

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Appointment of Supervising Judges—Trial Division; Administrative Doc. 01 of 2001

And Now, this 2nd day of January, 2001, it is hereby *Ordered and Decreed* that effective today the Honorable Albert W. Sheppard is designated Supervising Judge of the Civil Division, the Honorable Allan L. Tereshko is designated Supervising Judge of the Complex Litigation Center and the Honorable D. Webster Keogh is designated Supervising Judge of the Criminal Division. Supervising Judges will continue to report to the Administrative Judge of the Trial Division.

By the Court

JOHN W. HERRON,
Administrative Judge, Trial Division

This Administrative Docket is promulgated in accordance with the April 11, 1987 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, 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 web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-121. Filed for public inspection January 26, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Repeal of Various Court of Common Pleas Rules; No. 426-C 2001

Order

Now This 5th day of January, 2001, the following Luzerne County Court of Common Pleas Rules are hereby rescinded, effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*:

Rules 1, 2, 3, 52, 76, 200, 211, 213, 215, 216, 226, 251, 252, 254, 271, 272, 279, 280, 281, 282, 294, 300, 301, 302, 502, 503, 507, 508, 509, 511, 1019, 1021, 1029, 1033, 1034, 1038, 1065, 1066, 1098, 1501, 1529, 1531, 2032, 2039, 2064, 2079, 2082, 2132(c), 2227(b), 2232(a), 2252(a), 2352(b), 3129, 4002 and 4016.

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 to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

It is further ordered that these local rules shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

JOSEPH M. AUGELLO,
President Judge

[Pa.B. Doc. No. 01-122. Filed for public inspection January 26, 2001, 9:00 a.m.]

MERCER COUNTY

Amendment of Local Rules L1920.51, L1920.53 and L1920.54; No. 2001-30

Order

And Now, this 5th day of January, 2001, it is hereby *Ordered and Directed* that Mercer County Local Rules of Civil Procedure L1920.51; L1920.53 and L1920.54 are hereby amended as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is also *Ordered And Directed* the Court Administrator of Mercer County, in accordance with Pa.R.C.P. No. 239, shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Civil Procedural Rules Committee.

It is further *Ordered And Directed* that these Local Rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

By the Court

FRANCIS J. FORNELLI,
President Judge

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

a.

1. All actions for divorce under Section 3301(a)(b) and (d)(1)(i) of the Divorce Code or for annulment, and all claims for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property, exclusive possession of the marital residence, counsel fees, costs, expenses, or any aspect thereof shall be heard by a master in the absence of a court order to the contrary.

i. All actions or claims described in Section (a) hereof will not be referred to a master until one of the parties files a motion for the appointment of a master to hear the action(s) and/or claim(s) at issue and pays [**the sum of \$50.00**] **an amount to be determined by court order**, in addition to all other costs provided by law, for the

appointment of a master. The motion shall be substantially in the form as provided by Pennsylvania Rule of Court Procedure 1920.74. The motion shall be filed with the prothonotary together with the [\$50.00] proper fee.

ii. Upon receipt of the [\$50.00] the proper fee, the prothonotary shall forward the motion to the court administrator for assignment to a master.

iii. Unless the moving party is granted leave to proceed in forma pauperis, no master will be appointed until the [\$50.00] proper fee for the appointment of a master is paid, or the court permits otherwise. If the monies are not forthcoming and there are no other proceedings in the case for a period of two years, the matter will be subject to termination pursuant to Mercer County Local Rule of Court L320.

Rule L1920.53. Hearing by Master Report.

a.

1. Where an action for divorce or annulment has been referred to a master, a conference shall be held before the master prior to a hearing in the absence of a court order to the contrary.

i. The moving party shall deposit [the sum of \$200.00] an amount to be determined by court order with the prothonotary before a master's hearing on an action for divorce or annulment.

ii. In the event the master believes the amount of time (s)he must devote to the case will exceed four (4) hours said time, or does exceed four (4) hours, (s)he may recommend to the court that additional monies be deposited by a party prior to the hearing or assessed against a party as costs.

iii. The master's fee shall be taxed as part of the costs and paid as directed in the final decree.

iv. In the event the parties resolve their differences prior to the hearing, all sums deposited with the prothonotary for the hearing shall be returned to the depositor.

v. In the event the master's fee for the hearing is less than the amount deposited with the prothonotary for the hearing, the difference shall be returned to the depositor. If there was more than one depositor, the difference shall be returned in proportion to the respective amounts deposited.

Rule L1920.54. Hearing by Master. Report. Related Claims.

a.

1. Where a claim for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property, exclusive possession of the marital residence, counsel fees, costs, expenses or any aspect thereof, has been referred to a master, a conference shall be held before the master prior to a hearing in the absence of a court order to the contrary.

2. With the exception of claims for alimony, alimony pendente lite, bifurcation, counsel fees, costs or expenses;

i. The moving party shall deposit [the sum of \$200.00] an amount to be determined by court order with the prothonotary before the master's hearing; and;

ii. In the event the master believes the amount of time he must devote to the case will exceed four (4) hours said time or does exceed four (4) hours, (s)he may recommend

to the court that additional monies be deposited by a party prior to the hearing or assessed against a party as costs.

iii. The master's fee shall be taxed as part of the costs and paid as directed in the final decree or as a separate order.

iv. In the event the parties resolve their differences prior to the hearing, all sums deposited with the prothonotary for the hearing shall be returned to the depositor.

v. In the event the master's fee for the hearing is less than the amount deposited with the prothonotary for the hearing, the difference shall be returned to the depositor. If there was more than one depositor, the difference shall be returned in proportion to the respective amounts deposited.

vi. The notes of testimony will not be transcribed unless exceptions are filed.

[Pa.B. Doc. No. 01-123. Filed for public inspection January 26, 2001, 9:00 a.m.]

PIKE COUNTY

Promulgation of Local Rule L.Crim.P. 202 and L.Crim.P. 507; No. 43-2001

Order

And Now, this 11th day of January, 2001, the Court hereby Orders the adoption of L.Crim.P. 202 Approval of Search Warrant Applications by Attorney for the Commonwealth and L.Crim.P. 507 Approval of Police Complaints And Arrest Warrant Affidavits By Attorney For The Commonwealth effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Pike County Prothonotary is directed to:

File seven (7) certified copies of the Rule with the Administrative Office of Pennsylvania Courts; Distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and File one (1) certified copy with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court.

By the Court

HAROLD A. THOMSON, Jr.,
President Judge

L.Crim.P. 202. Approval of Search Warrant Application by Attorney for the Commonwealth.

The District Attorney having filed a certification, Search Warrants in all circumstance shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an Attorney for the Commonwealth, prior to filing.

L.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney having filed a certification, the approval by an Attorney for the Commonwealth is required prior to the filing of a criminal complaint and arrest warrant affidavit in the County of Pike, by any police officer charging any of the following offenses:

1. Criminal Homicide in violation of 18 Pa.C.S. Section 2501;

2. Murder in any degree in violation of 18 Pa.C.S. Section 2502;

3. Voluntary Manslaughter in violation of 18 Pa.C.S. Section 2503;

4. Involuntary Manslaughter in violation of 18 Pa.C.S. Section 2504;

5. Drug Delivery Resulting in Death in violation of 18 Pa.C.S. Section 2506;

6. Any offense set forth in Chapter 26 of the Pennsylvania Crimes Code (relating to Crimes Against Unborn Child);

7. Kidnapping in violation of 18 Pa.C.S. Section 2901;

8. Interference with the Custody of Children in violation of 18 Pa.C.S. Section 2904;

9. Concealment of the Whereabouts of a Child in violation of 18 Pa.C.S. Section 2909;

10. All felony offenses set forth in Chapter 31 of the Pennsylvania Crimes Code (relating to Sexual Offenses);

11. Arson and related Offenses in violation of 18 Pa.C.S. 3301;

12. Causing or Risking Catastrophe in violation of 18 Pa.C.S. Section 3302;

13. Robbery in violation of 18 Pa.C.S. Section 3701;

14. Robbery of Motor Vehicle in violation of 18 Pa.C.S. Section 3702;

15. Incest in violation of 18 Pa.C.S. section 4302;

16. All offenses set forth in chapter 57 of the Pennsylvania Crimes Code (relating to Wiretapping and Electronic Surveillance);

17. Sexual Abuse of Children in violation of 18 Pa.C.S. Section 6312;

18. Corrupt Organizations in violation of 18 Pa.C.S. Section 911;

19. Possession of a Weapon on School Property in violation of 18 Pa.C.S. Section 912;

20. Accidents Involving Death or Personal Injury (if the officer has reason to believe that the victim has suffered or may suffer serious bodily injury as defined in the statute, or death) in violation of 75 Pa.C.S. Section 3742;

21. Homicide by Vehicle in violation of 75 Pa.C.S. Section 3732;

22. Homicide by Vehicle while Driving Under Influence in violation of 75 Pa.C.S. Section 3735;

23. Aggravated Assault by Vehicle while Driving Under the Influence in violation of 75 Pa.C.S. Section 3735.1;

24. Criminal Attempt, Criminal Solicitation, or Criminal Conspiracy in violation of 18 Pa.C.S. Sections 901, 902, and 903 respectively, when the crime attempted, solicited, or is the object of the conspiracy, requires prior approval.

[Pa.B. Doc. No. 01-124. Filed for public inspection January 26, 2001, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 9 MISC. 2001

Adopting Order

And Now, this 8th day of January, 2001, it is hereby Ordered:

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

2. The Somerset County Court Administrator shall:

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

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

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

D. File proof of compliance with this Order in the docket for these rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

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

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

Southern Alleghenies Legal Aid, Inc.
132 East Catherine Street
Somerset PA 15501
(814) 443-4615

[Pa.B. Doc. No. 01-125. Filed for public inspection January 26, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that John G. Dyer, III, having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated August 31, 2000, the Supreme Court of Pennsylvania issued an Order dated January 8, 2001, disbaring John G. Dyer, III from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-126. Filed for public inspection January 26, 2001, 9:00 a.m.]