

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY Administrative Doc. 11 of 2001

*And Now*, this 14th day of November, 2001, it is hereby *Ordered and Decreed* that Trial Division General Court Regulation No. 94-1 issued by then Administrative Judge Alex Bonavita is hereby vacated.

*By the Court*

JOHN W. HERRON,  
*Administrative Judge*

This Administrative Docket is promulgated in accordance with the April 11, 1986 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 web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 01-2172. Filed for public inspection December 7, 2001, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Adoption of Phila.R.Civ.P.No. 7109.1; President Judge General Court Regulation No. 2001-03

##### Order

*And Now*, this 16th day of November, 2001, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 15, 2001 to adopt Philadelphia Rule of Civil Procedure 7109.1, *It Is Hereby Ordered* that Philadelphia Rule of Civil Procedure 7109.1 is adopted effective January 1, 2002.

This General Court Regulation is issued in accordance with Pa.R.Civ.P. No. 205.4, and shall become effective January 1, 2002. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

#### Phila.R.Civ.P.No. 7109.1. Electronic Filing of Mental Health Applications or Petitions.

(1) *General Rule.* (A) Except as otherwise provided by subsection (B) of this rule, parties shall file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil mental health matter filed pursuant to the Mental Health Procedures Act of 1976, as amended, and the within rule.

(B) Notwithstanding subsection (A), appeals to appellate courts filed from orders issued by the Court pursuant to Petitions for Review of certification orders issued by Mental Health Review Officers cannot be filed electronically, but must be filed with the Prothonotary in a paper format.

(C) The filing party shall maintain the original paper copy of any legal paper that is electronically filed and shall file the original with the Prothonotary if requested pursuant to Pa.R.C.P. No. 205.4(b)(2)(ii).

(D) The Prothonotary shall not maintain a paper file of any legal papers filed electronically pursuant to this rule.

(2) *File Date. Acceptance By Prothonotary.* The Prothonotary shall provide electronic access at all times; however, legal papers submitted electronically shall be deemed "filed" after they are reviewed and accepted by the Prothonotary. Electronically filed document will be reviewed and accepted for filing during normal business hours only. The Prothonotary shall electronically provide a filing status message to the filing party setting forth the "filed" date and time.

##### Note

A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. No. 205.4(e)(2).

(3) *Scheduling of Hearing.* Upon filing of the application or petition, a hearing shall be scheduled consistent with the dictates of the Mental Health Procedures Act.

(4) *Service of Pleading and Scheduling Order.* After the application or petition is verified and accepted and a hearing date scheduled, the Prothonotary shall notify all parties that the application was filed and is available, and further that a scheduling order was entered. This notification shall constitute service of the application or petition on all parties, and service of the scheduling order as required by Pa.R.C.P. No. 236.

(5) *Orders.* Upon conclusion of the hearing, the Mental Health Review Officer shall enter an appropriate order electronically. An electronic copy of the order shall be e-mailed or made available electronically to all parties through the Mental Health Electronic Filing System. Participation in the Electronic Filing System and the electronic availability of the orders as provided herein shall constitute compliance with Pa.R.C.P. No. 236.

(6) *Website.* The Prothonotary's web site, and the Mental Health System, may be found at the following website address: <http://courts.phila.gov>, or at such other site as may be designated from time to time. The Prothonotary shall provide electronic access at all times; however, the electronically filed document will be reviewed and accepted for filing during normal business hours only. The time and date of the filing and receipt shall be as set forth above.

(7) *Authorized Users.* The Civil Mental Health Electronic Filing System shall be accessible to attorneys and other parties with the prior approval of the Prothonotary. An appropriate user name and password will be provided, and specific software may also be required.

(8) *Fees.* The Prothonotary shall impose an automation fee of \$5.00 per Mental Health Application or Petition filed, together with any other requisite filing fees. All Petitions and Applications not filed with the Prothonotary electronically after the implementation date of this rule shall be subject to both the automation fee and the requisite filing fee. The President Judge may waive all or any portion of the filing fee and automation fee. The funds generated by the automation fee shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit, and shall be used for, but not limited to, the development, training, implementation and maintenance of the electronic filing system for the Philadelphia Court of Common Pleas. The procedure for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's web site.

[Pa.B. Doc. No. 01-2173. Filed for public inspection December 7, 2001, 9:00 a.m.]

## Title 252—ALLEGHENY COURT RULES

### ALLEGHENY COUNTY

#### Appointment of Counsel Policies and Procedures and Revised Fee Bill; Family Division; Administrative Doc. No. A-8

##### Order

Now, this 9th day of November, 2001, upon recommendation of the Court's Juvenile Section, it is hereby *Ordered* that the following policy regulating the appointment of counsel in all Family Division, Juvenile Section cases before the Judges of the Court of Common Pleas of Allegheny County is adopted for cases in which the order for appointment of counsel is made after December 1, 2001.

It is further *Ordered* that the District Court Administrator of Allegheny County publicize this policy in the *Pennsylvania Bulletin* forthwith.

By the Court

KATHLEEN MULLIGAN,  
*Administrative Judge*

#### Policies and Procedures Governing Court Appointed Counsel for Delinquency Cases

##### I. General Guidelines

A. The appointment of counsel for delinquent Juvenile cases shall be made by the Supervising Judge of the Juvenile Section, her designee or by the Judge or Hearing Officer assigned to the specific case. Each appointment shall require a motion by the Public Defender of Allegheny County, setting forth the basis for the conflict. The Public Defender's office shall, upon reasonable notice of the Court, make itself available to the appointing Judge. Unless there is good cause, motions shall be submitted in writing in advance of the scheduled hearing.

B. The Supervising Judge of the Juvenile Section will keep a list of eligible attorneys. Attorneys interested in

being considered for appointments shall submit a letter and summary of criminal and family division defense experience to the supervising Judge of the Juvenile Section. This list is available for distribution to any Family Division Judge, upon request.

C. Immediately upon appointment, counsel shall prepare the Appointment Order (Form 24 A Juv. Ct.) for judicial signature. The appointed Attorney shall copy this order to 3 sources. Blank orders may be picked up in the office of the Judicial Services supervisor. It is important that the appointed attorney completes the order in full, insuring that it contains the JID #, the Docket #, and the Case Log #. The Court Clerk shall make the distribution of the appointment order in Court as follows:

Original—Prothonotary

First Copy—District Court Administrator, Fiscal Affairs,  
300 Frick Building, 437 Grant Street, Pittsburgh, PA  
15219

Second Copy—Information Management Dept.

Third Copy—Appointed Attorney (to be later used with  
invoicing)

D. Attorneys receiving appointments agree to accept and adhere to the policies and procedures as set forth in this document including the Pro Bono section.

##### II. Fee Schedule

A. Necessary Preparation	\$ 50.00 per hour
B. Court Appearance	
1. Full Court Day	\$500.00
2. Half Court Day	\$250.00 (up to 4 hours)
C. Expert Fees	
1. Preparation	\$ 50.00 per hour
2. Full Court Day	\$500.00
3. Half Court Day	\$250.00 (up to 4 hours)
D. Investigator Fee	\$ 30.00 per hour

##### III. Fee Guidelines

Court-appointed invoices in excess of the following amounts shall require the approval and signature of both the assigned Judge and the Supervising Judge of the Juvenile Section.

A. Trial (includes pre-trial conference, Cont'd hrgs. def'd hrgs., etc.)	\$1,000.00
B. Plea (investigative & office time or Cont'd Hrgs. resulting in plea)	\$ 750.00
C. Preliminary Hearings	\$ 250.00
D. Expert Fees	\$1,500.00
E. Investigator Fees	\$ 500.00
F. Pre-Trial Conference	\$ 50.00

##### IV. Pro Bono Program

A. Attorneys accepting appointments under this program shall participate in pro bono work.

B. Participating attorneys shall submit one pro bono invoice for every four appointments (25%). Attorneys submitting invoices must designate the pro bono case upon submission of the invoice to the assigned judge.

C. The District Court Administration Fiscal Affairs Office shall maintain a record of all appointments. Policy enforcement shall be the responsibility of the Juvenile Section Administration. Failure to comply with the Pro

Bono requirements may result in designation by the Court of pro bono work, upon invoices received.

D. The District Court Administrator shall report quarterly to the Judges of the Family Division concerning the Pro Bono work of all participating attorneys.

#### V. Billing Guidelines

A. Appointed attorney shall submit all invoices to the appointment Judge. The invoice shall be submitted on firm letterhead, include the firm's address and telephone number, date and take the following format:

1. A chronological listing of appointment work with dates, amount of time devoted to the legal work, and associated expense.

2. Clearly identify miscellaneous expenses (copying, postage, etc.) and include actual original receipts.

3. Include statements of services rendered by experts and investigators.

4. Attach a copy of the Appointment Order (Form 24 A Juv. Ct.)

5. Include a completed Payment Order (Form 24 B. Juv. Ct) for execution by the assigned judge and the Supervising Judge, if necessary.

B. Counsel must submit requests for payment within 60 days of case completion. For the purpose of this policy, case completion shall be defined as:

1. Not Guilty Verdict
2. Disposition (if no post-disposition motions)
3. Disposition of post-disposition motion
4. Dismissal/Withdrawal of Charges
5. Acceptance of Consent Decree
6. Disposition of Appeal

C. The following limitations are established by the policy:

1. The Court will not reimburse for preparation or closing the case on the same day as the trial/plea/consent decree.

2. The Court will not reimburse for more than two 1/2 days or one full day per attorney per day. The only exception to this standard will be a situation in which counsel is asked to provide representation on-the-spot for a defendant. These cases usually involve little or no preparation or research to provide effective representation. In such case, counsel may invoice at a \$50.00 per hour rate for that case, beyond what is being invoiced for the original case that brought counsel to the Court.

3. The Court will not reimburse for a full day in Juvenile Court if counsel has submitted an invoice for work performed in another division of the Court on the same day.

#### IV. Billing Procedures

A. Counsel shall submit their invoice, a copy of the appointment Order, and completed payment order without the Judge's signature. This package is to be submitted to the Administration Secretary of the Juvenile Section.

B. The Juvenile Section Administration Secretary will record the receipt of such package and pass it to the Administrative Services Clerk who begins a preliminary audit of the invoice to insure proper rates are being charged and addition is correct. The invoice package is then returned to the Juvenile Section Administration Secretary.

1. Upon determination that there is a discrepancy or question on the invoice, the Juvenile Section Assistant Administrator will contact counsel and attempt to resolve the discrepancy.

2. Upon resolution, the Assistant Administrator will submit the package with a recommendation that the assigned judge sign the Payment Order.

3. If the discrepancy is unresolved, a notation will be made on the invoice and the package will be presented to the assigned Judge. The Judge will enter an appropriate order or direct the attorney to present a motion pursuant to the motions procedures. After an order is entered, the judicial staff will provide a copy to counsel and will forward the package to the Juvenile Section Administration for further processing.

D. The Administration of the Juvenile Section will forward the invoice package with payment order to the assigned Judge for signature. Once the Judge has approved the payment order and invoice, the package will be returned to the Juvenile Section Administration Secretary and it will be promptly submitted to the Fiscal Affairs Department.

E. The Fiscal Affairs Department shall promptly review the documents and post the transaction to the Court's respective account, prepare a payment voucher, and forward to the Office of County Controller.

1. If any discrepancy is discovered by the Fiscal Affairs Department, the package will be returned to the Assistant Administrator of the Juvenile Section who will resolve the discrepancy or advise the assigned Judge that a problem exists.

F. The Court will make every effort to assure payment within 14 days of receipt of the invoice.

G. The following issues may cause delay in prompt payment and or rejection of any expense or invoice:

1. Failure to submit within the established time constraints
2. Failure to submit required receipts
3. Failure to notify the Fiscal Affairs Department of a change of address
4. Failure to correctly complete a W-9 form
5. Failure to comply with any provision of this policy
6. Inquiry of the Court's Fiscal Affairs Department, Administration Department or Controller Office inquiry

#### Reminders

- Fee schedules and Fee Guidelines only apply to Court Appointments of the Juvenile Section of the Family Division
- Signature of Juvenile Section Supervising Judge is required for amounts in excess of Fee Guidelines
- A request for payment must be completed within 60 days of case completion.—See Section V., Subsection B.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION—JUVENILE SECTION

IN THE INTEREST OF CASELOG NUMBER JID NUMBER DOCKET NUMBER
(A MINOR)

ATTORNEY PAYMENT ORDER

AND NOW, to wit, this \_\_\_ day of \_\_\_, 20 \_\_, appearing \_\_\_, counsel appointed by the Court, and presenting the within Petition for Counsel Fees, it is ORDERED and DECREED that the Controller of Allegheny County is hereby authorized and directed to issue a warrant for the amount of \$ \_\_\_ for the above-rendered legal services to:

Name:
Address:

APPEARANCE FOR THE ABOVE NAMED YOUTH IS WITHDRAWN
BY THE COURT:
Judge

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
FAMILY DIVISION—JUVENILE SECTION

IN THE INTEREST OF CASELOG NUMBER JID NUMBER DOCKET NUMBER
(A MINOR)

CONFLICT COUNSEL APPOINTMENT ORDER

AND NOW, to wit, this \_\_\_ day of \_\_\_, 20 \_\_, in accordance with the Public Defender Act of 1968, December 2, P. L. 1144, 16 P. S. 9960.7, it appearing to the Court that the above-named Defendant is unable to hire private legal counsel to represent him/her at the above numbered matter, it also appearing to the Court that the Public Defender of Allegheny County, having been appointed to represent the Defendant is unable to do so on the date and time set for trial and for the reason: Conflict,

IT IS HEREBY ORDERED that \_\_\_ Esq., be appointed to represent the Defendant in the matter before the Court at the above number and that he/she be awarded reasonable compensation upon completion of said representation.

BY THE COURT:
Judge

[Pa.B. Doc. No. 01-2174. Filed for public inspection December 7, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MERCER COUNTY

Local Rule of Criminal Procedure L4006E; No. 2001-588

Order

And Now, this 20th day of November, 2001, it is hereby Ordered and Directed that Mercer County Local Rule of Criminal Procedure L4006E is hereby withdrawn. This 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. Rule of Criminal Procedure 105, 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 Criminal Procedural Rules Committee.

It is further Ordered and Directed that Local Rules 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

[Pa.B. Doc. No. 01-2175. Filed for public inspection December 7, 2001, 9:00 a.m.]

**MERCER COUNTY**  
**Local Rule—L4006E; 2001-588**

**Order**

*And Now, October 23, 2001, It Is Hereby Ordered and Decreed* that Local Rule L4006E is withdrawn effective January 1, 2002. This Rule providing for determination of real estate valuation for purposes of bail, will no longer be applicable after January 1, 2002. Mercer County has provided effective January 1, 2002 that real estate valuation shall be 100 percent of assessed valuation. Thus, the formula provided for in Local rule L4006E will no longer be accurate or necessary.

*By the Court*

FRANCIS J. FORNELLI,  
*President Judge*

[Pa.B. Doc. No. 01-2176. Filed for public inspection December 7, 2001, 9:00 a.m.]