

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 89]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 57; Doc. No. R-132

The current Rules of Organization and Procedure of the Board provide for the holding of optional conferences either before or during a hearing, but do not require a prehearing conference in all cases. 204 Pa. Code § 89.71. The Board has concluded that the hearing process would be improved if a prehearing conference were always required. This Order accordingly amends the rules of the Board to require the scheduling in all cases of a prehearing conference to be held not less than 30 days before a hearing. A Notice of Proposed Rulemaking regarding the amendments adopted by this Order was published in the *Pennsylvania Bulletin*. No comments were received in response.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

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

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

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

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practical, matters then pending.

(4) This Order shall take effect immediately.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter B. INSTITUTION OF PROCEEDINGS

§ 89.57. Scheduling of hearing **and prehearing conference**.

The date, time and place of hearing on a petition for discipline shall be scheduled by the Office of the Secre-

tary after consultation with and consideration of any recommendation by the members of the hearing committee or special master, the Office of Disciplinary Counsel, and, if available, the respondent-attorney. The date fixed for the hearing shall not be later than [60] 90 days after the file is transmitted to a hearing committee or special master under § 89.56 (relating to assignment for hearing), unless an extension has been granted by the Board Chairman at the request of any party. **At the time that the hearing is scheduled, the Office of the Secretary shall also schedule a prehearing conference for a date not less than 30 days before the scheduled date of the hearing.**

§ 89.58. Notice of hearing **and prehearing conference**.

The Office of the Secretary shall serve or cause to be served notice of **the hearing and prehearing conference required by § 89.57 (relating to scheduling of hearing and prehearing conference)** by means of Form DB-34 (Notice of Hearing and Prehearing Conference) upon the respondent-attorney, at least seven days in advance of the date fixed for the [**hearing**] **prehearing conference**. The notice shall indicate the [**date, time and place**] **dates, times and places of the prehearing conference and the hearing** and shall state that the respondent-attorney is entitled to be represented by counsel, to cross-examine witnesses and to present evidence in the respondent-attorney's own behalf. A copy of the notice [**of hearing**] shall at the same time be transmitted to staff counsel. See § 89.7(b) (relating to notice to other tribunals).

Subchapter C. HEARING PROCEDURES PREHEARING CONFERENCES

§ 89.72. **Subjects which may be considered at conferences to expedite hearings.**

At [**any**] **the prehearing [or] conference required by § 89.57 (relating to scheduling of hearing and prehearing conference) and any other conferences which may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement permitted under § 89.71 (relating to conferences to expedite proceedings), the possibility of the following:**

* * * * *

[Pa.B. Doc. No. 02-1820. Filed for public inspection October 18, 2002, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 230 Governing Voluntary Nonsuit; No. 375 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 3rd day of October, 2002, Rule 230 of the Pennsylvania Rules of Civil Procedure is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2003.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 230. Voluntary Nonsuit.

(a) A voluntary nonsuit shall be the exclusive method of voluntary termination of an action [,] in whole or in part by the plaintiff during the trial.

Official Note: A plaintiff who asserts a cause of action ex contractu and joins as defendants persons liable to the plaintiff in different capacities may not [**suffer**] **obtain** a voluntary nonsuit as to a defendant primarily liable without [**suffering**] **obtaining** a voluntary nonsuit as to all defendants secondarily liable. Rule 2231(e).

(b) A plaintiff [**who has rested the case in chief**] may not [**suffer**] **obtain** a voluntary nonsuit without leave of court **upon good cause shown** and cannot do so after the close of all the evidence.

Explanatory Comment

Prior to the present amendment, Rule 230 permitted a plaintiff to "suffer" a nonsuit at his or her whim. The exercise of that right for no good reason, e.g., simply because the plaintiff is not satisfied with the progress of the trial, was unfair to other parties to the action and a waste of judicial time and resources. The rule has now been amended to make the right of a plaintiff to "obtain" a voluntary nonsuit subject to the approval of the court "upon good cause shown."

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 02-1821. Filed for public inspection October 18, 2002, 9:00 a.m.]

**Title 255—LOCAL
COURT RULES**

ERIE COUNTY

2003 Fee Schedule for Prothonotary; Misc. No. 90080-2002

And Now, this 2nd day of October, 2002, pursuant to Act No. 98-164, 42 P. S. 21071, the fee schedule following this order is hereby approved and adopted, effective January 1, 2003.

WILLIAM R. CUNNINGHAM,
President Judge

*Erie County Prothonotary Fee Schedule—
Effective January 1, 2003
42 Pa.C.S.A. 21070 & Related Acts*

Appeals to Superior, Commonwealth & Supreme Court (Pro fee)	\$50.00
(State fee)	55.00
Arbitration/Mediation Praecepta	20.00
Assignments	8.00

Bankruptcy Discharge	8.00
Certificates—Discontinuance/ Satisfaction/Divorce/Notary/Other	5.00
Commencement of Action—Law, Equity, Petitions, Petition to Open/Strike, License Susp. Appeals, Foreign Judgments, Lis Pendens, Transfer of Venue, DJ Certiorari, New Cases (includes \$10.00 JCP, \$5.00 automation, \$.50 writ tax)	100.50
Custody Complaint (with AOPC \$5.00 Jen & Dave fee)	105.50
Divorce—Add: \$50.00 Master Fee, \$10.00 Surcharge, \$5.00 AOPC Jen & Dave fee for custody count & \$10.00 JCP fee for each additional named count	160.50 minimum
Copy Costs	.50/page
Certified Copy (\$5.00 for 1st page; \$5.00 + .50/pg for multi-page)	5.00
District Justice Appeals	100.25
Divorce Transmittal	10.00
Executions (includes attachment/possession)	25.50
Exemplification of Record	10.00
Government Agency cases (includes JCP, Automation & Writ Tax)	20.50
Judgments (includes Agreement to Revive, Decrees, Default, Final, Lis Pendens on existing case, Non Pros, on Verdicts, District Justice, Notes/Confession of Judgment, Support Arrearage, Criminal etc.)	15.00
*Add \$.50 for new file/docket number judgments	15.50
*Add \$.25 for District Justice Judgment	15.25
License Revocation (Certification of Motor Vehicle Judgment)	10.00
Liens (Commonwealth/Federal/ Municipal)	15.00
Master, Petition for Appointment of	250.00
Mechanics Lien Waiver/Release (a claim is a commencement)	20.50
Mental Health Petitions	10.00
Notary Public Registration of Signature	5.00
Poundage (on money paid into Court) for each dollar of the first \$1,000	.03
For each dollar of each additional \$1,000 or fraction thereof	.01
Power of Attorney	20.50
Protection from Abuse (no fee charged) with filing/fee & \$25.00 surcharge is Court ordered.	
Reinstatement of Complaints/ Re-issuance of writs	8.00
Releases	8.00
Resume Prior Name	8.00
Satisfaction/Discontinuance/Release/ Assignment/other Terminations/ Subordinations/Postponements	8.00

Searches (any search of any record in person, by phone, mail, fax etc)	10.00
Subpoena	2.00
UCC Search (County Fee per debtor name)	59.00
Add \$5.00 per financing statement &/or assignment	5.00
Writ of Revival	20.00
Yearly Financial Statement of Bonding Companies	5.00
PA writ taxes, JCP fees, custody claim fees, automation fees, surcharges and master fees included in commencement fees.	

Fees for services not herein specifically provided for shall be the same as for similar services.

No refunds. A fee of \$20.00 will be charged for returned checks. The Prothonotary shall not be required to perform any service until the requisite fee is paid. Only cash, business checks, certified checks or money orders payable to Erie County Prothonotary. No personal checks.

[Pa.B. Doc. No. 02-1822. Filed for public inspection October 18, 2002, 9:00 a.m.]

**WYOMING AND SULLIVAN COUNTIES
2003 Court Calendar; No. 2002-1090**

Order of Court

And Now, the 24th day of September, 2002,

It Is Ordered that the Court Calendar of the Court of Common Pleas of The 44th Judicial District of Pennsylvania for the Year 2003, be and the same is hereby established in accordance with the schedule hereto and made a part hereof.

By the Court

BRENDAN J. VANSTON,
President Judge

2003—Wyoming County Court Calendar

<i>Arraignments, Sentences & ARD</i>	<i>Status Call & Guilty Pleas</i>	<i>Criminal Trial Weeks</i>
January 15	January 10	January 27
February 12	February 14	February 18
March 12	March 7	April 21
April 9	April 4	June 23
May 14	May 9	August 18
June 11	June 6	October 20
July 9	July 11	December 15
August 13	August 1	
September 10	September 5	
October 8	October 3	
November 12	November 7	
December 10	December 5	

<i>Juveniles</i>	<i>Dependency</i>	<i>Prison Board & Acct. Confirmation</i>
January 8	January 16	January 7
February 11	February 10	February 4
March 5	March 13	March 4
April 2	April 10	April 1
May 7	May 15	May 6

<i>Juveniles</i>	<i>Dependency</i>	<i>Prison Board & Acct. Confirmation</i>
June 4	June 12	June 3
July 2	July 10	July 1
August 6	August 14	August 5
September 3	September 11	September 2
October 1	October 9	October 7
November 5	November 13	November 4
December 3	December 11	December 2
<i>De Novos</i>	<i>Dro Contempts</i>	<i>Civil Trial Week</i>
January 6	January 16	January 20
February 10	February 11	March 17
March 11	March 13	May 19
April 8	April 10	July 14
May 13	May 15	September 15
June 10	June 12	November 17
July 8	July 1	
August 12	August 14	
September 9	September 11	
October 7	October 9	
November	10 November 13	
December 9	December 11	

General Call

September 2

Close/Civil Trial

Oct. 4, 2002	(Jan., 2003)
Dec. 6, 2002	(March, 2003)
February 7	(May, 2003)
April 4	(July, 2003)
June 6	(Sept., 2003)
August 1	(Nov., 2003)
October 3	(Jan., 2004)
Dec. 5	(March, 2004)

2003—Sullivan County Court Calendar

Regular Court Day

January 9	July 3
February 13	August 7
March 6	September 4
April 3	October 2
May 8	November 6
June 5	December 4

Trial Weeks—Civil & Criminal

March 24
May 27
June 16
September 22
October 27

Close Dates for Civil Trial List

December 6, 2002	(March, 2003 Term)
March 7, 2003	(May, 2003 Term)
April 4	(June, 2003 Term)
June 6	(September, 2003 Term)
August 1	(October, 2003 Term)
October 3	(January, 2004 Term)
December 5	(March, 2004 Term)

General Call

September 4, 2003

[Pa.B. Doc. No. 02-1823. Filed for public inspection October 18, 2002, 9:00 a.m.]