The formerly admitted attorney, however, will be relieved from the payment of the fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules.

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Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

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Rule 1.6. Confidentiality of Information.

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(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

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(2) to prevent or to rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services are being or had been used; [or]

(3) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim or disciplinary proceeding against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client[.]; or

(4) to effectuate the sale of a law practice consistent with Rule 1.17.

* * * * *
Comment:
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Disclosures Otherwise Required or Authorized

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It is recognized that the due diligence associated with the sale of a law practice authorized under Rule 1.17 may necessitate the limited disclosure of certain otherwise confidential information. However, as stated above, the lawyer must make every effort practicable to avoid unnecessary disclosure of information relating to a representation, to limit disclosure to those having a need to know it, and to obtain appropriate arrangements minimizing the risk of disclosure.

Former Client

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(Editor's Note: The following rule is new and is printed in regular type to enhance readability.)

Rule 1.17. Sale of Law Practice.

The personal representative or estate of a deceased lawyer or a lawyer disabled from the practice of law may, for consideration, transfer the client representations of the deceased or disabled lawyer and sell the good will of the deceased or disabled lawyer's practice if the following conditions are satisfied:

(a) The seller sells the practice as an entirety to a single lawyer. For purposes of this Rule, a practice is sold as an entirety if the purchasing lawyer assumes responsibility for all of the active files except those specified in paragraph (f) of this Rule.

(b) Actual written notice is given to each of the seller's clients, which notice must include at a minimum:

(1) notice of the proposed transfer of the client's representation, including the identity and address of the purchasing lawyer;

(2) a statement that the client has the right to representation by the purchasing lawyer under the preexisting fee arrangements;

(3) a statement that the client has the right to retain other counsel or to take possession of the file; and

(4) a statement that the client's consent to the transfer of the representation will be presumed if the client does not take any action or does not otherwise object within 60 days of receipt of the notice.

(c) The fees charged clients shall not be increased by reason of the sale. Existing agreements between the seller and the client concerning fees and the scope of work must be honored by the purchaser, unless the client consents in writing after consultation.

(d) The agreement of sale shall include a clear statement of the respective responsibilities of the parties to maintain and preserve the records and files of the seller's practice, including client files.

(e) In the case of a sale by reason of disability, if a proceeding under Enforcement Rule 301 has not been commenced against the selling lawyer, the selling lawyer shall file the notice and request for transfer to voluntary inactive status, as of the date of the sale, pursuant to Enforcement Rule 219(i).

(f) The sale shall not be effective as to any client for whom the proposed sale would create a conflict of interest for the purchaser or who cannot be represented by the purchaser because of other requirements of the Pennsylvania Rules of Professional Conduct or rules of the Pennsylvania Supreme Court governing the practice of law in Pennsylvania, unless such conflict, requirement or rule can be waived by the client and is in fact waived by the client in writing.

(g) For purposes of this Rule:

(1) the term "single lawyer" means an individual lawyer or a law firm that buys a law practice, and

(2) the term "seller" means both the personal representative or estate of the deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.

(h) Admission to or withdrawal from a partnership or professional corporation, retirement plans and similar arrangements or a sale limited to the tangible assets of a law practice is not a sale or purchase for purposes of this Rule 1.17.

Comment:

The practice of law is a profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this Rule, when a lawyer dies or is disabled and another lawyer or firm takes over the representation of the clients of the deceased or disabled lawyer, the heirs of the seller or the seller may obtain compensation for the reasonable value of the practice similar to withdrawing partners of law firms. See Rules 5.4 and 5.6.

Sale of Entire Practice

The requirement that all of the private practice be sold is satisfied if the seller in good faith makes the entire practice available for sale to the purchaser. The fact that a number of the seller's clients decide not to be represented by the purchaser but take their matters elsewhere, therefore, does not result in a violation of this Rule.

Single Purchaser

This Rule requires a single purchaser. The prohibition against piecemeal sale of a practice protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee generating matters. The purchaser is required to undertake all client matters in the practice, subject to client consent. If, however, the purchaser is unable to undertake all client matters because of nonwaivable conflicts of interest, other requirements of these Rules or rules of the Supreme Court governing the practice of law in Pennsylvania, the requirement that there be a single purchaser is nevertheless satisfied.

Client Confidences, Consent and Notice

Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms with respect to which client consent is not required. Providing the purchaser access to the client-specific information relating to the representation and to the file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale and file transfer including the identity of the purchaser and any proposed change in the terms of future

representation, and must be told that the decision to consent or make other arrangements must be made within 60 days. If actual notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed.

The Rule provides the minimum notice to the seller's clients necessary to make the sale effective under the Rules of Professional Conduct. The person responsible for notice is encouraged to give sufficient information concerning the purchasing law firm or lawyer who will handle the matter so as to provide the client adequate information to make an informed decision concerning ongoing representation by the purchaser. Such information may include without limitation the buyer's background, education, experience with similar matters, length of practice, and whether the lawyer(s) are currently licensed in Pennsylvania.

No single method is provided for the giving of actual written notice to the client under paragraph (b). It is up to the person undertaking to give notice to determine the most effective and efficient means for doing so. For many clients, certified mail with return receipt requested will be adequate. However, with regard to other clients, this method may not be the best method. It is up to the person responsible for giving notice to make this decision.

The party responsible for giving notice is likewise not identified in the Rule. In many cases the seller will undertake to give notice. However, the Rule permits the purchasing lawyer or law firm to fulfill the notice requirement.

All of the elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice.

Fee Arrangements Between Client and Purchaser

The sale may not be financed by increases in fees charged to the clients of the practice. This protection is underscored by both paragraph (b)(2) and paragraph (c). Existing agreements between the seller and the client as to the fees and the scope of the work must be honored by the purchaser, unless the client consents after consultation.

Other Applicable Ethical Standards

Lawyers participating in the sale of a law practice are subject to ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the obligation to avoid disqualifying conflicts, and to secure client consultation for those conflicts which can be waived by the client (see Rule 1.7); and the obligation to protect information relating to the representation (See Rules 1.6 and 1.9).

If approval of the substitution of the purchasing attorney for the selling attorney is required by the Rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale. (See Rule 1.16.)

Applicability of the Rule

The seller may be represented by a non-lawyer representative not subject to these Rules. In such circumstances, the purchasing lawyer shall be responsible for compliance with these Rules.

This Rule does not apply to transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice.

LAW FIRMS AND ASSOCIATIONS

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Rule 5.4. Professional Independence of a Lawyer.

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

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(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer; [and]

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement[.]; and

(4) a lawyer or law firm may purchase the practice of another lawyer or law firm from an estate or other eligible entity consistent with Rule 1.17.

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Rule 5.6. Restrictions on Right to Practice.

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment or other similar type of agreement that restricts the rights of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement **or an agreement for the sale of a law practice consistent with Rule 1.17;** or

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INFORMATION ABOUT LEGAL SERVICES

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Rule 7.2. Advertising.

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(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay:

(1) the reasonable cost of advertising or written communication permitted by this rule [and may pay];

(2) the usual charges of a not-for-profit lawyer referral service or other legal service organization; and

(3) for a law practice in accordance with Rule 1.17.

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Comment

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Paying Others to Recommend a Lawyer

Subject to the limitations set forth under paragraph (j), a lawyer is allowed to pay for advertising permitted by this Rule **and for the purchase of a law practice in accordance with the provisions of Rule 1.17**, but otherwise is not permitted to pay another person for channeling professional work. This restriction does not prevent an organization or person other than the lawyer from advertising or recommending the lawyer's services. Thus, a legal aid agency or prepaid legal services plan may pay to advertise legal services provided under its auspices. Likewise, a lawyer may participate in not-for-profit lawyer referral programs and pay the usual fees charged by such programs. Paragraph (c) does not pro-

hibit paying regular compensation to an assistant, such as a secretary, to prepare communications permitted by this Rule.

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[Pa.B. Doc. No. 01-1266. Filed for public inspection July 13, 2001, 9:00 a.m.]

**PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CHS. 85, 89, 91 AND 93]**

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 55; Doc. Nos. R-118 and R-126

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By an Order dated December 7, 2000, the Supreme Court of Pennsylvania amended Pa.R.D.E. 217 to add provisions relating to law-related activities that may be conducted by formerly admitted attorneys. By this Order, the Board is making conforming changes to its Rules to reflect the adopted of those provisions.

On February 26, 2000, the Board published a Notice of Proposed Rulemaking relating to proposed amendments to its Rules to require the verification of pleadings and certain other documents filed with the Board. 30 Pa.B. 1127. No comments were received in response and the Board is taking this opportunity to promulgate those amendments in final form.

Finally, the Board is also taking this opportunity to make certain minor technical changes to its Rules.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, such proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the Pennsylvania Code is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

(Editor's Note: The following section is new and is printed in regular type to enhance readability.)

§ 85.13. Verification by respondent-attorneys.

Every pleading or response to a letter requesting statement of position under § 87.7(b) of these rules submitted by or on behalf of a respondent-attorney in any proceeding under these rules that contains an averment of fact not appearing of record or a denial of fact shall include or be accompanied by a verified statement signed by the respondent-attorney that the averment or denial is true based upon the respondent-attorney's personal knowledge or information and belief. The respondent-attorney need not aver the source of the information or expectation of ability to prove the averment or denial. The verified statement may be based upon personal knowledge as to a part and upon information and belief as to the remainder.

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.6. Execution.

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(d) *Cross reference.* See § 85.13 (relating to verification by respondent-attorneys).

Subchapter C. HEARING PROCEDURES

ORAL ARGUMENT AND BRIEFS

§ 89.164. Filing and service of briefs.

Briefs not filed and served on or before the dates fixed therefor shall not be accepted for filing, except by special permission of the hearing committee or special master. In the case of a formal proceeding that is in the hands of a hearing committee, **[five copies of each brief shall be furnished for the use] one copy of each brief shall be served on each member of the committee and one copy shall be filed with the Office of the Secretary.** In the case of a formal proceeding that is in the hands of a special master, two copies of each brief shall be **[furnished for the use of] served on** the special master and one copy shall be filed with the Office of the Secretary. A hearing committee or special master may permit or direct the **[filing] service** of a different number of copies of a brief **[with] on the members of** the hearing committee or special master.

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.273. Procedures for reinstatement.

(a) *General rule.* Enforcement Rule 218(c) and (d) provide that:

(1) Petitions for reinstatement by formerly admitted attorneys shall be filed with the Board.

Official Note: The Board will not treat a petition for reinstatement as properly filed for purposes of commencing the procedures set forth in this section unless and until the petition is accompanied by a completed reinstatement questionnaire as required by § 89.275 (relating to completion of questionnaire by respondent-attorney).

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§ 89.274. Notice of reinstatement proceedings.

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(b) *Publication of notice.* The Office of the Secretary shall cause a notice to be published in the legal journal and a newspaper of general circulation in the county in which the formerly admitted attorney practiced and in each county in Pennsylvania in which the formerly admitted attorney has resided since being disbarred, suspended or transferred to inactive status. The notice shall state and be confined to:

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(3) The address of the [Office of the Secretary] district office of the Office of Disciplinary Counsel that is handling the reinstatement proceeding.

§ 89.275. Completion of questionnaire by respondent-attorney.

(a) *General rule.* If the petition for reinstatement does not have attached thereto a fully completed Form DB-36 (Reinstatement Questionnaire), the Office of the Secretary shall forward to the formerly admitted attorney four copies of Form DB-36 which shall require such attorney to set forth fully and accurately the following information and such other information as the Office of Disciplinary Counsel may require:

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(15) If the respondent-attorney has been disbarred or suspended for more than one year or has been on inactive status for more than three years, a statement of the dates, locations and names of the courses or lectures taken in satisfaction of the requirements of § 89.279 (relating to evidence of competency and learning in law).

Official Note: For purposes of allowing the Office of Disciplinary Counsel to begin its investigation of the petition for reinstatement, the Office of the Secretary will accept a preliminary questionnaire that lists courses or lectures that the respondent-attorney is registered to take in the future if proof of that registration, such as receipted bills or canceled checks, is attached to the questionnaire. The questionnaire, however, will not be considered completed and properly filed for purposes of commencing the running of the time periods in § 89.273 (relating to procedures for reinstatement) until the respondent-attorney has actually attended those courses or lectures.

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CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter E. FORMERLY ADMITTED ATTORNEYS

(Editor's Note: The following section is new and is printed in regular type to enhance readability.)

§ 91.100. Law-related activities of formerly admitted attorneys.

(a) *General rule.* A formerly admitted attorney may not engage in any form of law-related activities in this Commonwealth except in accordance with the requirements of this section.

(b) *Supervision.* Enforcement Rule 217(j)(1) provides that all law-related activities of the formerly admitted attorney shall be conducted under the direct supervision of a member in good standing of the Bar of this Commonwealth who shall be responsible for ensuring that the formerly admitted attorney complies with the requirements of this section. If the formerly admitted attorney is employed by a law firm, an attorney of the firm shall be designated by the firm as the supervising attorney for purposes of this subsection.

(c) *Permissible activities.* Enforcement Rule 217(j)(2) provides that, for purposes of this section, the only law-related activities that may be conducted by a formerly admitted attorney are the following:

(1) legal work of a preparatory nature, such as legal research, assembly of data and other necessary information, and drafting of transactional documents, pleadings, briefs, and other similar documents;

(2) direct communication with the client or third parties to the extent permitted by subsection (d); and

(3) accompanying a member in good standing of the Bar of this Commonwealth to a deposition or other discovery matter or to a meeting regarding a matter that is not currently in litigation, for the limited purpose of providing clerical assistance to the member in good standing who appears as the representative of the client.

(d) *Communications with clients.* Enforcement Rule 217(j)(3) provides that a formerly admitted attorney may have direct communication with a client or third party regarding a matter being handled by the attorney or firm for which the formerly admitted attorney works only if the communication is limited to ministerial matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages. The formerly admitted attorney shall clearly indicate in any such communication that he or she is a legal assistant and identify the supervising attorney.

(e) *Prohibited activities.* Enforcement Rule 217(j)(4) provides that, without limiting the other restrictions in this section, a formerly admitted attorney is specifically prohibited from engaging in any of the following activities:

(1) performing any law-related activity for a law firm or lawyer if the formerly admitted attorney was associated with that law firm or lawyer on or after the date on which the acts which resulted in the disbarment or suspension occurred, through and including the effective date of disbarment or suspension;

(2) performing any law-related services from an office that is not staffed, on a full time basis, by a supervising attorney;

(3) performing any law-related services for any client who in the past was represented by the formerly admitted attorney;

(4) representing himself or herself as a lawyer or person of similar status;

(5) having any contact with clients either in person, by telephone, or in writing, except as provided in subsection (d);

Title 249— PHILADELPHIA RULES

PHILADELPHIA COUNTY

Jury Trial Demands in Drug Forfeiture Cases; Administrative Doc. 07 of 2001

- (6) rendering legal consultation or advice to a client;
- (7) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, hearing officer or any other adjudicative person or body;
- (8) appearing as a representative of the client at a deposition or other discovery matter;
- (9) negotiating or transacting any matter for or on behalf of a client with third parties or having any contact with third parties regarding such a negotiation or transaction;
- (10) receiving, disbursing or otherwise handling client funds.

(f) *Notice to Board.* Enforcement Rule 217(j)(5) provides that the supervising attorney and the formerly admitted attorney shall file with the Board a notice of employment, identifying the supervising attorney, certifying that the formerly admitted attorney has been employed and that the formerly admitted attorney's activities will be monitored for compliance with this section. The supervising attorney and the formerly admitted attorney shall file a notice with the Disciplinary Board immediately upon the termination of the employment of the formerly admitted attorney.

(g) *Jurisdiction over supervising attorney.* Enforcement Rule 217(j)(6) provides that the supervising attorney shall be subject to disciplinary action for any failure by either the formerly admitted attorney or the supervising attorney to comply with the provisions of this section.

Official Note: This section is addressed only to the special circumstance of formerly admitted attorneys engaging in law-related activities and should not be read more broadly to define the permissible activities that may be conducted by a paralegal, law clerk, investigator, etc. who is not a formerly admitted attorney. This section is also not intended to establish a standard for what constitutes the unauthorized practice of law. Finally, this section is not intended to prohibit a formerly admitted attorney from performing services that are not unique to law offices, such as physical plant or equipment maintenance, courier or delivery services, catering, typing or transcription or other similar general office support activities.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter C. OFFICE OF THE SECRETARY

§ 93.53. Dockets.

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(b) *Numbering.* Except as otherwise ordered by the Board, matters submitted to the Board for action shall be assigned a docket number consisting of the letters "DB" and the [last two digits of the] calendar year in which the matter is docketed, which shall be preceded by the serial number of the matter in such calendar year, e.g.: 1 DB [73 et seq.] 2001.

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[Pa.B. Doc. No. 01-1267. Filed for public inspection July 13, 2001, 9:00 a.m.]

And Now, this 25th day of June, 2001, it is hereby *Ordered and Decreed* that effective immediately jury trial demands in drug forfeiture cases will be handled by the Civil Trial Division in accordance with previous practices except as otherwise set forth in this Order.

Upon receiving a demand for a jury trial, the sitting judge in the Criminal Division shall enter an Order transferring the case from the Criminal Division to the Civil Division of the Trial Division. (The sitting judge in the Criminal Division shall give the moving party a copy of the "Notice to Litigants" appended as Attachment "A".) Leonard Armstrong of the Criminal Motions Unit will send a memorandum to the Supervising Judge of the Civil Division (Judge Sheppard) advising of the jury trial demand.

The moving party shall obtain a certified copy of the pertinent transfer Order and file it with the First Filing Unit of the Prothonotary's office, at which time the jury demand fee shall be paid. The First Filing Unit shall assign a court term and number to the case and place the case in a "waiting to list status conference." For docketing purposes, the court type shall be "DF"—Drug Forfeiture.

The First Filing Unit of the Prothonotary shall E-mail a notice that the jury trial has been perfected to Leonard Armstrong of the Criminal Motions Unit and provide the Civil Division court term and number. Upon receipt of this notice, the Criminal Motions Unit will forward copies of the Forfeiture Petition (and any response) and the Order of Transfer to the Prothonotary's Second Filing Unit.

Notwithstanding the jury demand, the case shall remain within the jurisdiction of the judge of the Criminal Division until such time as notice is received from the Prothonotary that the demand has been perfected. At the time that the jury demand is made, the sitting judge in the Criminal Division shall list the matter for a status hearing in thirty (30) days. At that status hearing, the moving party shall present proof of the jury trial perfection in the Civil Division. If the moving party fails to perfect the jury trial within thirty (30) days, the sitting judge in the Criminal Division will enter an Order holding that the moving party has waived the right to a jury trial and schedule a hearing on the Forfeiture Petition before a judge sitting without a jury.

In the Civil Division, the case shall be assigned to the Supervising Judge of the Complex Litigation Center and shall be placed on a case management track that provides for a trial in the eighth month after filing. A Case Management Order will be issued and the case shall proceed to trial under the Pennsylvania Rules of Civil Procedure.

By the Court

JOHN W. HERRON,
*Administrative Judge
Trial Division*

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Admin-

istration, Docket No. 1, Phila. Civ. ★51 and Pa. R.C.P. 239, and shall become effective immediately. As required by Pa. R.C.P. 239, the original Administrative Docket shall be filed with the Prothonotary in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. The Administrative Docket is also available on the Court's website at <http://courts.phila.gov>.

Notice to Litigants

Drug Forfeiture Jury Trials

The moving party is directed to do the following to perfect the request for a jury trial in drug forfeiture matters:

1. Counsel must obtain a certified copy of the Order of the sitting Criminal Division judge transferring the case to the Civil Division for trial.
2. Counsel must present the certified copy of the Order to the Office of the Prothonotary, First Filing Unit, Room 280, City Hall.
3. Counsel must be prepared to pay the jury demand fee of \$180.00.
4. The case will be given a Civil Division court term and number and will be placed in "waiting to list status conference." Counsel will receive notice of a status conference which will be scheduled approximately one month after the month of transfer. That conference will take place at the Complex Litigation Center, 12th Floor, Wanamaker Building.
5. Failure to perfect the jury trial request in the Civil Division within thirty (30) days will result in the entry of an Order holding that the moving party has waived the right to a jury trial and a hearing on the Forfeiture Petition will be scheduled before a judge sitting without a jury. At the hearing when the jury trial demand is made, the sitting Criminal Division judge shall list the case for a thirty (30) day status hearing, at which time the moving party shall present proof of the jury trial perfection in the Civil Division.

[Pa.B. Doc. No. 01-1268. Filed for public inspection July 13, 2001, 9:00 a.m.]

Title 25—LOCAL COURT RULES

DELAWARE COUNTY

Amendment of Local Rule 430; No. 90-18200

Order

And Now, this 22nd day of June, 2001, it is hereby *Ordered* and *Decreed* that Local Rule 430 is *Amended* as follows:

Rule 430(b)(1)—Service Pursuant to Special Order of Court. Publication—Approved Newspapers of General Circulation—Legal Newspaper.

(i) All legal advertisements required to be published in a newspaper of general circulation, except as otherwise provided by act of assembly, specific procedural rule or order of Court, shall appear only in such newspapers which shall be kept on file at all times in the Office of Judicial Support, arranged in alphabetical Order according to the communities covered thereby. The Director of the Office of Judicial Support, the Court Administrator and a duly appointed representative, selected by the presiding President Judge on an annual basis, are hereby appointed as a newspaper examining board, hereinafter in this rule called "board." Before any newspaper is placed upon such approved list, there shall be presented to the board the information required by a directive on file in the Office of Judicial Support.

(ii) After a newspaper has been approved by the board, it shall remain upon the approved list of newspapers, unless there should be a failure of compliance with any of the conditions set forth in the Newspaper Advertising Act, its supplements and amendments; the board requests that a renewal application be filed; or an amended directive signed by the President Judge establishes other procedures.

(iii) The "*Delaware County Legal Journal*" shall be the legal newspaper for the publication of legal advertisements and notices required by law, rule, order or Decree of Court.

By the Court

KENNETH A. CLOUSE,
President Judge

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