

THE COURTS

Title 210—APPELLATE PROCEDURE

[210 PA. CODE CH. 25]

Amendment of Pa.R.A.P. 2541; No. 126 Appellate
Procedural Rules Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of January, 2001 upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Pa.R.A.P. 2541 is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2001.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 25. POST-SUBMISSION PROCEEDINGS

APPLICATION FOR REARGUMENT

Rule 2541. Form of Papers; Number of Copies.

All papers relating to applications for reargument shall be prepared in the manner prescribed by Rule 2171 (method of reproduction) through Rule 2174 (table of contents and citations). An original and eight copies of each application for reargument shall be filed with the Supreme Court. An original and 23 copies of each application for reargument shall be filed with the Superior Court [along with one copy of each brief previously filed with Superior Court]. An original and 11 copies of each application for reargument shall be filed with Commonwealth Court.

* * * * *

[Pa.B. Doc. No. 01-163. Filed for public inspection February 2, 2001, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL
[231 PA. CODE CH. 200]

Amendment of Note to Rule 237.3 Governing Relief from Judgment of Non Pros or by Default; No. 349 Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this 19th day of January, 2001, Pennsylvania Rule of Civil Procedure 237.3 is amended as follows:

I. The note to Rule 237.3 is amended to read as attached hereto.

II. The Explanatory Comment—1994 is amended to read as attached hereto.

III. The Explanatory Comment—2001 is added to read as attached hereto.

Whereas prior distribution and publication of the amendments would otherwise be required, it has been determined that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2001.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

§ 237.3. Relief from Judgment of Non Pros or by Default.

* * * * *

Official Note: A defendant who seeks to file a pleading other than an answer is not entitled to the benefit of this rule but must comply with the requirements of *Schultz v. Erie Insurance Exchange*, supra. See Rules 206.1 through 206.7 governing petition practice.

Explanatory Comment—1994

Rule 237.3. Relief from Judgment of Non Pros or by Default

Rule 237.3 governs relief from a judgment by default or of non pros. Subdivision (a) requires that a verified copy of the complaint or answer sought to be filed be attached to the petition for relief from the judgment. This enables the court to determine from the actual [pleading] complaint or answer to be filed whether it alleges a meritorious cause of action or defense.

Subdivision (b) eases the burden of a party against whom judgment has been entered and who moves promptly for relief from that judgment. If the petitioner files a petition for relief from the judgment within ten days after entry of the judgment on the docket, the rule requires the court to open the judgment if the proposed [pleading] complaint or answer states a meritorious cause of action or defense. The rule provides a date certain from which to measure the ten-day period and the language establishing the beginning of that period is derived from Rule 1308 governing appeals in compulsory arbitration.

Case law has imposed three requirements for opening a judgment by default: a petition timely filed, a reasonable explanation or legitimate excuse for the inactivity or delay and a showing of a meritorious defense. Rule of Civil Procedure 3051 similarly states these three requisites for opening a judgment of non pros, substituting the showing of a meritorious cause of action rather than a meritorious defense. Rule 237.3(b) presumes that a petition filed within the required ten-day period is both

timely and with reasonable explanation or legitimate excuse for the inactivity or delay. In this context, subdivision (b) requires that the judgment be opened if the petitioner attaches to the petition a verified complaint or answer which states a meritorious cause of action or defense. A note to the rule cautions that the rule is not intended to change the law relating to the opening of judgments in any way or to impose a new standard of timeliness in cases outside the limited circumstances set forth in the rule. Illustrations

[The] In illustrations 1 through 3, the defendant has failed to plead within the required time to a complaint containing a notice to plead.

1. Prior to receiving a notice of intention to enter a default judgment, defendant seeks an agreement with the plaintiff for an extension of time in which to plead. The parties may certainly agree to an extension of time and proceed in accordance with their agreement. However, such an agreement is really unnecessary since the plaintiff cannot enter judgment without giving the ten-day notice required by the rule and the ten-day notice cannot be waived. Defendant may plead within the time up to receiving the notice plus ten days. This period of time may be more than might be provided by any agreement. In addition, there is no danger of a judgment being entered as the required notice has not been given.

2. Defendant has received the ten-day notice but cannot file the pleading within the ten-day period. Now, as provided by Rule 237.2, it is appropriate to seek an agreement to extend the time in which to plead since the plaintiff has given the notice which is prerequisite to the entry of judgment and actual entry of the judgment is imminent.

3. Defendant has received the ten-day notice and obtained an agreement extending the time to plead. However, defendant does not plead within the agreed time. Plaintiff may enter judgment by default without further notice as provided by Rule 237.2 and the form of agreement set forth in Rule 237.6.

In illustrations 4 through 6, the plaintiff has entered a valid judgment by default against the defendant and the prothonotary has entered the judgment in the docket and noted the date thereof. Thereafter, the defendant files a petition to open the judgment.

4. [Plaintiff has entered a valid judgment by default against the defendant. The prothonotary has entered the judgment in the docket and noted the date thereof. Within ten days of that date, the defendant files a petition to open the judgment. The petitioner need demonstrate to the court only that the filing of the petition was within the ten-day period specified by Rule 237.3(b) and that the verified pleading attached to the petition states a meritorious cause of action or defense. In such case, Rule 237.3(b) requires the court to open the judgment.]

The defendant files the petition to open the judgment within ten days of the date on which the prothonotary entered the judgment on the docket and seeks leave to file the answer attached to the petition. The defendant is entitled to the benefit of Rule 237.3(b) by timely filing the petition and attaching an answer. Rule 237.3(b) requires the

court to open the judgment upon the defendant demonstrating to the court that the filing of the petition was within the ten-day period and that the answer attached to the petition states a meritorious defense.

5. [Again, plaintiff has entered a valid judgment by default against the defendant. Also, the prothonotary has entered the judgment on the docket, noting the date of the docket entry. However, plaintiff does not file a petition to open the judgment until more than ten days after that date. The petition to open is not within the scope of Rule 237.3(b) and the petitioner needs to demonstrate to the court, as required by case law, not only that the verified pleading attached to the petition states a meritorious defense but also that the filing of the petition was timely and that there was a reasonable explanation or legitimate excuse for the delay or inactivity.]

The defendant files the petition to open the judgment within ten days of the date on which the prothonotary enters the judgment on the docket and seeks leave to file the preliminary objections attached to the petition. The defendant is not entitled to the benefit of Rule 237.3(b) because, although the petition is timely filed, the rule does not provide for preliminary objections to be attached to the petition. A defendant who wishes to file preliminary objections upon the opening of a judgment must proceed pursuant to case law and meet the standards set forth in *Schultz v. Erie Insurance Exchange*, 505 Pa. 90, 477 A.2d 471 (1984), cited in the note to the rule.

6. The defendant files a petition to open the judgment more than ten days after the date of entry of the judgment on the docket. The petition to open is not within the scope of Rule 237.3(b) which requires that the petition be "filed within ten days after the entry of the judgment on the docket". The defendant must proceed pursuant to case law and meet the standards of *Schultz v. Erie Insurance Exchange*, 505 Pa. 90, 477 A.2d 471 (1984).

Although these illustrations use the example of the entry of a judgment by default and a petition to open the judgment, they are adaptable and thus equally applicable to the entry of a judgment of non pros for failure to file a complaint and a petition to open such a judgment.

Explanatory Comment—2001

The amendment to the Note clarifies the procedure when a defendant, upon the opening of a default judgment, intends to file preliminary objections, a pleading not encompassed by this rule. Contrary to the holding of the Commonwealth Court in *Peters Township Sanitary Auth. v. American Home and Land Dev. Co.*, 696 A.2d 899 (Cmwlth Ct. 1997), preliminary objections are not an appropriate attachment to a petition to open a default judgment under Rule 237.3.

Clarifying amendments have been made to the 1994 Explanatory Comment.

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-164. Filed for public inspection February 2, 2001, 9:00 a.m.]

**Promulgation of New Rule of Civil Procedure 207.1
Governing Motion to Exclude Expert Testimony
Which Relies Upon Novel Scientific Evidence;
No. 351 Civil Procedural Rules Doc. No. 5**

Order

Per Curiam:

And Now, this 22nd day of January, 2001, new Pennsylvania Rule of Civil Procedure 207.1 is promulgated to read as attached hereto.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2001.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

**Rule 207.1. Motion to Exclude Expert Testimony
Which Relies Upon Novel Scientific Evidence**

(a) If a party moves the court to exclude expert testimony which relies upon novel scientific evidence, on the basis that it is inadmissible under Pa.R.E. 702 or 703,

(1) the motion shall contain:

(i) the name and credentials of the expert witness whose testimony is sought to be excluded,

(ii) a summary of the expected testimony of the expert witness, specifying with particularity that portion of the testimony of the witness which the moving party seeks to exclude,

(iii) the basis, set forth with specificity, for excluding the evidence, (iv) the evidence upon which the moving party relies, and

(v) copies of all relevant curriculum vitae and expert reports;

(2) any other party need not respond to the motion unless ordered by the court;

(3) the court shall initially review the motion to determine if, in the interest of justice, the matter should be addressed prior to trial. The court, without further proceedings, may determine that any issue of admissibility of expert testimony be deferred until trial; and

(4) the court shall require that a response be filed if it determines that the matter should be addressed prior to trial.

Official Note: This rule establishes procedures for motions to exclude expert testimony which relies upon novel scientific evidence. The rule does not address the requirements for the admission of expert testimony under Pa.R.E. 702 and 703, which are governed by case law. It also does not address motions under those rules on other grounds.

The court has discretion in the manner in which it determines the motion. While depositions of expert witnesses and evidentiary hearings are available to the court for this purpose, they should be utilized in limited circumstances. See the limitations set forth in Rule 4003.5 governing discovery of expert testimony.

In deciding whether to address prior to trial the admissibility of the testimony of an expert witness, the following factors are among those which the court should consider: the dispositive nature or significance of the issue to the case, the complexity of the issue involved in

the testimony of the expert witness, the degree of novelty of the proposed evidence, the complexity of the case, the anticipated length of trial, the potential for delay of trial, and the feasibility of the court evaluating the expert witness' testimony when offered at trial.

When a ruling on a pre-trial motion to exclude the testimony of an expert witness is deferred until trial, the trial judge may choose to decide the motion (1) before the expert witness testifies on the basis of evidence offered outside the presence of the jury or (2) after the expert witness testifies on the basis of testimony offered at trial, in which event the trial judge will strike the testimony of the expert witness if it is found to be inadmissible under Pa.R.E. 702 or 703. However, hearings on preliminary matters must be conducted outside the presence of the jury "when the interests of justice require." See Pa.R.E. 104.

(b) A party is not required to raise the issue of the admissibility of testimony of an expert witness prior to trial unless the court orders the party to do so.

Explanatory Comment

The purpose of new Rule 207.1 is to provide the procedure for pre-trial motions concerning the admissibility of expert testimony which relies upon novel scientific evidence.

[Pa.B. Doc. No. 01-165. Filed for public inspection February 2, 2001, 9:00 a.m.]

[231 PA. CODE CH. 1500]

**Rescission of Rule of Civil Procedure 1503 Govern-
ing Venue in Actions in Equity and Promulga-
tion of New Rule 1503; No. 350 Civil Procedural
Rules Doc. No. 5**

Order

Per Curiam:

And Now, this 19th day of January, 2001, Pennsylvania Rule of Civil Procedure 1503 is rescinded and new Rule 1503 is promulgated to read as attached hereto.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2001.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1500. ACTION IN EQUITY

Subchapter A. RULES

Rule 1503. Venue

An action may be brought in any county in which a civil action may be brought or, if the subject matter of the action is property, in the county in which the property is located.

Official Note: See Rule 1006 governing venue in a civil action.

Explanatory Comment

Rule 1503 governing venue in an action in equity has been rescinded and new Rule 1503 has been promulgated. The new rule provides for an action in equity to be

brought in any county in which a civil action may be brought or, if property is involved, in the county in which the property is located.

By its simplicity, the new rule contains several changes from the former rule:

First, former Rule 1503(a)(1) required the action to be brought in a county in which the defendant or a principal defendant may be served. The new rule broadens this provision to include all counties of venue under Rule 1006, including the cause of action county and the transaction or occurrence county. Also, the reference to a "principal defendant" has been deleted. If venue is based upon the presence of a defendant in the forum county, the presence of any defendant is sufficient to create venue as to all defendants. The doctrine of forum non conveniens is available for venue which may be inappropriate.

Second, former Rule 1503(a) contained a clause relating to the effect of a judgment or decree as personally binding. This language has been deleted as it did not pertain to venue and, in addition, stated an outmoded principle of law.

Third, former Rule 1503(b) and (c) relating to venue in actions by or against the Commonwealth, its agencies, instrumentalities and officers have not been retained. Venue in actions against the Commonwealth in the courts of common pleas is governed by Rule 2103(a) which provides for an action to be brought in "any county permitted by a rule of the Supreme Court."

Finally, former Rule 1503(d) relating to the administration of a trust or the removal of a trustee has not been carried over to the new rule because as stated it was not a matter of venue but, rather, one of jurisdiction. Further, matters relating to trusts are within the jurisdiction of the orphans' court division of the court of common pleas, which is governed by its own rules of procedure. However, should such matters come within the scope of these rules, no special procedures are required as new Rule 1503 will suffice.

REA BOYLAN THOMAS,
Chair

[Pa.B. Doc. No. 01-166. Filed for public inspection February 2, 2001, 9:00 a.m.]

Title 237—JUVENILE RULES

Appointments to the Juvenile Court Procedural Rules Committee and Designation of Chair and Vice-Chair; No. 265 Supreme Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of January, 2001, the following are hereby appointed as members of the Juvenile Court Procedural Rules Committee:

For a term of one year, commencing February 1, 2001

The Honorable Robert J. Colville
Allegheny County

John Patrick Delaney, Jr., Esquire
Philadelphia

The Honorable Thomas J. Doerr
Butler County

For a term of two years, commencing February 1, 2001

Francis Barry McCarthy, Jr., Esquire
Allegheny County

The Honorable Carol K. McGinley
Lehigh County

The Honorable Patrick R. Tamilia
Allegheny County

For a term of three years, commencing February 1, 2001

The Honorable Bruce L. Castor, Jr.
Montgomery County

Jason P. Kutulakis, Esquire
Cumberland County

The Honorable Abram Frank Reynolds
Philadelphia

Francis Barry McCarthy, Jr., Esquire, is hereby designated as Chair and The Honorable Carol K. McGinley as Vice-Chair of the Committee.

[Pa.B. Doc. No. 01-167. Filed for public inspection February 2, 2001, 9:00 a.m.]

Establishment of the Juvenile Court Procedural Rules Committee; No. 264 Supreme Court Rules Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of January, 2001, pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania, the Court hereby establishes the Juvenile Court Procedural Rules Committee.

The Committee shall be composed of nine members of the bench or bar of the Commonwealth. One of the members shall be designated by the Court as Chair and one as Vice-Chair of the Committee. Initial appointments shall be for one, two or three-year terms and shall commence on the 1st day of February, 2001. Thereafter appointments shall be for three years and members shall serve no more than two consecutive three-year terms.

[Pa.B. Doc. No. 01-168. Filed for public inspection February 2, 2001, 9:00 a.m.]

Title 252—ALLEGHENY COURT RULES

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 4 of 2001 Rules Docket

Order of Court

And Now, to-wit, this 18 day of January, 2001, pursuant to action of the Board of Judges, and effective thirty days after publication in the *Pennsylvania Bulletin*, the following Allegheny County Rules of the Family Division are hereby amended;

- Rule 1910.6 Service. Proof of Service.
- Rule 1910.7 No Pleading by Defendant Required. Question of Jurisdiction or Venue or Statute of Limitations in Paternity.
- Rule 1910.12 Office Conference. Hearing. Record. Exceptions. Order.
- Rule 1910.15 Paternity.
- Rule [1910.21-3] 1910.25-2 Civil Contempt: Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.
- Rule [1910.23-1] 1910.24 Judgement for Arrearages. Execution.
- Rule 1915.1(a)1 Scope.
- Rule 1915.1(b) Definitions.
- Rule 1915.3(c) Commencement of Action. Complaint/Waiver. Fees. Refunds.
- Rule 1915.3(d) Confirmation of Custody.
- Rule 1915.3(e) Grandparents. Third Parties.
- Rule 1915.4(a) Service. Rescheduling.
- Rule 1915.4-3 Orientation. Mediation. Confidentiality. Mediator. Qualifications. Conciliation. Psychological Evaluation and Home Study.
- Rule 1915.14(a) Noncompliance. Contampt. Arrest.
- Rule 1920.12 Complaint. Contents and Filing.
- Rule 1920.33 Joinder of Related Claims. Distribution of Property. Resolution of Claims for Equitable Distribution of Marital Property and Alimony.
- Rule 1920.42 Affidavit of Decree Under Section 3301(c) or 3301(d) of the Divorce Code. Obtaining Decrees.
- Rule 1920.46 Representation of Defendant in Military Service.
- Rule 1920.51 Hearing by the Court. Appointment of Master. Notice of Hearing. Contested and Uncontested Divorce Claims Under §§ 3301(a) and 3301(b) of the Divorce Code.
- Rule 1920.55 Master's Report. Notice. Exceptions. Final Decree.
- Rule 1920.62 Proceedings by Indigent Parties.
- Rule 1920.71 Form of Notice.
- Rule 1920.73 Date of Service.
- Rule 1930 Domestic Relations Matters Generally.

By the Court

ROBERT A. KELLY,
President Judge

Revisions to the Local Rules of the Family Division of the Court of Common Pleas of Allegheny County

The following are revisions to the local rules of the Family Division. Additions are **underlined** and deletions are [**bracketed**]. Existing rules which do not appear here remain unchanged.

Rule 1910.6 Service. Proof of Service. **Rescinded.**

[**(a)(2)(I) Service shall be deemed complete when the registered mail addressed to the defendant at his or her current residence is returned unclaimed and the ordinary mail addressed to the defendant at his or her current residence has not been returned.**]

Rule 1910.7 No Pleading by Defendant Required. Question of Jurisdiction or Venue or Statute of Limitations in Paternity.

(b)[*](1) If preliminary objections challenging venue or jurisdiction **in a support matter** are filed, the proceedings shall be [**stayed and**] listed for argument in conformity with Local Rule 1930(b). **The filing of preliminary objections shall not automatically stay the support proceedings. A party or counsel may present a motion requesting a stay pending decision on the preliminary objections.**

Rule 1910.12 Office Conference. Hearing. Record. Exceptions. Order.

(b)(1)[*](a) ***

(c)[*](3) ***

(e)[*](1) ***

[*](h)(1) Any party filing exceptions shall serve them upon all other parties and file **the original and one [a]** copy with the Exceptions Clerk [**in Room 616, City-County Building**] by the end of the next business day following the filing of the exceptions with the Prothonotary.

* * * * *

[*](i) Exceptions shall be placed on the next available "Support Argument List" occurring more than 13 days after the transcript of testimony and exceptant's brief are filed with the Exceptions Clerk [**in Room 616, City-County Building**]. The court shall serve notice on all parties of the date and place of the argument. If the respondent files a brief, it shall be filed at least seven calendar days prior to argument, with the [**Hearing Officer's Secretary**] **Exceptions Clerk [in Room 616, City-County Building]**.

[*](j) ***

[*](k) ***

[*](l) ***

Rule 1910.15. Paternity. **Rescinded.**

[**(b)*(1) Before terminating the conference, the domestic relations counselor may obtain an order of court directing the parties to submit to blood testing.**]

Note: Procedure for obtaining genetic testing is set forth in Pa.R.C.P, 1910.15.

Rule [1910.21-3] 1910.25-2 Civil Contempt; Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

[*](e) In all cases of civil contempt for failure to comply with an order of support, if no agreement is reached at the domestic relations office conference, further proceedings shall be conducted pursuant to the alternative hearing procedures of Pa.R.C.P. [**No. 1910.21-5 1910.25-4**]

Rule [1910.23-1] 1910.24. Judgment for Arrearages. Execution.

(a)[*](1) Any party at any time may obtain [**from Suite 200, Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219,**] a statement of arrears accord-

ing to the records of [**the Collection and Disbursement Division**] **Family Division, as provided in the Family Division Court Manual.**

Rule 1915.1(a)1 Scope.

This rule shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

i. All individuals with standing to pursue an action for custody, partial custody or visitation with children from birth to age 17 shall complete the custody education program for adults [**(“Lighthouse”)**].

ii. All children ages 6 to [**17**] **15** who are in the care of a party[**(ies)**] or **parties** shall participate in an interactive group program for children [**(“Sandcastles”)**].

iii. Parties also shall participate [**fully**] in the mediation **orientation** program [**(“Generations”)**] **operated by Family Division**]. Additionally, step-parents, step-children, grandparents and [**the like**] **others closely involved with the custody of the children** may also participate in [**Lighthouse or Sandcastles**] **the education programs**, upon consent of all parties.

Rule 1915.1(b) Definitions.

i. “Generations” means **the education programs for adults and children**, the [**orientation**] mediation **orientation** program **operated [established]** by the Allegheny County Family Division pursuant to 23 Pa.C.S. § 3901-3904. [**This**] **The “Generations Center”** is located at Suite 400, 4th Floor, Allegheny Building, Pittsburgh, Pennsylvania, 15219, telephone (412) 350-4311, **and [which]** serves as the Family Division Administrative Office for the Generations Program.

ii. [**“Lighthouse”**] **“Generations education”** means the custody education program for adults pursuing claims for custody **and the interactive education program for children ages 6 to 15.**

iii. [**“Sandcastles”**] means **the interactive educational program for children 6 to 17, run in conjunction with the Lighthouses program for adults.** [**“Generations Mediation Orientation”**] means **the custody mediation program for adult pursuing claims for custody.**

[**iv. “Family Services”**] means **the organization which provides the educational components for Lighthouse and Sandcastles and is located at 921 Penn Avenue Plaza, 4th Floor, Pittsburgh, PA 15222, telephone (412) 261-3623 extension 48 or 32, which serves as the administrative office for Lighthouse and Sandcastles.**]

Rule 1915.3(c) Commencement of Action.[/] Complaint/Waiver.[/] Fees.[/] Refunds.

i. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial **custody** or visitation, or any other court papers seeking to initiate or **reinstate** any proceeding to compel, modify, terminate or otherwise affect[,] contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to the Generations Center. The Center

shall immediately provide the moving party with an order of court (“Scheduling Order”) setting forth the dates and times when the adults and children shall attend [**Lighthouses, Sandcastles**] **the education programs and [Generations]** Meditation[/] Orientation [**(the “Programs”)**], a Domestic Violence Waiver form, and program descriptions. The Scheduling Order shall also specify the location for the adult and children’s educational programs[, **Lighthouse and Sandcastles**]. The mediation **orientation [program, Generations,]** shall always take place in the “Center”. This Scheduling Order is then attached to the original complaint or petition for filing.

ii. **Any custody matter in which there has been no activity, as reflected by the docket, for 120 days shall be deemed a new action for purposes of this rule.**

iii. **Parties to an action to modify or enforce a final order of court for custody, partial custody or visitation, as well as parties to an action deemed to be new, must complete the Generations program, if they not already done so, before they will be permitted to praecipe for any proceeding before the court .**

iv. **Notwithstanding the parties previous completion of the Generations program, all parties to actions referenced in iii. of this local rule shall be required to participate in another mediation orientation, as provided by these rules, before they will be permitted to praecipe for any proceeding before the court.**

[**ii.**] v. ***

[**iii.**] vi. ***

[**iv.**] **vii.** No party shall be compelled to attend any portion of these Programs with the opposing party, or to [**attend Generations at all**] **participate in the mediation orientation**, in cases where either party, or a child of either party, is or has been the subject of domestic violence or child abuse **allegedly perpetrated by the opposing party** at any time within the past 24 months. In such cases, appropriate arrangements for separate sessions for [**Lighthouses or Sandcastles**] **the education programs** should be made **with the Center.** [**These arrangements must be made by calling Family Services.**] The Center shall **also** be notified personally or by mail through the use of a [**supplied**] **domestic violence** waiver form that the victim of abuse elects not to attend the mediation orientation session. The opposing party shall have the opportunity to contest cancellation of **the mediation orientation** through Motions Court. If mediation does not occur, the case will be set down promptly for a custody/partial custody conciliation before a Domestic Relations Officer.

[**v.**] **viii.** All other requests to waive attendance at any portion of the Programs will require an order of court which may be sought through Motions Court.[, **but which**] **Waivers** will be granted only in exigent circumstances. The moving party shall be responsible for filing any order entered in response to such request, and for service upon the [**appropriate Programs**] **the Generations Center** and the opposing party.

[**vi.**] **ix.** All moving parties who are required to participate in the [**Lighthouse, Sandcastles or Gen-**

erations] education and mediation orientation [Program] shall pay all fees required for those Programs.

[vii.] x. The moving party shall pay all of his or her fees for the [Lighthouse, Sandcastles and Generations] education and mediation orientation programs prior to receiving a Scheduling Order.

[viii.] xi. ***

[ix.] xii. The fee for [Lighthouse] adult education is \$40 for each party. The fee for [Sandcastles] children's education is \$30 for each child. Each party shall pay one-half of each child's total fee. The fees for [Lighthouses and Sandcastles shall be payable to Family Services of Western Pennsylvania by cashiers' check, money order or credit card, which may be provided by telephone. No cash or personal checks will be accepted. The moving party may, but is not required, to use Visa to pay for Lighthouse and/or Sandcastles. To do so, they shall call Family Services prior to obtaining a Scheduling Order to arrange for such payment and request that Family Services notify the Generations Center of payment by credit card.] education shall be payable to the Allegheny County Treasurer by certified check or money order. No cash or personal checks will be accepted.

[x.] xiii. The fee for [Generations] mediation orientation shall be \$100 for each party. The fee for [Generations] mediation orientation shall be made payable to the Allegheny County Treasurer [named in the Scheduling Order] by cashiers' check or money order [, delivered to the Center]. No cash or personal checks will be accepted.

[xi.] xiv. Under exigent circumstances, the court will consider waiver, [or] reduction or assessment of fees to the other party for those unable to pay. Any such request must be presented through Motions Court and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. 240 and 1920.62.

* * * * *

[xii.] xv. ***

[xiii.] xvi. In accordance with the Generations Program Description and Instruction Package, which are available at the Generations Center, fees for the education/mediation program are non-refundable with the following exceptions:

1. The parties are excused from participation in mediation orientation because a Domestic Violence Waiver[s] has been filed by either or both parties.
2. A signed [Signed] Custody Consent Order of Court [with seven days notice] is filed and served on the Generations Center seven days before the scheduled education program or the scheduled mediation orientation.
3. Petitioner['s withdrawal of pleadings with seven days notice] withdraws the pleadings seven days prior to the scheduled education or mediation orientation.

4. Respondent's fees are refunded when Petitioner fails to appear for education and /or mediation.

Rule 1915.3(d) Confirmation of Custody

- i. ***
- ii. ***

(a) A Complaint for Custody must be prepared properly in accordance with Pa.R.C.P. 1915.3 and 1915.15 [, and a true and correct copy must be attached to the Petition for Confirmation of Custody as an exhibit]. All of the information required by Rule 1915.15 must be provided. Additionally, a copy of the most recent custody order relating to the child or children must be attached, if any exists.

(b) All parties must be served in accordance with Pa.R.C.P. 1930.4 with movant's Complaint for Confirmation of Custody together with the exhibits. The complaint is deemed filed when notice of its presentation is given.

- (c) ***
- (d) ***
- (e) ***

Rule 1915.3(e). Grandparents [/]. Third Parties.

- i. ***
- ii. The partial custody claims of grandparents or other third party shall not be scheduled for [Lighthouse/Generations] education, mediation or for a conference/hearing without [obtaining] an Order from a Family Division judge through regular or pro se motions.

* * * * *

Rule 1915.4(a) Service [/]. Rescheduling.

- i. ***
- ii. ***
- iii. ***
- iv. ***

v. Any party [desiring] seeking to reschedule [Lighthouse or Sandcastles] the education sessions must [shall] contact [Family Services' office at (412) 261-3623 ext. 48 or 32] the Center at 412-350-4311 to determine [several] available dates [and times].

vi. ***

Rule 1915.4-3 Orientation. [—] Mediation [/]. Confidentiality [/]. Mediator. Qualifications [/]. Conciliation [/]. Psychological Evaluation and Home Study.

i. Mediators shall have a college degree and either an advanced degree or equivalent experience. Additionally, all mediators without exception shall take a basic 40 hour domestic mediation training seminar conducted by trainers who have been approved by the American Academy of Family Mediators and a basic domestic violence training seminar which has been approved by the American Academy of Family Mediators. All mediators shall carry liability insurance. Mediators shall adhere to the standards of practice adopted by the American Academy of Family Mediators and the American Bar Association.

- a) ***
- b) ***
- ii. ***
- iii. ***
- iv. ***
- v. ***
- vi. ***
- vii. ***
- viii. ***

ix. Custody cases which are not resolved by the DROs may be referred by the DRO for psychological evaluations **[and home study]**. After the evaluation[s are] is completed, the parties may praecipe for conciliation before a judge.

- x. ***
- xi. Parties who have never been through the **[Lighthouse and Generations]** Programs and wish to proceed directly to a conciliation must obtain an order permitting them to do so from the judge in either regular or pro se motions.
- xii. ***
- xiii. ***
- xiv. ***

Rule 1915.14(a) Noncompliance[/]. Contempt[/]. Arrest.

i. If the moving party fails to pay fees as specified, fails to appear for **[Lighthouse or Generations] education and/or mediation orientation** or fails to insure that any child within their physical custody appears for **[Sandcastles] education**, the custody action shall be dismissed without prejudice, and any fees paid by **[such] the moving party** shall be forfeited.

ii. **[Should]** If the non-moving party fail to pay fees as specified, fail to appear for **[Lighthouse or Generations] education and/or mediation orientation** or fail to insure that any child within their physical custody appears for **[Sandcastles] education**, an immediate rule to show cause why **[such] the non-moving party** should be not held in contempt shall issue from this court. Such rule will be returnable on a date certain within 14 days.

* * * * *

Rule 1920.12 Complaint. **Contents and Filing.**

[Local Rules Governing Contents and Filing of the Complaint.]

[*I.] (a) The Complaint

- [(A)] (1) *****
- [(B)] (2) *****

[(C)] (3) *** These sheets may be obtained from **[Room 621 of the City-County Building] the Intake Office or the Screening Window in Family Division.**

[*II.] (b) Filing the Complaint

- [(A)] (1) *****
- [(B)] (2) *****

[(C)] (3) If the divorce proceeding includes a claim for support, alimony pendente lite or counsel fees, any party seeking a conference/hearing on said claim shall file a praecipe **[in Room 603 of the City-County Building] at the screening window in Family Division** requesting that a conference/hearing date be scheduled and further stating that there is not existing order of support and/or alimony pendente lite providing for the support of a spouse. The party seeking the conference/hearing shall provide a copy of the pleading raising the claim for support, alimony pendente lite or counsel fees and the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet to the clerk **[in Room 603] at the screening window** at the time the praecipe for conference/hearing is filed.

* * * * *

Rule 1920.33 Joinder of Related Claims[;]. Distribution of Property. **Resolution of Claims for Equitable Distribution of Marital Property and Alimony.**

[Local Rules for the Resolution of Claims for Equitable Distribution of Marital Property and Alimony]

[*I.] (a) Scheduling conciliations for Contested Claims Raised Under §§

- [(A)] (1) *****
- [(B)] (2) *****
- [(C)] (3) *****
- [(D)] (4) *****
- [(E)] (5) *****

[*II.] (b) Action to be Taken Where A Party Fails to Comply With Rules 1920.31(a) or 1920.33(a)

- [(A)] (1) *****
- [(1)] (i) *****
- [(a)] a. *****

[(2)] (ii) The praecipe shall be filed in [Room 621 of the City-County Building] the Administrative Office of Family Division.

[*III.] (c) Scheduling Hearings for Uncontested Claims Raised Under Sections 3501 and 3701 of the Divorce Code

- [(A)] (1) *****
- [(B)] (2) A hearing is scheduled by filing a praecipe with the Family Division Docket Clerk [in Room 611 of the City-County Building]. *****
- [(C)] (3) *****
- [(D)] (4) *****
- [(E)] (5) *****
- [(F)] (6) *****

Rule 1920.42. Affidavit and Decree Under Section 3301(c) or 3301(d) of the Divorce Code. **Obtaining Decrees.**

[Local Rule for Obtaining Decrees for Divorce Claims Under Section 3301(c) or 3301(d) of the Divorce Code]

- (a) **[*3(A)]** If a complaint.

* * * * *

(b) ***

(c) [***(3)**] In all cases the moving.

* * * * *

(d) ***

Rule 1920.46. Representation of Defendant in Military Service.

[*](c) ***

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing. **Contested and Uncontested Divorce Claims Under §§ 3301(a) and 3301(b) of the Divorce Code**

[**Local Rule Regarding Contested and Uncontested Divorce Claims Under Sections 3301(a) and 3301(b) of the Divorce Code**]

[*](f) (1) All contested actions for divorce or annulment shall be first conciliated by the court. A conciliation date may be obtained from the Family Division Docket Clerk [**in Room 611 of the City-County Building**]. ***

(2) ***

(3) ***

(4) ***

(5) ***

(6) *** The exceptant shall, on the date of filing of the exceptions, give a copy of the exceptions to the Docket Clerk [**in Room 611 of the City-County Building**] in order to obtain an argument date.

(7) ***

(8) ***

[*](g). Uncontested Actions Under §§ 3301(a) and (b) of the Code.

(1) ***

(2) The praecipe of hearing shall be in the following form:

Praecipe of Hearing Date
(Caption)

1. Kindly list the above captioned action for hearing.
2. Defendant was served under Rule **1930.4 [412 or 403]**. Serve notice of hearing upon Defendant by ordinary mail addressed as follows: (address)

or

2. Defendant was served under Rule 430. Service notice of hearing upon Defendant by registered mail at defendant's last known address: (address)

with a copy by ordinary mail to each of the following:
(list names and addresses of persons named in the investigation affidavit under **Rule 430** as likely to know the present whereabouts of the defendant).

or

2. An appearance has been entered for Defendant. Serve notice of hearing upon Defendant's attorney of record.

Attorney for Plaintiff

(3) ***

(4) ***

(5) ***

(6) ***

(7) ***

(8) ***

(9) *** Also the exceptant shall provide a copy of the exceptions to the **Docket Clerk [docket clerk in Room 611 of the City-County Building]** in order to obtain an argument date.

Rule 1920.55. Master's Report. Notice. Exceptions. Final Decree.

[**Local Rule Governing Exceptions**]

(c) [*1.] (1) ***

[*2.] (2) ***

Rule 1920.62. Proceedings by Indigent Parties.

[*1.] (a) ***

[*2.] (b) ***

[*3.] (c) ***

[*4.] (d) ***

Rule 1920.71 Form of Notice. **Rescinded.**

Note: The form of Notice of Intention to Request Decree is prescribed in Pa.R.C.P. 1920.73(a).

Rule 1920.73. Date of Service. **Rescinded.**

Note: Pa.R.C.P. 1920.73(b) prescribes the form of the Praecipe to Transmit Record, which includes the affidavit of service of the Notice of Intention to Request Decree formerly required by this local rule.

Rule 1930 Domestic Relations Matters Generally.

[*] (a) Family Division Motions

[1.] (1) Family Division motions may be presented to the motions judge at 1:30 p.m. on each court day, **unless notice that motions will not be heard, or that motions will be heard at a different time, is published in the Pittsburgh Legal Journal.**

[2.] (2) ***

[3.] (3) ***

[4.] (4) ***

[5.] (5) Any motion which involves support payments that are assigned to the Pennsylvania Department of Public Welfare **or in which the plaintiff is not represented by private counsel** shall [**include Notice of Presentation to counsel for the Department of Public Welfare, 1403 State Office Bldg., 300 Liberty Ave., Pittsburgh, PA 15222**] be served on the **IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219** as well as on the plaintiff.

[6.] (6) Any motion which involves [**a matter under RURESA**] support payments or any other matter which is governed by the **Uniform Interstate Family Support Act (UIFSA)** or the **Intrastate Family Support Act (IFSA)** and in which the plaintiff is not

represented by private counsel shall be served [include Notice of Presentation] on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 15219 as well as on the plaintiff.

[*] (b) Procedure for Preliminary Objections and Motions for Judgment on the Pleadings or Summary Judgment

[**1. Preliminary Objections**] (1) Preliminary Objections shall be scheduled on the next available Friday Support Exception Argument List occurring more than 13 days after the Preliminary Objections are filed with the Prothonotary and the [**Hearing Officer's secretary in Room 616, City-County Building**] Exceptions Clerk. Objector shall serve notice on all parties of the time and place of argument. No preliminary objections shall be accepted for filing by the [**Hearing Officer's secretary**] Exceptions Clerk unless accompanied by a brief. Failure to file a brief with the Preliminary Objections shall be cause for dismissal of the Preliminary Objections. If Respondent files a brief it shall be filed with the [**Hearing Officer's Secretary**] Exceptions Clerk at least seven days prior to argument. **Except as provided by Local Rule 1910.7, [The]** the scheduling of Preliminary Objections shall stay all proceedings.

Note: Local Rule 1910.7 relates to support proceedings. Divorce and custody proceedings are stayed upon scheduling of preliminary objections.

[**2. Motions for Judgment on the Pleading or Summary Judgment**] (2) Motions for Judgment on the Pleading on the Pleading....

[*] (c) Scheduling Conciliations: Matters that are tried by a judge will not be listed for trial until they have been conciliated by a judge.

The following matters may be scheduled for a conciliation by filing a praecipe with the **Docket Clerk [docket clerk in Room 611 of the City-County Building]**: conciliation on § 3301(d) divorce claims; custody claims with order of court attached, see Pa.R.C.P. 1915(a) and (c); partition and equity claims and equitable distribution and alimony claims (provided that both parties have filed an inventory, appraisal, income and expense statement and that either (a) the parties are divorced, (b) both parties have filed an affidavit under [**Section**] § 3301(c) of the Divorce Code or (c) both parties agree that they have lived separate and apart for at least two years and that the marriage is irretrievably broken). [**Form 1930*C1 is to accompany the praecipe for equitable distribution conciliation. In all cases where a party requests a conciliation on a claim for custody the party or counsel must sign a certification that a genuine issue involving physical custody for more than 50 percent of the time is involved. (Form 1930*C2) All parties involved in custody proceedings are directed by the court to view a film on custody prior to the first scheduled conference or hearing**].

Note: A detailed description of the procedures, as well as the necessary forms, can be found in the Family Division Court Manual, see (g) of this Rule.

For other matters, a party may present a petition to the motions judge which contains the factual background, the relief sought, and a request for conciliation.

[*] (d) Continuances . **Rescinded.**

[**Effective April 29, 1991, in accordance with the Prothonotary Fee Bill, no Order of Court continuing a conference hearing in the Adult Section of the Family Division, at the request of an attorney or party, will be accepted by the Prothonotary for docketing and filing without payment of the required \$15 fee.**]

[**1. Continuances of Conciliation, Arguments or Hearings before a Judge, Hearing Officer or Domestic Relations Officer.**]

[**No conciliation, argument or hearing before a judge, hearing officer or domestic relations officer will be continued without an order of court. Notice of presentation of the request must be given to the opposing party, including an opposing party who is not represented by counsel in conformity with Local Rule 1930*(a).**]

[**A scheduled DRO conference or hearing before a Hearing Officer may be "continued generally" by order of court or a stipulation signed by both parties or their counsel (Court Manual, Form 14). Any matter which is continued generally will not be relisted without a court order signed by the motions judge.**]

[**A copy of any court order or stipulation continuing a Family Division matter must be immediately given to the Family Division Docket Clerk in Room 611, City-County Building to prevent dismissal of the scheduled action.**]

[**Whenever a new date is obtained through a court order, counsel for the party obtaining the court order is responsible for notifying all parties of the time and date of the rescheduled conference or hearing. In a RURESA case, the County Solicitor's Office must be given notice at Fort Pitt Commons, 3rd Floor, 445 Fort Pitt Blvd., Pittsburgh, PA 15219.**]

[**A party unrepresented by counsel may obtain a continuance of a DRO conference and hearing before a Hearing Officer in the manner outlined above.**]

[**In addition, an unrepresented party seeking to continue or reschedule a DRO conference or hearing before a Hearing Officer may report to Room 603 of the City-County Building to meet with a screening DRO. The unrepresented party shall present information explaining why the conference or hearing should be continued. IN the event that the screening DRO determines that a continuance is necessary, the DRO will obtain a court order continuing and /or rescheduling the conference or hearing. ONLY NON-WELFARE CASES CAN BE CONTINUED AS EXPLAINED ABOVE. Any request by an unrepresented party must be made at least five days prior to the date set for the hearing so that the other side may receive sufficient notice of the continuance.**]

Note: Procedure of obtaining a continuance in Family Division matters is set forth in detail in the Family Division Court Manual.

[*] (e) ***

[*] (f) [Use of] Case Numbers [in the Adult Section of the Family Division]. Suffixes.

(1) All pleadings filed with the Adult Section of the Family Division shall be filed under the originally assigned case number for the involved family. After an original case number has been assigned to all pleadings, regardless of the caption or nature of the case, **all pleadings** shall be filed under the originally assigned number. The caption shall reflect the appropriate party initiating each original action as the plaintiff [, **regardless of the previous filings each caption shall remain the same during the pendency of each action**].

(2) If counsel or a party believes that there may be a previously assigned case number, but the number is not known, the information may be obtained from the Prothonotary's Office [**in the City-County Building**].

(3) **In addition to the docket number assigned to all matters involving the family, the Prothonotary shall assign a three digit suffix designating the judge to whom the case is assigned. All pleadings must include the suffix as well as the docket number.**

(4) **All motions, exceptions, conciliations, hearings and other matters shall be listed only before the judge to whom the case is assigned, absent a compelling emergency or the long term unavailability of the designated judge.**

(5) **Cases in which the initial pleading was filed before May 1, 1997, may be amended to add the suffix of the judge most familiar with the case.**

(6) **In the event that a defendant in a support matter has more than one case, the captions of all of the cases shall be amended to assign them to the judge assigned to the case filed first in time. If there is not judge assigned to the case filed first in time, the cases will be assigned to the next judge in the rotation for assigning suffixes.**

[*] (g) Family Division Court Manual

Except as otherwise provided by the Pennsylvania Rules of Civil Procedures (Pa.R.C.P.) or by [**general**] local rule adopted by the Court of Common Pleas of Allegheny County (**Local Rules**), practice in the Adult Section of the Family Division shall be governed by the Court Manual for the Adult Section of Family Division of the Court of Common Pleas of Allegheny County. Current copies of the Court Manual shall be available at the office of the Administrator, Adult Section of Family Division.

Local Rule 1930.1 Electronic Filing in Family Division Matters

(a) **Except as otherwise provided by subsection (b) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any Family Division matter or proceeding brought in this court. In general, any legal paper which can be filed in hard copy directly with the Prothonotary, and without first processing through Family Division, may be filed electronically.**

Note: A "legal paper" as used in this rule means a pleading or other paper filed in any Family Division action.

(b) **The following legal papers, must be filed in accordance with established procedure for filing**

hard copy documents and may not be filed with the Prothonotary by means of electronic filing:

(1) **Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.**

(2) **Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations Office before they can be filed.**

(3) **Legal papers relating to spousal or child support which must be processed through Family Division before they can be filed.**

(4) **Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, which must be processed through the offices to which reference is made in (1), (2) or (3) of this subsection.**

Note: Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, § 3301(c) or § 3301(d) counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

(5) **Any and all legal papers which must be presented to a Family Division judge in motions before filing with the Prothonotary.**

(c) **The filing party shall maintain the original hard copy of any legal paper that is electronically filed.**

(d) **The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.**

(e) **The web site address of the Prothonotary is as follows: Prothonotary.County.Allegheny.PA.US.**

(f) **Access to the web site shall be available to an attorney by use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any user by the user selecting any numbers or letters that the user wishes to use as an identification number.**

(g) **The Prothonotary shall maintain an electronic and a hard copy file for the legal papers described in the first sentence of section (a).**

(h) **Procedures for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's web site.**

(i) **The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Prothonotary responds to the filing by notifying the filing party that the filing party has not (I) maintained sufficient funds to pay the fees and costs described in subsection (h), or (ii) authorized payment by credit or debit card of these fees and costs.**

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. 205.4(e)(2). One of the risks is that the Prothonotary—either correctly or incorrectly—determines that the filing party has not met its obligation for payment of the necessary fees and costs.

(j) This rule shall be rescinded on December 31, 2001 unless Pa.R.C.P. 205.4(h) is modified or rescinded.

Note: Pa.R.C.P. 205.4(h) provides that this rule shall be rescinded on December 31, 2001.

[Pa.B. Doc. No. 01-169. Filed for public inspection February 2, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rules L1308 (1) Relating to Compensation and Appeal; No. 01-0180

Administrative Order No. 11-2001

And Now, this 22nd day of January, 2001, it is hereby Ordered, Adjudged, and Decreed effective thirty (30) days after publication in the *Pennsylvania Bulletin*, that the Carbon County Court of Common Pleas hereby Amends the Local Rule of Civil Procedure L1308(1) to apply arbitration hearings, which are initially scheduled on or after March 1, 2001, as follows:

(1) Each member of the board of arbitrators who has signed the award shall receive as compensation for services a fee of \$125.00 for all cases involving three (3) hours or less, plus \$25.00 for each hour over three (3) hours hearing time. (Awards in companion cases heard together count as one award for purposes of this Rule). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court on petition of the members of the board and for cause shown, may allow additional compensation. In cases where an award is to be entered by the arbitrators pursuant to an agreement of settlement before the hearing, each member of the board shall receive as compensation \$75.00.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

JOHN P. LAVELLE,
President Judge

Rule L1308. Compensation and Appeal.

(1) Each member of the board of arbitrators who has signed the award shall receive as compensation for services a fee of \$125.00 for all cases involving (3) hours or less, plus \$25.00 for each hour over three (3) hours hearing time. (Awards in companion cases heard together count as one award for purposes of this Rule). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court on petition of the members of the board and for cause shown, may allow additional compensation. In cases where an award is to be entered by the arbitrators pursuant to an agreement of settlement before the hearing, each member of the board shall receive as compensation \$75.00.

(2) Appellant's counsel shall provide a copy of the Notice of Appeal from the Award of the Board of Arbitrators to the Court Calendar Officer. An appeal duly taken from the Award of the Board of Arbitrators shall be automatically placed on the next available Pre-Trial List by the Court Calendar Officer, upon receipt of the copy of the Notice of Appeal.

(3) Within ten (10) days of the filing of such appeal, a pre-trial memorandum shall be lodged by the Appellant, and Appellant shall deliver a copy to opposing counsel immediately thereafter. Within twenty (20) days after receipt of such copy of the pre-trial memorandum, opposing counsel shall lodge with the Prothonotary a pre-trial memorandum and deliver a copy to Appellant.

[Pa.B. Doc. No. 01-170. Filed for public inspection February 2, 2001, 9:00 a.m.]

CARBON COUNTY

Data Processing Fees; No. 01-0062

Administrative Order No. 7-2001

And Now, this 15th day of January, 2001, it is hereby

Ordered, Adjudged, and Decreed that the data processing fee for all judgments and initial pleadings filed by any party in the Prothonotary's Office, on or after March 1, 2001, shall be increased to \$15.00. In addition, all petitions, motions, and applications for continuance filed in the Prothonotary's Office after the initial pleadings shall be charged a data processing fee of \$7.50. The funds generated by these data processing fees shall be collected by the Prothonotary and remitted monthly to the County of Carbon, and shall be used for, but not limited to, the development, training, implementation and maintenance of an integrated case management, document management and electronic filing system for the Court of Common Pleas of Carbon County.

This Administrative Order is promulgated in accordance with Pa.R.C.P. No. 205.4, and in accordance with the October 27, 1997 Order of the Supreme Court of Pennsylvania Eastern District, No. 178, Judicial Administration Docket No. 2, and shall become effective March 1, 2001. The original shall be filed with the Prothonotary and copies shall be submitted to the Administrative Office of

Pennsylvania Courts, the Legislative Reference Bureau and the Pennsylvania Civil Rules Committee.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. Forward one (1) copy for publication in the Carbon County Law Journal.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 01-171. Filed for public inspection February 2, 2001, 9:00 a.m.]

CARBON COUNTY

Data Processing Fees; No. 01-9013

Administrative Order No. 8-2001

And Now, this 15th day of January, 2001, it is hereby

Ordered, Adjudged, and Decreed that the data processing fee on all initial pleadings filed by a party in the Orphans' Court Office on or after March 1, 2001, shall be increased to \$15.00. In addition, all petitions which are not initial pleadings, motions, applications for continuance and applications for marriage license filed in the Orphans' Court Office shall be charged a data processing fee of \$7.50. The funds generated by these data processing fees shall be collected by the Orphans' Court and remitted monthly to the County of Carbon, and shall be used for, but not limited to, the development, training, implementation and maintenance of an integrated case management, document management and electronic filing system for the Court of Common Pleas of Carbon County.

This Administrative Order is promulgated in accordance with Pa.R.C.P. No. 205.4, and in accordance with the October 27, 1997 Order of the Supreme Court of Pennsylvania Eastern District, No. 178, Judicial Administration Docket No. 2, and shall become effective March 1, 2001. The original shall be filed with the Orphans' Court Office and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Pennsylvania Orphans' Court Rules Committee.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Orphans' Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Orphans' Court Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 01-172. Filed for public inspection February 2, 2001, 9:00 a.m.]

CARBON COUNTY

Data Processing Fees; No. 006MI00

Administrative Order No. 9-2001

And Now, this 15th day of January, 2001, it is hereby

Ordered, Adjudged, And Decreed that the data processing fee for all new criminal cases and initial pleadings filed by a party in the Clerk of Courts' Office on or after March 1, 2001, shall be increased to \$15.00. In addition, all petitions, motions, and applications for continuance filed in the Clerk of Courts' Office shall be charged a data processing fee of \$7.50. The funds generated by these data processing fees shall be collected by the Carbon County Collection Bureau and remitted monthly to the County of Carbon, and shall be used for, but not limited to, the development, training, implementation and maintenance of an integrated case management, document management and electronic filing system for the Court of Common Pleas of Carbon County.

This Administrative Order is promulgated in accordance with Pa.R.C.P. No. 205.4, and in accordance with the October 27, 1997 Order of the Supreme Court of Pennsylvania Eastern District, No.178, Judicial Administration Docket No.2, and shall become effective March 1, 2001. The original shall be filed with the Clerk of Courts' Office in a docket and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Pennsylvania Criminal Rules Committee.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

JOHN P. LAVELLE,
President Judge

[Pa.B. Doc. No. 01-173. Filed for public inspection February 2, 2001, 9:00 a.m.]

YORK COUNTY

Fee Schedule Approval under HB 1635 Session of 1999 Act 36—2000; No. 19 Miscellaneous Action 2001

Administrative Order

And Now, To Wit this 9th day of January 2001, pursuant the provisions of 42 P. S. § 1725.4, the fee bill of the Clerk of Court of York County, Pennsylvania, is amended to reflect the following Fee Schedule. Additionally, an automation fee as indicated on the proposed fee bill within Petition shall be added. The automation fee imposed by the Clerk of Courts of York County, Pennsylvania, shall be used solely for the purpose of automation and continued automation update of the Office of the Clerk of Courts. The fee bill shall be effective the first day March 1, 2001, upon due advertisement as required by the Administrative Rules of Court.

It Is Further Ordered that in accordance with Pa.R.Civ.P. 239, the District Court shall:

- (a) File seven (7) copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy hereof to be published in the York Legal Record once a week for two (2) successive weeks at the expense of the County of York;
- (d) Supervise the distribution thereof to all Judges and members of the Bar of this Court.

By The Court

JOHN H. CHRONISTER,
President Judge

2001 Fee Schedule

Clerk Fees

Jury Trial	\$164.00*
Non-Jury Trial or Guilty Plea	123.00*
ICC Hearing	123.00
Summary Hearing	24.00

Copies

Photostatic Copies	.50
Certified Copies	8.00

Filing Fees

Appeal to Appellate Court (Superior Court fee to accompany appeal \$55.00)	49.00*
Constable's Bond	15.00*
Tax Collector's Bond	15.00*
Road Cases	15.00*
Supervisor Resolution	15.00*
Miscellaneous Action Papers	15.00*

Private Detective

Petition for License	50.00*
License (Individual)	200.00
License (Partnership, Corporate, Association)	300.00
Renewal Application	15.00*

Miscellaneous Fees

Bail Pieces	10.00
Record Checks	5.00*

* An additional \$5.00 Automation Fee will be collected as per Act 36 of 2000.

[Pa.B. Doc. No. 01-174. Filed for public inspection February 2, 2001, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Gary Scott Silverman, having been suspended from the practice of law in the State of Maryland for a period of 30 days, the Supreme Court of Pennsylvania issued an Order dated January 22, 2001 suspending Gary Scott Silverman from the practice of law in this Commonwealth, for period of 30 days, effective February 21, 2001. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 01-175. Filed for public inspection February 2, 2001, 9:00 a.m.]