

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 9, 11, 13, 15 AND 17]

Adoption of New Pa.Rs.A.P. 120 and 1703 and Proposed Amendments to the Notes to Pa.Rs.A.P. 121, 907, 1112, 1311 and 1514

Internal Recommendation No. 36

The Appellate Court Procedural Rules Committee proposes to adopt new Rules 120 and 1703 and amend existing Rules 121, 907, 1112, 1311 and 1514 of the Pennsylvania Rules of Appellate Procedure. These proposals are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed adoption and amendments should be sent not later than sixty days from the date of this publication to Dean R. Phillips, Esquire, P. O. Box 3010, 925 Harvest Drive, Blue Bell, PA 19422.

The Explanatory Comment published with this proposal has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

By the Appellate Court Procedural Rules Committee
HONORABLE JOSEPH A. HUDOCK,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 120. Entry of Appearance.

(a) **Filing.** Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to Rules 907(b), 1112(f), 1311(d) or 1514(d). New counsel appearing for a party after docketing pursuant to Rules 907(b), 1112(f), 1311(d) or 1514(d) shall file an entry of appearance simultaneous with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents and the attorney shall file a certificate of service pursuant to Subdivision (d) of Rule 121 and Rule 122. Where new counsel enters an appearance on behalf of a party currently represented by counsel and there is no simultaneous withdrawal of appearance, new counsel shall serve the party that new counsel represents and all other counsel of record and file a certificate of service.

Official Note: See Subdivision (b) of Rule 907. Subdivision (f) of Rule 1112, Subdivision (d) of Rule 1311 and Subdivision (d) of Rule 1514.

Rule 121. Filing and Service.

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Official Note:

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With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 907. Docketing of Appeal.

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Official Note:

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With respect to appearances by new counsel following the initial docketing appearances pursuant to Subdivision (b) of this rule, please note the requirements of Rule 120.

[See Explanatory Note—1979 following Rule 905]

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

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Official Note:

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The U.S. Postal Service Form may be in substantially the following form:

* * * * *

With regard to Subdivision (f) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Appointment of Counsel; Forma Pauperis).

With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (f) of this rule, please note the requirements of Rule 120.

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

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Official Note:

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With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.

**CHAPTER 15. JUDICIAL REVIEW OF
GOVERNMENTAL DETERMINATIONS**

PETITION FOR REVIEW

Rule 1514. Filing and Service of the Petition for Review.

* * * * *

Explanatory Note—1979

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With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.

**CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS**

IN GENERAL

Rule 1703. Contents of Application for Stay.

In addition to the requirements set forth in Rule 123 (Application for Relief) an Application for stay pursuant to this chapter shall set forth the procedural posture of the case, including the result of any application for relief in any court below or federal court, the specific rule under which a stay or supersedeas is sought, grounds for relief, and, if expedited relief is sought, the nature of the emergency. The Application shall also identify and set forth the procedural posture of all related proceedings.

Explanatory Comment to Internal Recommendation No. 36

The proposed adoption of new Pa.R.A.P. 120 and 1703 and amendments to the Notes to Pa.R.A.P. 121, 907, 1112, 1311 and 1514 addresses the problem of representation of appellants where new counsel purports to represent an appellant while that party is already represented by existing counsel.

The proposed recommendation would adopt new Rule 120 (Entry of Appearance) requiring any counsel filing papers to enter an appearance designating who the party represents unless that counsel has been previously noted on the docket as counsel pursuant to Rules 121, 907(b), 1112(f), 1311(d) or 1514(d). The new Rule requires counsel who enters an appearance on behalf of a party who is already represented to serve the entry of appearance on the party and all other counsel of record.

This recommendation also proposes to adopt new Rule 1703 requiring any party seeking a stay to set forth the procedural posture of the case including: the result of any application for relief in any court below or federal court, the specific rule under which a stay or supersedeas is sought, grounds for relief, and, if expedited relief is sought, the nature of the emergency. The application shall also identify and set forth the procedural posture of all related proceedings. The Committee believes that this proposed new Rule will more easily address duplicative filings in multiple forums and orient counsel to their obligations to the Court when seeking emergency relief.

Finally, this recommendation proposes an internal mechanism which provides the Prothonotary with authority on a case-by-case basis to require warrants of attorney, entries of appearance and/or withdrawals of appearance similar to procedure utilized currently in the federal system. The Prothonotary would be given authority to issue a Rule requiring counsel to explain or justify conflicting representation and/or filings, where there is an

actual dispute regarding representation or where there are inconsistent multiple filings. It would then be necessary for the Court to resolve the dispute. This would allow the Prothonotary to assemble facts and legal issues for the Court on an expedited basis especially where it appears that counsel is not representing the actual wishes of appellant. This is particularly important where an appellant has filed a pro se filing challenging the actions of an attorney or next friend purportedly acting on his behalf, but actually acting against appellant's wishes. The Committee suggests that the Court provide latitude to the Prothonotary to review such pro se filings and forward them to the court in appropriate cases.

[Pa.B. Doc. No. 02-1870. Filed for public inspection October 25, 2002, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 17 AND 33]

Proposed Adoption of New Pa.R.A.P. 1702(d) and Pa.R.A.P. 3316; Recommendation No. 2 of 2002

Internal Recommendation No. 46

The Appellate Court Procedural Rules Committee proposes to adopt Pennsylvania Rule of Appellate Procedure 1702(d) and 3316. The amendment is being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed new rules should be sent not later than sixty days from the date of this publication to the Appellate Court Procedural Rules Committee, P. O. Box 447, Ridley Park, PA 19078-0447.

The Explanatory Comment which appears in connection with the proposed new rules have been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

By the Appellate Court Procedural Rules Committee

HONORABLE JOSEPH A. HUDOCK,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

**CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS**

IN GENERAL

Rule 1702. Stay Ancillary to Appeal.

* * * * *

(d) Stay of Execution. Where a lower court enters an order granting or denying a stay of execution in a capital case, such order may be reviewed by the Supreme Court upon application pursuant to Rule 123. No appeal or petition for review need be filed in connection with an application for review of a stay order in a capital case.

Explanatory Comment—2002

See Pa.R.A.P. 3316 and Explanatory Comment.

**ARTICLE III. MISCELLANEOUS PROVISIONS
CHAPTER 33. BUSINESS OF THE SUPREME
COURT**

SUPERSEDEAS AND STAYS

**Rule 3316. Review of Stay of Execution Orders in
Capital Cases.**

Where a court has entered an order granting or denying a stay of execution in a capital case, such order may be reviewed by the Supreme Court in the manner prescribed in Rule 1702(d).

Explanatory Comment—2002

The promulgation of new Rule 3316 addresses a gap in the Rules of Appellate Procedure such that there was no immediate vehicle for review of stays of execution orders granted or denied ancillary to PCRA petitions in capital cases. See *Commonwealth v. Morris*, 771 A.2d 721 (Pa. 2001). The new Rule permits an immediate appeal from an order granting or denying a stay pending a determination of the underlying PCRA. The new rule also permits immediate review of a grant or denial of a stay of execution without the filing of an appeal, in situations where the trial court grants a stay of execution but denies the PCRA and where the trial court grants or denies a stay of execution before determining the merits of the PCRA.

There may be unusual cases where the PCRA court does not grant a stay of execution until it denies a timely PCRA. In such cases, the Commonwealth may also take an immediate appeal from the denial of the stay of execution, even before the petitioner files an appeal from the denial of the PCRA. The PCRA court lacks jurisdiction to grant a stay of execution in connection with an untimely PCRA. See *Commonwealth v. Morris*, supra. However, the improper grant of a stay in connection with an untimely PCRA is also immediately reviewable under this Rule. See Pa.R.Crim.P. 909(a)(2).

[Pa.B. Doc. No. 02-1871. Filed for public inspection October 25, 2002, 9:00 a.m.]

**PART I. RULES OF APPELLATE PROCEDURE
[210 PA. CODE CH. 19]**

**Proposed Amendment to Pa.R.A.P. 1925(b); Rec-
ommendation No. 1 of 2002**

Internal Recommendation No. 29

The Appellate Court Procedural Rules Committee submits alternative proposals to amend Pa.R.A.P. 1925(b). These alternative proposals are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent not later than sixty days from the date of this publication to the Appellate Court Procedural Rules Committee, c/o Dean R. Phillips, Counsel, P. O. Box 3010, Blue Bell, PA 19422.

The Explanatory Comment which appears in connection with the proposed amendments has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

By the Appellate Court Procedural Rules Committee
HONORABLE JOSEPH A. HUDOCK,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

**CHAPTER 19. PREPARATION AND
TRANSMISSION OF RECORD AND RELATED
MATTERS**

RECORD ON APPEAL FROM LOWER COURT

Alternative One

Rule 1925. Opinion in Support of Order.

* * * * *

(b) *Direction to file statement of matters complained of.*—The lower court forthwith may enter an order directing the appellant to file of record in the lower court and serve on the trial judge a concise statement of the matters complained of on the appeal no later than 14 days after entry of such order. A failure to comply with such direction [**may**] **shall** be considered by the appellate court as a waiver of all objections to the order, ruling or other matter complained of.

* * * * *

Official Note:

* * * * *

The 2002 amendment to subdivision (b) conforms the Rule to the mandate of *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998) which provides that where the Court has requested a 1925(b) statement, any issue not raised in the statement shall result in waiver of that issue.

Alternative Two

Rule 1925. Opinion in Support of Order.

* * * * *

(b) *Direction to file statement of matters complained of.*—The lower court forthwith may enter an order directing the appellant to file of record in the lower court and serve on the trial judge a concise statement of the matters complained of on the appeal no later than 14 days after entry of such order. A failure to comply with such direction [**may**] **shall** be considered by the appellate court as a waiver of all objections to the order, ruling or other matter complained of **absent a showing of special circumstances justifying either the failure to file the statement or the failure to raise an issue in the statement.**

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Official Note:

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The 2002 amendment to subdivision (b) conforms the Rule to the mandate of *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998) which provides that where the Court has requested a 1925(b) statement, any

issue not raised in the statement shall result in waiver of that issue. However, the 2002 amendment provides an exception to the strict waiver rule where an appellant can show special circumstances justifying the failure to raise an issue in the 1925(b) statement.

Explanatory Comment

Alternative One

The proposed amendment to Pa.R.A.P. 1925(b) would conform the Rule to the mandate in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998). The *Lord* decision provides that where the Court has requested a 1925(b) statement, any issues not raised in the statement shall result in waiver.

Despite the mandatory waiver provisions of subdivision (b), a challenge to the legality of a sentence in a criminal case is not waived by failure to raise the issue in a 1925(b) statement. Similarly, subject-matter jurisdiction is not a waivable issue and may be raised at any stage of a proceeding.

An appellate court may review issues which have not been raised in a 1925(b) statement or which have been inadequately raised, where the trial court has anticipated and addressed the issues in a 1925(a) opinion. Issues are not waived where an appellant has filed a late 1925(b) statement and the trial court addresses the issues in a 1925(a) opinion. However, where no 1925(b) statement is filed in response to the trial court's order, the issues are waived, even if the trial court issues an opinion pursuant to 1925(a).

Alternative Two

Alternative Two proposes an amendment to subdivision (b) of Pa.R.A.P. 1925 to conform the Rule to the mandate of *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998). The *Lord* decision provides that where the Court has requested a 1925(b) statement, any issue not raised in that statement shall result in waiver of that issue. However, unlike Alternative One, the proposed amendment in Alternative Two provides an exception to the strict waiver rule, where an appellant can show special circumstances justifying the failure to raise an issue in the 1925(b) statement.

Despite the mandatory waiver provisions of subdivision (b), a challenge to the legality of a sentence in a criminal case is not waived by failure to raise the issue in a 1925(b) statement. Similarly, subject-matter jurisdiction is not a waivable issue and may be raised at any stage of a proceeding.

An appellate court may review issues which have not been raised in a 1925(b) statement or which have been inadequately raised, where the trial court has anticipated and addressed the issues in a 1925(a) opinion. Issues are not waived where an appellant has filed a late 1925(b) statement and the trial court addresses the issues in a 1925(a) opinion. However, where no 1925(b) statement is filed in response to the trial court's order, the issues are waived, even if the trial court issues an opinion pursuant to 1925(a).

[Pa.B. Doc. No. 02-1872. Filed for public inspection October 25, 2002, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Promulgation of New Rule 212.4 Governing Eminent Domain; No. 376 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 8th day of October, 2002, Rule 212.4 of the Pennsylvania Rules of Civil Procedure is promulgated 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 212.4. Applicability of Rules. Eminent Domain

(a) The name of a valuation expert and his or her statement of valuation required to be served on the opposing party by Section 703(2) of the Eminent Domain Code shall be served within the time provided for the filing of a pre-trial statement by Rule 212.1. A party failing to comply with this rule shall be subject to the sanctions set forth in Rule 212.2(c)

(b) Section 703(2) of the Eminent Domain Code, 26 P. S. § 1-703(2), is suspended only insofar as it provides for the name and report of the valuation expert to be served at least ten days before the commencement of the trial.

Explanatory Comment

Section 1-703(2) of the Eminent Domain Code, 26 P. S. § 1-703(2),¹ requires that, if a valuation expert has not previously testified before the viewers, the party calling the expert must disclose the expert's name and serve a statement of his or her valuation of the property on the opposing party "at least ten days before the commencement of the trial." At the time this requirement was enacted, very few courts required the filing of an expert report prior to trial. The ten-day requirement for exchanging reports now provides less notice of the proposed expert testimony than is provided for in other civil actions.

Pa.R.C.P. 212.1 requires the filing of a pre-trial statement

(1) by the plaintiff not later than sixty days prior to the earliest trial date,

(2) by the defendant not later than thirty days prior to the earliest trial date, and

¹§ 1-703. Trial in the court of common pleas on appeal

At the trial in court on appeal:

(1) * * *

(2) If any valuation expert who has not previously testified before the viewers is to testify, the party calling him must disclose his name and serve a statement of his valuation of the property before and after the condemnation and his opinion of the highest and best use of the property before the condemnation and of any part thereof remaining after the condemnation, on the opposing party at least ten days before the commencement of the trial.

(3) * * *

(3) by an additional defendant not later than fifteen days prior to the earliest trial date.

The pretrial statement pursuant to Rule 212.2(a) is required to contain "a list of the names and addresses of all person who may be called as witnesses by the party filing the statement" and "a copy of the written report . . . containing the opinion and the basis for the opinion of any person who may be called as an expert witness."

New Rule 212.4 has been added to the rules of civil procedure to conform the time for disclosing the name of a valuation expert and serving his or her statement of valuation to that of Rule 212.1. This new rule places eminent domain cases on a footing which corresponds to jury trials generally and fosters the salutary principles underlying the pre-trial rules.

By the Civil Procedural Rules Committee
R. STANTON WETTICK, Jr.
Chair

[Pa.B. Doc. No. 02-1873. Filed for public inspection October 25, 2002, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1920 AND 1930]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; No. 377 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 11th day of October, 2002, Rules 1910.10, 1910.19, 1920.73 and 1930.4 of the Pennsylvania Rules of Civil Procedure are amended as follows.

This order shall be processed in accordance with Pa. R.J.A. 103(b) and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Hearing Procedures.

* * * * *

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Rule 1910.11 or Rule 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

* * * * *

Official Note: Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

* * * * *

Cumberland [1910.11] 1910.12

* * * * *

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances.

* * * * *

(e) Within one year of the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

(1) confirmation of the child's date of birth, date of graduation or withdrawal from high school;

(2) whether the child has left the obligee's household and, if so, the date of departure;

(3) the existence of any agreement between the parties requiring payments for the benefit of the child after the child has reached age eighteen (18) or graduated from high school; and

(4) any special needs of the child which may be a basis for continuing support for that child beyond the child's eighteenth birthday or graduation from high school, whichever is last to occur

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. When no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the court shall have the authority to administratively terminate the child support charging order without further proceedings at any time on or after the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section may schedule a conference to determine if the charging order should be modified.

Explanatory Comment—2002

Although support orders do not terminate automatically, many obligors are unaware of the necessity of filing a petition to terminate a child support order when the child becomes emancipated. As a result, old orders have continued to charge long after the subject child has become an adult. New subdivision (e) is intended to address this problem by giving the obligee notice of a proposed modification or termination of the order and the opportunity to object. If no objection is made, or if the obligee fails to respond with a reason to continue the order, the rule gives the court the authority to terminate or modify the charging order, depending upon whether or not other children are covered under the order.

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record Forms.

* * * * *

(b) The praecipe to transmit the record prescribed by Rule 1920.42 shall be in substantially the following form:

(Caption)

PRAECIPE TO TRANSMIT RECORD

* * * * *

3. [() Complete either paragraph (a) or (b).]

* * * * *

5. [() Complete either (a) or (b).]

* * * * *

[(c)] Date defendant's Waiver of Notice was filed with the prothonotary: _____

(Attorney for) (PLAINTIFF)(DEFENDANT)

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) *Persons Who May Serve.* Original process in all domestic relations matters may be served by the sheriff or a competent adult:

* * * * *

(2) by handing a copy

(i) at the residence of the defendant to an adult member of the family with whom [**he**] **the defendant** resides; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii) at the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which [**he**] **the defendant** resides; or

(iii) at any office or usual place of business of the defendant to [**his**] **the defendant's** agent or to the person for the time being in charge thereof.

* * * * *

(b) *Service in Protection From Abuse Matters.* In Protection from Abuse matters only, original process may **also** be served by an adult [.] **using any means set forth in subdivision (a) above. If personal service cannot be completed within forty-eight (48) hours after a Protection From Abuse petition is filed, the court may, by special order as set forth in subdivision (a)(3) above, authorize service by another means including, but not limited to, service by mail pursuant to subdivision (c) of this rule.**

(c) *Service by Mail.* Except in Protection from Abuse matters **unless authorized by special order of court pursuant to subdivision (b) above**, original process may also be served by mailing the complaint and order to appear, if required, to the defendant's last known address by both regular and certified mail. Delivery of the certified mail must be restricted to addressee only, and a return receipt must be requested.

(1) If the certified mail is refused by defendant, but the regular mail is not returned within fifteen (15) days, service may be deemed complete.

* * * * *

(d) *Acceptance of Service.* In lieu of service pursuant to this rule, the defendant or [**his**] **the defendant's** authorized agent may accept service of original process by filing with the prothonotary a separate document which shall be substantially in the following form:

* * * * *

[Pa.B. Doc. No. 02-1874. Filed for public inspection October 25, 2002, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Offender Supervision Fees; No. 121 MI 02

Administrative Order 14—2002

And Now, this 10th day of October, 2002, pursuant to 18 P. S. Section 11.1102 (c), it is hereby

Ordered and Decreed that, effective January 1, 2003, the Court hereby *Increases* the Offender Supervision Fee to Thirty-Five Dollars (\$35.00) per month for all defendants placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment, unless the court finds that such fee should be reduced, waived, or deferred based on the offender's present inability to pay until the time they are released from the Program.

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 Pennsylvania 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 this Administrative Order in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 02-1875. Filed for public inspection October 25, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Joel B. Rubinstein having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated October 10, 2002 suspending Joel B. Rubinstein from the practice of law in this Commonwealth for a period of three months, effective November 9, 2002. 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. 02-1876. Filed for public inspection October 25, 2002, 9:00 a.m.]
