

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 7]

Amendment to Rules of Procedure No. 102, 701 and 704—706; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted proposed amendments to Rules of Procedure No. 102, 701, and 704—706, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Rules of Procedure 102, 701, and 704—706 shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER I. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

* * * * *

Conference Judge is a Court member appointed by the President Judge following the filing of a Board Complaint, to preside at the pre-trial conference, to rule on the omnibus motion, and, during a panel hearing, to make evidentiary rulings. A Conference Judge may also be appointed by the President Judge to rule on [preliminary motions] petitions filed in proceedings other than those initiated by the filing of a Board Complaint.

* * * * *

ARTICLE III. OTHER PROCEEDINGS

CHAPTER 7. OTHER RELIEF

Rule 701. Other Relief Generally.

Whenever the Board [or a Judicial Officer] seeks relief [on grounds] other than by the filing of formal charges pursuant to Article V, § 18(b)(5) of the Pennsylvania Constitution, it shall be initiated by a Petition for Relief as provided in this Chapter.

Rule 704. [Motion to Dismiss] Conference Judge.

[Any party may file a motion to dismiss the petition on any legal ground within 14 days after the service of the petition unless the Court shortens or lengthens the time for filing such motion.

The motion shall state with particularity the grounds for the motion and the facts and legal principles which support each ground. The motion shall be divided into consecutively numbered para-

graphs, each containing only one material allegation as far as practicable.]

The President Judge may appoint a member of the Court to serve as Conference Judge on the case as provided by the rules of this Chapter 7.

Rule 705. [Reply to Motion to Dismiss] Hearing or Argument.

[(A) Any party may file a reply to the motion to dismiss within 10 days of the filing of the motion unless the Court shortens or lengthens the time for filing such reply.

(B) The reply shall be divided into consecutively numbered paragraphs corresponding to the numbered paragraphs of the motion. The reply shall meet the allegations of the motion.]

(A) The Conference Judge may schedule argument or an evidentiary hearing on the petition.

(B) The President Judge may schedule argument before the full Court on the petition.

(C) Any decision on the petition shall be made by the full Court.

Rule 706. [Preliminary Motions] Verification.

[(A) Preliminary motions in a matter other than one commenced by the filing of formal charges may be decided by a Conference Judge appointed by the President Judge for that purpose. The Conference Judge may schedule a hearing or argument on the motion, as is appropriate, or may defer any ruling to be decided by the Court. No ruling on a preliminary motion shall constitute a final order for the purpose of appeal.

(B) A decision by the Conference Judge which has the effect of terminating a proceeding based on a Petition for Relief shall be reviewed by the full Court. A majority vote shall be required to sustain such a decision.]

A petition or answer which sets forth facts which do not already appear of record, shall be verified by the party filing it or by counsel for the Board, subject to penalties for unsworn falsification to authorities under the Crimes Code, 18 Pa.C.S. § 4904.

[Pa.B. Doc. No. 01-2263. Filed for public inspection December 21, 2001, 9:00 a.m.]

[207 PA. CODE CH. 4]

Amendment to Rule of Procedure No. 411 Relating to Omnibus Motion; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed an amendment to Rule of Procedure No. 411(A), and having published said amendment at 31 Pa.B. 6032 dated November 3, 2001, said amendment is hereby withdrawn.

The Court, having proposed a new amendment to Rule 411(A), as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 4. PRE-TRIAL PROCEEDINGS

OMNIBUS MOTION FOR RELIEF; REPLY; ANSWER

Rule 411. Omnibus Motion.

(A) All motions, challenges, and applications or requests for an order or relief on behalf of the Judicial Officer shall be consolidated in one written motion, except as otherwise provided in these rules, or as permitted by the Conference Judge. The omnibus motion shall be filed no later than 30 days [from the filing] of the service of the Board Complaint, and shall be served on the Board.

* * * * *

[Pa.B. Doc. No. 01-2264. Filed for public inspection December 21, 2001, 9:00 a.m.]

[207 PA. CODE CH. 21]

Internal Operating Procedures; Doc. No. 1 JD 94

Per Curiam:

Order

And Now, this 5th day of December, 2001, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having decided to eliminate Sections 402—405 of the Internal Operating Procedures, said Sections following hereto, *It Is Hereby Ordered* that the elimination of Sections 402—405 of the Internal Operating Procedures shall become effective immediately.

Annex A

TITLE 207. JUDICIAL COURT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE IV. INTERNAL OPERATING PROCEDURES

CHAPTER 21. INTERNAL OPERATING PROCEDURES

REQUESTS FOR OTHER RELIEF

[§ 402. Conference Judge.

As provided under C.J.D.R.P. No. 706, the President Judge may appoint a Conference Judge or Judges to preside over preliminary motions arising in a matter commenced under Chapter 7. The President Judge, at his or her discretion, may appoint two other members to serve as Co-conference Judges. In such a case, the Conference

Judge and Co-conference Judges shall serve as a panel in the performance of all duties to be performed by a Conference Judge under the Court's Rules of Procedure and these Internal Operating Procedures. When the Conference Judge or Judges deem that a ruling regarding a preliminary motion should be deferred to the judgment of the full Court, they shall forward to the President Judge a memorandum describing the issue to be resolved by the full Court.

§ 403. Preliminary Motions Deferred to the Full Court.

When a Conference Judge defers to the full Court a preliminary motion under C.J.D.R.P. No. 706, the President Judge shall set a date for hearing or argument before the full Court, if the matter requires the presentation of evidence or warrants oral argument, or may convene the Court by teleconference, if the matter does not require the presentation of evidence or oral argument.

§ 404. Hearing and Oral Argument Requested.

When a Petition for Relief filed by the Judicial Conduct Board under C.J.D.R.P. No. 702 indicates that an evidentiary hearing or oral argument is required, the President Judge shall review the request. If following the filing of a judicial officer's response, the President Judge concludes that the presentation of evidence or oral argument is required, he or she shall set a date for hearing or oral argument.

§ 405. Deliberation and Decision.

Following the receipt of the judicial officer's answer to the Judicial Conduct Board's Petition, or, if the Court has elected to convene for a formal hearing or oral argument under I.O.P. No. 404, following the hearing or oral argument, the Court shall deliberate upon the issues and relief requested. If a formal written decision requiring findings of fact and conclusions of law is warranted, the President Judge shall designate a Judge to draft said findings of fact and conclusions of law. Drafting of such findings and conclusions, circulation, voting and filing, shall be accomplished in the same manner in which such decisions are processed under Section 2 of these Internal Operating Procedures, relating to Formal Complaints. If the full Court deems that an Order only is warranted, the President Judge shall direct Counsel to prepare an Order that incorporates the decision of the Court, which shall be approved by the President Judge for circulation and approval by the full Court.]

[Pa.B. Doc. No. 01-2265. Filed for public inspection December 21, 2001, 9:00 a.m.]

Court Sessions; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 5th day of December, 2001, it is hereby Ordered that the sessions of the Court of Judicial Discipline shall be held in the year 2002 commencing as follows:

January 22—24
 April 8—10
 July 15—17
 October 21—23
 December 16—18

[Pa.B. Doc. No. 01-2266. Filed for public inspection December 21, 2001, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Disposition of Municipal Court Appeals; Administrative Doc. 12 of 2001

And Now, this 3rd day of December 2001, it is *Ordered* that both Administrative Docket No. 4 of December 30, 1993 and Administrative Docket No. 5 of March 17, 1994 relative to the procedures for Municipal Court Appeals are Vacated.

These vacated Orders shall be replaced by this Administrative Docket No. 12 of 2001. This Order addresses separately Municipal Court money judgment appeals and Municipal Court Landlord and Tenant appeals.

Municipal Court Money Judgment Appeals

Effective Wednesday, January 2, 2002 all Appeals from Orders and Judgments of the Municipal Court involving money judgments (that is, not Landlord and Tenant matters) shall be scheduled for a Compulsory Arbitration Hearing at the Common Pleas Court Arbitration Center, Five Penn Center Plaza. All Municipal Court appeals presently scheduled for dates after January 2, 2002 in Courtroom 1103 in the Criminal Justice Center shall be rescheduled for the Arbitration Center in accordance with a schedule determined by the Supervising Judge of the Civil Division and the Manager of the Arbitration Center. Notice of the hearing date will be sent by the Court.

All Motions and Petitions filed in connection with these Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to one of the Motion Court judges.

Municipal Court Landlord and Tenant Appeals

Effective Monday, April 1, 2002, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters will be filed as provided by Philadelphia Civil Rule Nos. 310, 311 and 312. These cases will be scheduled for disposition before a judge of the Common Pleas Court as assigned by the Supervising Judge of the Arbitration Appeals Program.

All Motions and Petitions filed in connection with these Municipal Court appeals shall be filed with the Prothonotary and Motion Court as provided by local rules of court and shall be assigned for disposition to one of the Motion Court judges.

For that time period between January 2, 2002 and March 29, 2002 *only*, Appeals from Orders or Judgments of the Municipal Court involving Landlord and Tenant matters shall be filed as above, but will be scheduled to be heard by a judge of the Municipal Court who has been assigned to preside as a Judge of the Court of Common Pleas by the President Judge of the Court of Common

Pleas of Philadelphia pursuant to Section 9(b) of the Act of July 9, 1976, P. L. 586 No. 146 as affected by the Act of December 20, 1982, P. L. 1409, No. 326, § 316 (See 42 Pa.C.S.A. § 4121). For this time period only, these cases will continue to be heard in Courtroom 1103 Criminal Justice Center.

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 January 2, 2002. 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. 01-2267. Filed for public inspection December 21, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Protection From Abuse Act; No: 01-2712

Administrative Order 27-2001

And Now, this 7th day of December, 2001, pursuant to the Protection From Abuse Act 1990, Dec. 19, P. L. 1240 No. 206, 23 Pa.C.S., Section 6101 et seq and Pa.R.C.P. 1901.2, it is hereby

Ordered and Deceed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas *Establishes* the following procedure relative to the filing of Protection From Abuse actions:

1. Due to the time necessary to complete the Protection From Abuse intake process, this Court deems itself *Unavailable* from 3:00 P.M. each business day to the resumption of business on the next morning that the Court is in session at 8:30 A.M.

2. During any such period in which the Court is not available, a Petition for Temporary Protection From Abuse may be filed before any District Justice within the County who may grant relief in accordance with the relevant provisions of the Protection From Abuse Act if that District Justice deems it necessary to protect the Plaintiff or Minor Children from abuse, upon cause shown, in an ex parte proceeding. Immediate and present danger of abuse to the Plaintiff or Minor Children shall constitute cause shown.

3. Any order issued by a District Justice shall remain in full force and effect until the end of the next business day in which the Court is in session.

4. Upon issuance of an Emergency Order, the District Justice shall provide the Plaintiff with instructions regarding the commencement of proceedings in the Court of Common Pleas at the beginning of the next business day between 8:30 A.M. and 3:00 P.M. and regarding the procedures for initiating a contempt charge should the Defendant violate the Emergency Order. The District Justice shall also advise the Plaintiff of the existence of programs for victims of domestic violence in the County and shall inform the Plaintiff of the availability of legal assistance without cost if the Plaintiff is unable to pay for legal assistance.

5. This Administrative Order shall remain in full force and effect until further notice.

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

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 01-2268. Filed for public inspection December 21, 2001, 9:00 a.m.]

CARBON COUNTY

Rescission of Local Rule of Civil Procedure L1920.22 Discovery in Divorce/Annulment Cases; No. 97-2389

Administrative Order 26-2001

And Now, this 4th day of December, 2001, it is hereby *Ordered* and *Decreed* that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon

County Court of Common Pleas hereby *Rescinds* Local Rule of Civil Procedure L1920.22 governing Discovery Motions filed in Divorce and Annulment cases.

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

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 01-2269. Filed for public inspection December 21, 2001, 9:00 a.m.]

SUPREME COURT

Standards for Passing the Pennsylvania Bar Examination; No. 285, Supreme Court Rules, Doc. No. 1

Order

Per Curiam:

And Now, to wit, this 6th day of December, 2001, it is hereby ordered that:

Commencing with the Pennsylvania Bar Examination to be administered in July 2002, and until further Order of this Court, one Performance Test question developed by the Pennsylvania Board of Law Examiners may be used in lieu of a Multistate Performance Test question as a component of the essay portion of the bar examination.

[Pa.B. Doc. No. 01-2270. Filed for public inspection December 21, 2001, 9:00 a.m.]