

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 4]

### Right to Counsel at Summary Trial

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 122 (Assignment of Counsel) and 454 (Trial in Summary Cases) to make it clear that no defendant in a summary case may be imprisoned or sentenced to probation if the right to counsel was not afforded at trial. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments precede the Report. Additions are shown in bold and deletions are shown in bold and are bracketed.

We request that interested persons submit suggestions, comments or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055  
fax: (717) 795-2106

e-mail: criminal.rules@supreme.court.state.pa.us

no later than Tuesday, January 21, 2003.

By the Criminal Procedural Rules Committee

JOHN J. DRISCOLL,  
Chair

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

#### PART B. Counsel

#### Rule 122. Assignment of Counsel.

\* \* \* \* \*

#### Comment

\* \* \* \* \*

**No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rule 454 (Trial in Summary Cases) concerning the right to counsel at a summary trial.**

Assignment of counsel can be waived, if such waiver is knowing, intelligent, and voluntary. See *Faretta v. California*, 422 U.S. 806 (1975). Concerning the appointment of standby counsel for the defendant who elects to proceed pro se, see Rule 121.

\* \* \* \* \*

**Official Note:** Rule 318 adopted November 29, 1972, effective 10 days hence; replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2003, **effective** , 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning *Alabama v. Shelton* published at 32 Pa.B. 6248 (December 21, 2002).**

#### CHAPTER 4. PROCEDURES IN SUMMARY CASES

#### PART E. General Procedures in Summary Cases

#### Rule 454. Trial in Summary Cases.

(A) Immediately prior to trial in a summary case:

\* \* \* \* \*

(2) [ **when** ] **if, in the event of a conviction**, there is a reasonable likelihood of **a sentence of imprisonment or probation**, the defendant shall be advised of the right to counsel and [ **shall,** ]

(a) upon request, **the defendant shall** be given a reasonable opportunity to secure counsel [ **; and** ], **or**

(b) **if the defendant is without financial resources or is otherwise unable to employ counsel, counsel shall be assigned as provided in Rule 122; and**

\* \* \* \* \*

#### Comment

[ **The defendant has a right to counsel at trial in all summary cases in which the issuing authority determines there is a likelihood of imprisonment. ] No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002) and *Scott v. Illinois*, 440 U.S. 367 (1979). See Rules 121 and 122 [ **and 121** ].**

\* \* \* \* \*

**Official Note:** Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; **amended** , 2003, **effective** , 2003.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed changes concerning *Alabama v. Shelton* published at 32 Pa.B. 6248 (December 21, 2002).**

## REPORT

*Amendment to Pa.Rs.Crim.P. 122 and 454*

## RIGHT TO COUNSEL AT SUMMARY TRIAL

The Committee received correspondence from the Court asking us to review *Alabama v. Shelton*, 122 S.Ct. 1764 (2002) holding that a sentence that may end up in actual deprivation of personal liberty, e.g., imprisonment following probation violation, may not be imposed "unless the prosecution was accorded the guiding hand of counsel in the prosecution for crime charged;" "without a knowing and intelligent waiver, no person may be imprisoned for any offense unless he was represented by counsel at his trial" (quoting *Argersinger v. Hamlin*, 407 U.S. 25 (1972)); imprisonment following a probation violation does not result from the violation itself but from the underlying conviction. The correspondence pointed out that some concerns had arisen concerning whether the Criminal Rules in Pennsylvania are consistent with the holding in *Shelton*, and requested the Committee to consider whether, in view of *Shelton*, any changes to the Criminal Rules concerning the right to counsel in summary cases are necessary.

The Committee reviewed the Criminal Rules in light of *Shelton*, and agreed that although the rules are clear concerning the right to counsel in court cases, there might be a gap in the rules concerning summary cases. Counsel in a summary case is required when "there is a likelihood that imprisonment will be imposed" (see Rule 122); the Committee believes that this language, in view of *Shelton*, may be ambiguous, and could result in confusion for members of the bench and bar. As a result, we agreed to reference in the rules the *Shelton* case to highlight the potential consequences when counsel is not afforded at trial.

How to accomplish this presented a challenge. The Committee first considered amending Rule 122 (Assignment of Counsel) by adding language that would make it clear counsel must be assigned when there is a likelihood that a sentence to a period of probation will be imposed and including a reference to *Shelton* in the Comment. During our discussion of this change, we agreed Rule 122 which addresses the circumstances when counsel should be assigned merely should acknowledge *Shelton* in the Comment, and Rule 454 (Trial in Summary Cases) should be amended since the holding in *Shelton* directly applies of the defendant's right to counsel at the time of the conviction for the offense charged (imprisonment may not be imposed if the defendant was not afforded counsel at time of the trial). Accordingly, we are proposing the amendment of Rule 454(A) to make it clear that if there is a reasonable likelihood of a sentence of imprisonment or probation in a summary case, the defendant shall be given an opportunity to secure counsel or have counsel assigned pursuant to Rule 122. We also are proposing the revision of the Comments to Rules 122 and 454 by adding the language "No defendant may be imprisoned or sentenced to probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 122 S.Ct. 1764 (2002) and *Scott v. Illinois*, 440 U.S. 367??? 99 S.Ct. 1158 (1979)."<sup>1</sup>

[Pa.B. Doc. No. 02-2264. Filed for public inspection December 20, 2002, 9:00 a.m.]

<sup>1</sup> The Committee is including the reference to *Scott* because the *Shelton* Court relied on *Scott* and *Argersinger v. Hamlin*, 407 U.S. 25 (1972). The *Comments* to these rules already reference *Argersinger*.

## [234 PA. CODE CH. 5]

## Charges for Copying Discovery Material

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Rule 573 (Pretrial Discovery and Inspection) to clarify that the attorney for the Commonwealth cannot charge the defendant for the costs of copying discoverable materials but the attorney, on a case-by-case basis, may request from the trial judge an order requiring the defendant to pay the copying costs. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed Comment revision precedes the Report. Additions are shown in bold.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 800  
Mechanicsburg, PA 17055  
fax: (717) 795-2106

e-mail: criminal.rules@supreme.court.state.pa.us

no later than Tuesday, January 21, 2003.

*By the Criminal Procedural Rules Committee*

JOHN J. DRISCOLL,  
*Chair*

## Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE**  
**CHAPTER 5. PRETRIAL PROCEDURES IN COURT**  
**CASES**

**PART F. Procedures Following Filing of**  
**Information**

**Rule 573. Pretrial Discovery and Inspection.**

\* \* \* \* \*

**Comment**

This rule is intended to apply only to court cases. However, the constitutional guarantees mandated in *Brady v. Maryland*, 373 U.S. 83 (1963), and the refinements of the *Brady* standards embodied in subsequent judicial decisions, apply to all cases, including court cases and summary cases, and nothing to the contrary is intended. For definitions of "court case" and "summary case," see Rule 103.

**The attorney for the Commonwealth should not charge the defendant for the costs of copying pretrial discovery materials. However, nothing in this rule is intended to preclude the attorney for the Commonwealth, on a case-by-case basis, from requesting an order for the defendant to pay the copying costs. In these cases, the trial judge has discretion to determine the amount of costs, if any, to be paid by the defendant.**

\* \* \* \* \*

**Official Note:** Present Rule 305 replaces former Rules 310 and 312 in their entirety. Former Rules 310 and 312 adopted June 30, 1964, effective January 1, 1965. Former Rule 312 suspended June 29, 1973, effective immediately. Present Rule 305 adopted June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised April 24, 1981, effective June 1, 1981; amended October 22, 1981, effective January 1, 1982; amended September 3, 1993, effective January 1, 1994; amended May 13, 1996, effective July 1, 1996; Comment revised July 28, 1997, effective immediately; Comment revised August 28, 1998, effective January 1, 1999; renumbered Rule 573 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , **2003, effective** , **2003.**

*Committee Explanatory Reports:*

**Report explaining the proposed Comment revision concerning costs of copying discovery materials published at 32 Pa.B. 6249 (December 21, 2002).**

### REPORT

*Revision of the Comment to Pa.R.Crim.P. 573*

*Charges for Copying Discovery Material*

The Committee received an inquiry from the Supreme Court's Common Pleas Automation Project<sup>1</sup> staff asking if the Criminal Rules should address whether the attorney for the Commonwealth may charge a fee to the defendant for the copying costs associated with discovery materials. They pointed out that this practice occurs in several judicial districts, and they could find nothing in the Criminal Rules specifically permitting this practice. As a result, there is no uniformity in procedures concerning whether and how these copying costs are assessed. The Committee agreed this issue merited consideration and that addressing it in the Criminal Rules would promote the Court's goals of statewide uniformity.

Rule 573 (Pretrial Discovery and Inspection) provides the procedures governing discovery in court cases. Paragraphs (B)(1) and (B)(2)(a) provide for "the defendant's attorney to inspect and copy or photograph" discoverable information. The Committee researched the history of Rule 573, but found nothing concerning the provisions for copying and who should be responsible for paying the costs of copying discovery material that was helpful to this inquiry.<sup>2</sup>

Agreeing the Criminal Rules should address the issue, the Committee members were divided on whether the attorneys for the Commonwealth should be permitted to charge the defendants for the costs associated with the copying of discoverable materials. Some members felt strongly that defendants should not be required to pay the costs of copying any discovery materials, especially mandatory discovery; other members thought the attorneys for the Commonwealth should not carry the burden of paying these costs in all cases. Ultimately, the members reached a compromise position and agreed generally that the attorney for the Commonwealth cannot charge a defendant for the costs of copying discovery materials, but

<sup>1</sup> The Supreme Court is in the process of developing a statewide automation system for the criminal divisions of the courts of common pleas. As part of this process, the Committee has been working with the project staff to ensure the automation system and the criminal rules are consistent.

<sup>2</sup> We also looked at other jurisdictions and found some courts permit the practice of assessing copying costs for discovery against defendants. See, e.g., *U.S. v. Freedman*, 688 F.2d 1364 (C.A. 11 1982) and *U.S. v. Green*, 144 F.R.D. 631 (1992). See also *State v. Williams*, 678 So.2d 1356 (Fl. 1996), in which the court held, inter alia, the defendant has the burden of paying the costs of copying discoverable materials.

a judge may order the defendant to pay the costs in a specific case. Accordingly, the Committee is proposing that the Rule 573 Comment be revised to explain that 1) the attorney for the Commonwealth cannot assess a fee against the defendant for the costs of copying discovery materials, but on a case-by-case basis, the attorney may request the trial judge to order costs charged against the defendant, and 2) the judge has the discretion to determine the amount to be paid by the defendant.

[Pa.B. Doc. No. 02-2265. Filed for public inspection December 20, 2002, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

**Continuance Policy—Domestic Relations Division;  
Administrative Regulation No. 02-02**

*Effective Immediately*, the Domestic Relations Division institutes the following policy relating to continuance requests:

(1) Continuances shall be granted only for good cause shown, and agreements to continue the matter by the parties or counsel are not sufficient to stay the provisions of this Administrative Regulation.

(2) A continuance request by an attorney for a case will only be considered if the attorney has already filed a formal entry of appearance in the case.

(3) Except as otherwise provided by this Administrative Regulation, all requests for continuance must be submitted in writing and within ten (10) calendar days from the date that the notices for the proceeding were served. If the scheduled event is a courtroom proceeding the request must be submitted to the presiding judge; if the scheduled event is not a courtroom proceeding, the request must be submitted to the supervisor of the presiding quasi-judicial officer. The addresses and fax numbers for all judges and operational units within the Domestic Relations Division are available on its internet website at: <http://courts.phila.gov/cpfd.html>.

(4) If a continuance request is based on an emergency and/or other unanticipated situation, the request must be submitted in writing to the presiding judge or the supervisor of the presiding quasi-judicial officer within twenty-four (24) hours from the time that the party or attorney becomes aware of, or should have become aware of the situation, and at least twenty-four (24) hours prior to the proceeding, if possible. Failure of a party to retain counsel in a timely fashion shall not constitute an emergency and/or unanticipated situation.

(5) All continuance requests must specify the reason therefor and include documentation, to the extent possible, and all opposing parties and/or counsel must be copied with said request.

(6) In order for the court or supervisor to accurately and easily identify the specific event for which the continuance is being requested, the request must include the caption of the case, the names of the parties and presiding officer, the matter pending, the date, time and place of the scheduled event, the position of the opposing parties or counsel with regard to the continuance request, and a copy of the scheduling notice if a time conflict is alleged.

(7) Unless the party or attorney requesting the continuance receives approval of the continuance by the court or appropriate supervisor, the event shall proceed as scheduled. If either party fails to appear for the scheduled event, and a continuance request has not been approved, the underlying petition, complaint, motion, or other pleading may be disposed by the court or presiding officer under applicable law.

(8) Filing advance notices of unavailability with the Clerk of Family Court will only prevent an attorney from being scheduled on unavailable dates in custody, divorce, and protection from abuse cases in which the attorney has entered an appearance. The Pennsylvania Child Support Enforcement System (PACSES) on which support cases are administered does not have the ability to prevent scheduling an attorney for a support proceeding, notwithstanding that the attorney has previously filed a notice of unavailability with the Clerk of Family Court. Therefore, any attorney of record in a support case who receives a notice for a proceeding on a date that the attorney had previously filed as unavailable, must submit a request for continuance in accordance with this Administrative Regulation within ten (10) calendar days from the date that the notice for the proceeding was served, and include a copy of the letter of unavailability that had been filed with the Clerk of Family Court.

(9) This Administrative Regulation specifically supercedes Family Court Administrative Regulation #00-04, which is hereby *Rescinded*.

MYRNA P. FIELD,  
*Administrative Judge*

[Pa.B. Doc. No. 02-2266. Filed for public inspection December 20, 2002, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### Adoption of Local Rule of Civil Procedure 1910.12 Pertaining to Support; No. 2002 J 106

##### Order

Now, this 4th day of December, 2002, *It Is Ordered* that the annexed Lehigh County Rule of Civil Procedure 1910.12 pertaining to support in the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Domestic Relations Procedural Rules Committee.
4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### Rule 1910.12. Hearing Procedure

(a) Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

(b) The interim order entered pursuant to Pa.R.C.P. 1910.12(b)(1) shall state that any party may within ten (10) days after the mailing of a copy of the order file a written demand with the Domestic Relations Section for a hearing before the Hearing Officer.

A demand for a hearing before the Hearing Officer shall not stay the order entered under Pa.R.C.P. 1910.12 (b)(1) unless the Court so directs.

If no party demands a hearing before the Hearing Officer within the 10-day period, the order shall constitute a final order.

If a demand for a hearing is filed, there shall be a hearing de novo before the Hearing Officer. The Domestic Relations Section shall schedule the hearing and give notice to the parties.

(c) The Hearing Officer shall receive evidence, hear argument and file with the Court a report containing a recommendation with respect to the entry of an order of support, in conformance with Pa.R.C.P. 1910.12(d). Thereafter, the case shall proceed in accordance with Pa.R.C.P. 1910.12 (e) through (h).

(d) Testimony before the Hearing Officer shall be recorded by a monitor or stenographer, but shall not be transcribed unless exceptions are filed to the Hearing Officer's decision. If exceptions are filed, it shall be the responsibility of the party who first files exceptions to obtain an order directing that the notes of testimony be transcribed. The party filing the exceptions shall bear the cost of the original transcript. If both parties file exceptions, the cost of the original transcript shall be shared equally. Nothing herein shall prevent the Court from thereafter reallocating the costs of the transcript as part of a final order.

[Pa.B. Doc. No. 02-2267. Filed for public inspection December 20, 2002, 9:00 a.m.]

### SOMERSET COUNTY

#### Adoption of Rules of Civil Procedure 216 and 216.1; No. 76 Misc. 2002

##### Adopting Order

*And Now*, this 27th day of November, 2002, it is hereby *Ordered*:

1. Somerset County Rule of Civil Procedure 216 (Som.R.C.P. 216), Continuances In Court Cases, is amended to read in its entirety, as reflected in revised Som.R.C.P. 216, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. Somerset County Rule of Civil Procedure 216.1 (Som.R.C.P. 216.1), Form of Continuance Motion, as follows, is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

3. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court:

EUGENE E. FIKE, II,
President Judge

Som.R.C.P. 216. Continuances in Court Cases.

A. Motions for continuance must be made in writing or of record in open court, unless excused by the court for cause.

B. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.

C. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.

D. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested.

If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

E. Motions for continuance of court cases shall be presented as follows:

- 1. When at a scheduled call of the list, to the presiding Judge.
2. When a case is on a current trial or argument schedule, to the assigned Judge.
3. In all other cases, Motions Judge practice.

F. Continuances shall operate to effect rescheduling:

- 1. To a date certain or specific trial session if the Court states a date certain or specific trial session in the continuance order.
2. In all other cases, only upon filing of a scheduling praecipe as provided in Som.R.J.A. 1010 et seq.

G. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial list.

H. Every motion for continuance shall specify the reasons for the request.

I. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

J. Every motion for unopposed continuance, whether written or oral, shall be joined in by all other parties or counsel of record, or shall certify that all other parties or counsel have been notified of the presentation of the motion and join in or do not oppose the motion.

K. When a civil case is scheduled for pretrial conference, the motion for continuance shall clearly state whether it relates to pretrial conference, or to the trial, or both.

L. An approved form of continuance motion is set forth in Som.R.C.P. 216.1.

M. This Rule does not apply to

1. Continuances of trials before arbitrators which are governed by Som.R.C.P. 1303 F.

2. Continuances of Domestic Relations Section conferences, which are governed by Som.R.C.P. 1910.12.

3. Continuances of hearings before the Domestic Relations Hearing Officer and divorce hearings before the Master.

Som.R.C.P. 216.1. Form Of Continuance Motion.

CIVIL CONTINUANCE REQUEST

Plaintiff ) IN THE COURT OF COMMON PLEAS
) OF
) SOMERSET COUNTY, PENNSYLVANIA
vs. )
)
)
Defendant ) NO. CIVIL

Scheduled before Judge \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ . (Time)

For (Type of proceeding): \_\_\_\_\_

REASON FOR REQUEST: (Attach extra sheet, if necessary)

NUMBER OF PRIOR CONTINUANCES:
\_\_\_\_\_ by the plaintiff \_\_\_\_\_ by the defendant

NOTICE OF PRESENTATION OF THE MOTION HAS BEEN GIVEN TO OPPOSING COUNSEL AND UNREPRESENTED PARTIES.

REQUESTING ATTORNEY OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
(Sign) \_\_\_\_\_

OPPOSING COUNSEL OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
[ ] Joins In [ ] Does not object [ ] Opposes

OPPOSING COUNSEL OR PARTY:
(Print) \_\_\_\_\_ Counsel for: \_\_\_\_\_
[ ] Joins In [ ] Does not object [ ] Opposes

\*\*\*\*\*

ORDER

And Now, this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, the above Civil Continuance request is GRANTED/DENIED and the hearing/argument is continued. [ ]

Hearing will be rescheduled upon the filing of a new scheduling praecipe by a party.  Hearing is rescheduled for \_\_\_\_\_, \_\_\_\_ .m., on \_\_\_\_\_, 20 \_\_\_\_.

*By the Court:*

[Pa.B. Doc. No. 02-2268. Filed for public inspection December 20, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated November 1, 2002, pursuant to Rule 219, Pa.R.D.E. The Order became effective December 1, 2002.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Jacqueline O. Abdur-Razzaq  
Atlantic City, NJ

Mark D. Abramson  
Runnemede, NJ

Alexander N. Agiliga  
Takoma Park, MD

Judith E. Alden  
Bethesda, MD

Christopher H. Asplen  
Washington, DC

David B. Bacon  
Trenton, NJ

Marchelle Bailey  
Glendale, CA

Tonia A. Bair  
Alexandria, VA

Gilbert W. Bates  
Lindenwold, NJ

Frederick J. Bausch  
Richmond, VA

Robert J. Beacham  
Hillsborough, NJ

Richard C. Belli Jr.  
Marlton, NJ

Arthur H. Bernstein  
Beverly Hills, CA

Rayna C. Boone  
Naperville, IL

Michael W. Bortz  
Vancouver, WA

Gerard R. Bosch  
Jackson, WY

Kyle D. Bowser  
Encino, CA

George R. Brinkerhoff  
Medford, NJ

David J. Brown  
North Bethesda, MD

Warren M. Burd  
Lake Worth, FL

Roger W. Burke Jr.  
Washington, DC

James K. Butler  
Oklahoma City, OK

Jacqueline E. Caban  
Woodbury, NJ

Aileen Camacho  
London

Susan M. Camilli  
Hartford, CT

Henry A. Carpenter  
Schaumburg, IL

Allan A. Christian  
St. Croix, Virgin Islands

Megan E. Cleghorn  
Wilmington, DE

Raymond W. Cobb  
Wilmington, DE

Debra L. Wrobel Cohn  
New York, NY

Leslie A. Cooper  
Randolph, NJ

Joseph Daly  
Voorhees, NJ

Inez A. DeBaptiste  
Ft. Lauderdale, FL

John-Paul Derosa  
Portland, ME

Dawn M. DiBartola  
Hanford, CA

Ralph J. DiPietro  
Rego Park, NY

David D. Duffin  
Absecon, NJ

Douglas A. Evans  
New Orleans, LA

Barry R. Feldman  
Teaneck, NJ

Alejandro L. Fernandez  
Wilmington, DE

Ottrell L. Ferrell  
Silver Spring, MD

Thomas M. Ferrill Jr.  
Largo, FL

Adib E. Ferzli  
Washington, DC

Frank N. Fisanich  
China

Renee D. Foshee  
Elkton, MD

Christopher J. Franklin  
Mendham, NJ

John B. Furman  
Scottsdale, AZ

Paul A. Gardon  
Hainesport, NJ

Caroline Gargione  
Somerset, NJ

Ann L. Giddings  
Upper Marlboro, MD

Mark L. Goldstone  
Bethesda, MD

Michael J. Gore  
Malaysia

Lee M. Gottlieb  
Linwood, NJ

Michael Gozdan  
Mount Laurel, NJ

Harry T. Guenther  
Naples, FL

Kristen M. Gurdin  
Washington, DC

John A. Hahalyak  
Avon, CO

Russell W. Hahn  
Lincolnshire, IL

Michael M. Halbreich  
Atlanta, GA

Deidre D. Hamlar  
Washington, DC

Justin C. Harding  
Alexandria, VA

Lisa B. Harris  
Cookeville, TN

Melanie E. Harris  
Indianapolis, IN

Edwin Harevy  
Washington, DC

Charles Haviv  
Woodside, NY

Linda D. Headley  
Kingston, NJ

Daniel D. Hediger  
Oradell, NJ

Francis C. Heyduk  
Cherry Hill, NJ

Lonna R. Hooks  
Manassas, VA

Dawson Horn III  
New York, NY

Christian D. Hunter  
Morristown, NJ

Richard C. Hutchison  
Ft. Lauderdale, FL

Nancie S. Jennifer  
Portland, OR

David M. Jerome  
Warren, MI

Antar C. Johnson  
Alexandria, VA

Zerell S. Johnson-Welch  
Laurel, MD

Parnell P. Joyce  
Coral Springs, FL

Jaime Kaigh  
Voorhees, NJ

John J. Karasek  
Washington, DC

Robert F. Keefer  
New Brunswick, NJ

Lisa A. Keenan  
Kensington, MD

Sharon E. Keller  
Coral Gables, FL

Kevin M. Kelly  
Wilmington, DE

Shawn Kelly  
New York, NY

Matthew K. Kelsey  
New York, NY

Joshua S. Kincannon  
Red Bank, NJ

Jason M. Kuhn  
Tampa, FL

Michael S. Lenetsky  
Ithaca, NY

Joseph K. LoBue  
Richmond Hill, NY

Eric J. Louttit  
Shaker Heights, OH

Jack I. Lowe Jr.  
Longwood, FL

James E. Lubarsky  
Bloomfield, NJ

Elizabeth D. Lunsford  
Washington, DC

Gina M. Lynch  
Newark, DE

Eric Maier  
Bethesda, MD

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