

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Amendment of Philadelphia Rule of Civil Procedure 206.1; President Judge General Court Regulation No. 2003-01

##### Order

And now, this 19th day of May, 2003, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2003 to amend Philadelphia Rule of Civil Procedure 206.1, *It Is Hereby Ordered* that Philadelphia Rule of Civil Procedure 206.1 is amended effective July 1, 2003.

This General Court Regulation is issued in accordance with Pa.R.Civil.P. No. 206.1 et seq., and shall become effective July 1, 2003. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, 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 Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

##### Rule \*206.1 Motion Procedure.

\* \* \* \* \*

(C) *Service Requirements.* The moving party shall immediately serve copies of all documents filed in the Civil Administration Unit on each attorney of record and unrepresented party, together with the transmittal letter, stating that the documents have been filed and that any response must be filed within [ 30 ] 20 days of the filing date. The specific due date and the assigned control number shall be specified in the transmittal letter. The cover sheet of each service copy shall bear the control number assigned to the filing by the Civil Administration Unit.

(D) *Response Requirements.* Any party opposing the motion, petition or preliminary objections shall file the following documents with the Civil Administration Unit no later than 4:30 p.m. on the date [ 30 ] 20 days after the date of filing:

\* \* \* \* \*

(E) \* \* \*

(F) *Motion Court Argument List.*

(1) All Motion Court Argument List matters shall be accompanied by a proposed rule to show cause. Upon filing, the Civil Administration Unit shall assign a date, time and place for the return of the rule. The moving party shall then immediately serve the rule on each attorney of record and unrepresented party (including, in the case of a petition to withdraw, the party affected by the withdrawal), together with a letter stating that the

time for filing a response as stated in the original transmittal letter is superseded, and that any response shall be filed by a date not later than the date of the argument or [ 30 ] 20 days after the date the rule was signed, whichever comes first. A certificate of service evidencing such service shall be presented to court by the moving party at the time of argument.

[Pa.B. Doc. No. 03-1059. Filed for public inspection June 6, 2003, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Amendment of Philadelphia Rule of Civil Procedure 229.1; President Judge General Court Regulation No. 2003-02

##### Order

And now, this 19th day of May, 2003, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2003 to amend Philadelphia Rule of Civil Procedure 229.1, *It Is Hereby Ordered* that Philadelphia Rule of Civil Procedure 229.1 is amended effective July 1, 2003.

This General Court Regulation is issued in accordance with Pa.R.Civil.P. No. 1023.1 and 1023.4, and shall become effective July 1, 2003. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, 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 Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

##### Rule 229.1 Sanctions for Failure to Deliver Settlements Funds.

(F) Upon receipt of the attorney affidavit and supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file a response. If the Court finds that the Released party has violated this rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of simple interest [ **at a rate equal to the coupon yield equivalent (as determined by the Secretary of the U. S. Department of Treasury) of the average accepted auction price for 52-week U. S. Treasury Bills at the auction** ] **calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the attorney affidavit was filed, running from the twenty-first day to the date of delivery of the settlement funds, together with reasonable attorneys' fees incurred in the preparation of the affidavit.**

[Pa.B. Doc. No. 03-1060. Filed for public inspection June 6, 2003, 9:00 a.m.]

## PHILADELPHIA COUNTY

**Amendment of Philadelphia Rule of Criminal Procedure 406.1; President Judge General Court Regulation No. 2003-03**

**Order**

*And now*, this 19th day of May, 2003, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2003 to amend Philadelphia Rule of Criminal Procedure 406.1, *It Is Hereby Ordered* that Philadelphia Rule of Criminal Procedure 406.1 is amended effective July 1, 2003.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. No. 105 and 122, and shall become effective July 1, 2003. As required, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge*

**Rule 406-1****(D) Qualifications for Penalty Phase Counsel**

To be appointed penalty counsel, it is required that an attorney:

(1) Has been admitted to the bar of the Pennsylvania Supreme Court or admitted to practice pro hac vice;

(2) Is an active practitioner with at least five years litigation (trial and/or appellate) experience in the field of criminal law in this or any other jurisdiction, with at least two of those years being as an active criminal defense attorney;

(3) Has prior experience as sole or lead counsel in at least ten criminal jury trials of serious and complex cases which were tried to completion in this or any other jurisdiction;

(4) Has been sole counsel, lead counsel, in three homicide trials in this or any other jurisdiction which resulted in a verdict;

(5) Has been sole counsel, lead counsel, or penalty phase counsel, in a capital jury trial, which was tried to verdict, or has successfully completed an apprenticeship approved by the Screening Committee of the Philadelphia Bar Association which will include, but is not limited to observation of a capital homicide trial tried to penalty, or in the alternative, has participated in a mock capital trial, the content and format of which has been approved by the Screening Committee;

(6) Has completed a six hour course in mitigation advocacy, approved by Screening Committee of the Philadelphia Bar Association. Thereafter, three mitigation credits must be acquired by penalty phase counsel each calendar year; and

(7) Failure to complete CLE requirements specified in clause (6), above, failure to fulfill the requirements of the Philadelphia Mitigation Protocol, which shall be approved by the Homicide Calendar Judge, or for any other good cause shown, shall be grounds for decertification of any

attorney certified to accept appointments as penalty phase counsel.

[Pa.B. Doc. No. 03-1061. Filed for public inspection June 6, 2003, 9:00 a.m.]

## PHILADELPHIA COUNTY

**Deferment of the Home Insurance Company and Its Insureds by Reason of Order of Rehabilitation; Administrative Doc. 03 of 2003**

**Order**

*And Now*, this 22nd day of May, 2003, upon consideration of the Order Appointing Rehabilitator for The Home Insurance Company, entered by the Superior Court of the State of New Hampshire, McGuire, Presiding Justice, dated March 5, 2003, it is hereby *Ordered and Decreed* that all cases in which The Home Insurance Company, or an insured thereof, is a named party, are *Stayed* for 120 days from March 5, 2003.

*By the Court*

JAMES J. FITZGERALD, III,  
*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 immediately. 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. 03-1062. Filed for public inspection June 6, 2003, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Suspension**

Notice is hereby given that Mark E. Steiner, having been suspended from the practice of law in the State of Delaware for a period of three years, the Supreme Court of Pennsylvania issued an Order dated May 19, 2003 suspending Mark E. Steiner from the practice of law in this Commonwealth for a period of three years retroactive to August 1, 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. 03-1063. Filed for public inspection June 6, 2003, 9:00 a.m.]