

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to the Confidentiality of Disciplinary Proceedings

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to provide that disciplinary proceedings will not be confidential after the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired or after the filing of a petition for reinstatement. In addition, Statements of Resignation would be public if a petition for discipline has been filed and served and the time to file an answer has expired.

Pa.R.D.E. 402(a)(1) currently provides that disciplinary proceedings are generally confidential until the Supreme Court enters an order imposing some form of public discipline. The Board believes that it will increase public confidence in the disciplinary system, and thus in the judicial system generally, if the disciplinary process is open to the public at an earlier stage.

40 of 51 jurisdictions throughout the United States have systems which become public not later than the filing of formal charges (i.e. a petition for discipline). Of those, 36 jurisdictions open the proceedings with the filing of formal charges. Arizona, Florida and West Virginia make all records accessible to the public after a finding of probable cause or dismissal for lack of probable cause and Oregon is entirely open from the filing of a complaint. Among the 11 jurisdictions which are not considered "open," Alabama, Delaware, Kentucky and South Dakota make the matter public after the Board recommends public discipline.

Prior to 1980, almost all systems had proceedings which were confidential until the state high court issued an order of public discipline. In 1980, the American Bar Association Commission on Evaluation of Disciplinary Enforcement (the McKay Commission) issued a Report which is a compilation of years of study of every state disciplinary system in the Country. One of the most important findings of the Commission was that public confidence in the system must be increased.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 30, 2004.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Executive Director and Secretary*

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

#### Subchapter A. PRELIMINARY PROVISIONS

#### Rule 104. Filings with the Supreme Court.

\* \* \* \* \*

(c) *Centralized filing.* All filings with the Supreme Court under these rules shall be made only with the prothonotary, and the person making a filing shall not distribute copies to the members of the Court. **[ It shall be the responsibility of the prothonotary to preserve the confidentiality of filings to the extent and as provided in Rule 402 (relating to confidentiality) and elsewhere in these rules. ]**

#### Subchapter B. MISCONDUCT

#### Rule 208. Procedure.

\* \* \* \* \*

(d) *Review and action by Board.*

\* \* \* \* \*

(2) The Board shall either affirm or change in writing the recommendation of the hearing committee or special master by taking the following action, as appropriate within 60 days after the adjudication of the matter at a meeting of the Board;

\* \* \* \* \*

(iii) *Other discipline.* In the event that the Board shall determine that the matter should be concluded by probation, censure, suspension, disbarment, or by informal admonition or private reprimand in cases where the respondent-attorney is unwilling to have the matter concluded by informal admonition or private reprimand, it shall file its findings and recommendations, together with the briefs, if any, before the Board and the entire record, with the Supreme Court. A respondent-attorney who is unwilling to have the matter concluded by an informal admonition or private reprimand **[ shall evidence such unwillingness by filing, ]** must file within thirty (30) days after notice of the determination of the Board, a notice of appeal **[ including a statement that the respondent-attorney understands that the effect of the appeal will be to terminate the confidential status of the matter ]. [ See Rule 402(a)(5) (relating to confidentiality). ]** Review by the Supreme Court shall be de novo and the Court may impose a sanction greater or less than that recommended by the Board.

\* \* \* \* \*

#### Rule 209. Immunity.

(a) Complaints submitted to the Board or Disciplinary Counsel shall be confidential **unless the matter results in the filing of formal charges. See Rule 402(a) (relating to access to disciplinary information and confidentiality).** Members of the Board, members of hearing committees, special masters, Disciplinary Counsel

and staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the Board, a hearing committee, special master, or Disciplinary Counsel relating to misconduct by a respondent-attorney and all testimony given in a proceeding conducted pursuant to these rules shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony, except that such immunity shall not extend to any action that violates Rule 402 [relating to confidentiality]. For purposes of this subdivision (a), the staff of the Board shall be deemed to include conservators and sobriety, financial or practice monitors appointed pursuant to these rules or the rules of the Board.

\* \* \* \* \*

**Rule 213. Subpoena power, depositions and related matters.**

\* \* \* \* \*

(c) *Confidentiality.* A subpoena issued under this rule shall clearly indicate on its face that the subpoena is issued in connection with a confidential investigation under these rules, and that it is regarded as contempt of the Supreme Court or grounds for discipline under these rules for a person subpoenaed to in any way breach the confidentiality of the investigation. It shall not be regarded as a breach of confidentiality for a person subpoenaed to consult with an attorney. The subpoena and deposition procedures of these rules shall be subject to the protective requirements of confidentiality provided in Rule 402 (relating to access to disciplinary information and confidentiality).

\* \* \* \* \*

**Rule 215. Resignations by attorneys under disciplinary investigation.**

\* \* \* \* \*

(c) The order disbaring the attorney on consent shall be a matter of public record, but for the purposes of Enforcement Rule 402(a)(1) (relating to confidentiality) the order shall not be an order for the imposition of public discipline. [The] If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

\* \* \* \* \*

**Subchapter D. MISCELLANEOUS PROVISIONS**

**Rule 402. Access to Disciplinary Information and Confidentiality.**

(a) All proceedings under these rules shall be open to the public after the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired or a petition for reinstatement except as provided in subdivision (c).

(b) Until the proceedings are open under subdivision (a), all proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential [until or] unless:

(1) [the Supreme Court enters its order for the imposition of public discipline;

(2)] the respondent-attorney requests that the matter be public, or waives confidentiality for a particular purpose specified in writing;

[ (3) ] (2) the investigation is predicated upon a conviction of the respondent-attorney for a crime or reciprocal discipline;

[ (4) ] (3) in matters involving alleged disability, the Supreme Court enters its order transferring the respondent-attorney to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated); [ or,

(5) the respondent-attorney appeals under Rule 208(d)(2)(iii) (relating to review and action by Board) a determination by the Board imposing an informal admonition or private reprimand. ]

(4) the proceeding is based upon allegations that have become generally known to the public; or

(5) there is a need to notify another person or organization, including the Lawyers' Fund for Client Security, in order to protect the public, the administration of justice, or the legal profession.

[ (b) ] (c) This rule shall not be construed to:

(1) Deny access to relevant information at any point during a proceeding under these rules to:

(i) authorized agencies investigating the qualifications of judicial candidates, [ or to ]

(ii) the Judicial [ Inquiry and Review ] Conduct Board with respect to an investigation it is conducting, [ or to ]

(iii) other jurisdictions investigating qualifications for admission to practice [ or to ];

(iv) law enforcement agencies investigating qualifications for government employment;

(v) lawyer disciplinary enforcement agencies in other jurisdictions investigating misconduct by the respondent-attorney; or

(vi) the Pennsylvania Lawyers Fund for Client Security Board investigating a claim for reimbursement arising from conduct by the respondent-attorney.

\* \* \* \* \*

(3) Prevent the Pennsylvania Lawyers Fund for Client Security from utilizing information obtained during any investigation to pursue subrogated claims.

(d) Subdivision (a) shall not be construed to provide public access to:

(1) the work product of the Board, Disciplinary Counsel, hearing committee members, or special masters;

(2) deliberations of a hearing committee, special master, the Board or the Court; or

(3) information subject to a protective order issued by the Board under subdivision (e).

(e) The Board may, upon application of any person and for good cause shown, issue a protective

order prohibiting the disclosure of specific information otherwise privileged or confidential, and the Board may direct that proceedings be conducted so as to implement the order, including requiring that a hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of a protective order.

(f) Except as provided in subdivision (g), if nonpublic information is requested pursuant to subdivision (b)(1) and the respondent-attorney has not signed an applicable waiver of confidentiality, the respondent-attorney shall be notified in writing at the last known address of the respondent-attorney of what information has been requested and by whom, together with a copy of the information proposed to be released to the requesting agency or board. The notice shall advise the respondent-attorney that the information will be released 20 days after mailing of the notice unless the lawyer objects to the disclosure. If the lawyer timely objects to the disclosure, the information shall remain confidential unless the requesting agency or board obtains an order of the Supreme Court requiring its release or the respondent-attorney withdraws the objection.

(g) If an agency or board requesting the release of information under subdivision (b)(1) has not obtained an applicable waiver of confidentiality from the respondent-attorney, and the agency or board requests that the information be released without giving notice to the respondent-attorney, the requesting agency or board shall certify that:

- (1) the request is made in furtherance of an ongoing investigation into misconduct by the respondent-attorney;
- (2) the information is essential to that investigation; and
- (3) disclosure of the existence of the investigation to the respondent-attorney would seriously prejudice the investigation.

(h) [In addition, the] The Board shall transmit notice of all public discipline imposed by the Supreme Court, [or transfer] transfers to or from inactive status[, ] for disability, and reinstatements to the National [Discipline] Lawyer Regulatory Data Bank maintained by the American Bar Association.

*Official Note:* Paragraph [(b)](c)(2) is based on 18 Pa.C.S. § 5108 (relating to compounding). Otherwise Disciplinary Counsel may be in the anomalous position of violating Rule 8.4 of the Pennsylvania Rules of Professional Conduct.

[Pa.B. Doc. No. 04-1116. Filed for public inspection June 25, 2004, 9:00 a.m.]

[204 PA. CODE CH. 83]

Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Organization of Hearing Committees

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it

amend the Pennsylvania Rules of Disciplinary Enforcement as set forth in Annex A to modify the way hearing committees are organized.

The Rules of Disciplinary Enforcement currently provide that a member of a hearing committee will be appointed to a particular hearing committee on which the member will serve for his or her full term. The Board is considering recommending a change to that system so that members would be appointed to a panel of hearing committee members within a disciplinary district and not assigned to a particular hearing committee until there was a matter to be handled by a hearing committee. Such a system would provide greater flexibility to the Secretary of the Board in hearings. The Board is also considering recommending that hearing committee members be classified based on their experience and that only members with specified experience be authorized to take certain actions.

Interested persons are invited to submit written comments regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, First Floor, Two Lemoyne Drive, Lemoyne, PA 17043, on or before July 12, 2004.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Executive Director and Secretary*

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

\* \* \* \* \*

**“Experienced hearing committee member.”** An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either (i) as a member of the Board, or (ii) as a member of a panel of hearing committee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

\* \* \* \* \*

**“Senior hearing committee member.”** An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either (i) as a member of the Board, or (ii) a full three-year term on a panel of hearing committee members and on hearing committees that have conducted at least three hearings into formal charges of misconduct by respondent-attorneys for which formal transcripts have been prepared.

\* \* \* \* \*

Subchapter B. MISCONDUCT

Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

\* \* \* \* \*

(c) The Board shall have the power and duty:

\* \* \* \* \*

(3) To appoint [ three or more hearing committees ] not less than 18 hearing committee members within each disciplinary district. [ The Board may also appoint up to six persons in each disciplinary district to serve as alternate members of hearing committees within that district. ] Each [ member of a hearing committee or alternate appointed ] person appointed as a hearing committee member for a district shall be a member of the bar of this Commonwealth who maintains an office for the practice of law within that district. [ Only persons who have previously served as a member of a hearing committee or of the Board shall be eligible for appointment as an alternate. An alternate shall have the status of a member of a hearing committee, but shall not be eligible to serve under paragraph (7) of this subdivision (c) or in the capacities reserved to regular members of a hearing committee by Rule 206(a) (relating to hearing committees and special masters). ]

Official Note: The last sentence of paragraph (3) of subdivision (c) is intended to make clear that an alternate hearing committee member will be subject, among other things, to the provisions of Rules 209 (relating to immunity) and 220 (relating to recusal of members of the Board or a hearing committee or a special master). ]

\* \* \* \* \*

(5) To assign formal charges or the conduct of an investigatory hearing to a hearing committee or special master. The assignment to a hearing committee of formal charges or the conduct of an investigatory hearing may be delegated by the Board to its Secretary. [ The reviewing member of a ] A hearing committee member who has passed upon Disciplinary Counsel's recommended disposition of the matter shall be ineligible to serve on the hearing [ panel ] committee that considers the matter.

\* \* \* \* \*

(7) To assign periodically, through its Secretary, [ the ] senior or experienced hearing committee members [ of hearing committees ] within each disciplinary district to:

\* \* \* \* \*

(ii) hear and determine attacks on the validity of subpoenas issued pursuant to Rule 213(a)(2) (relating to subpoena power, depositions and related matters), as provided in Rule 213(d)(2); or

(iii) consider a petition for reinstatement to active status from inactive status under Enforcement Rule 218(c)(3)(ii) (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred.

\* \* \* \* \*

Rule 206. Hearing committees and special masters.

(a) When a hearing committee is [ first selected, one of its members shall be appointed for a term of one

year, another member for a term of two years and the third member for a term of three years ] required to handle a matter, the Board shall appoint a hearing committee consisting of three hearing committee members from the appropriate disciplinary district. At least one of the members of the hearing committee shall be a senior hearing committee member, and another member shall be either a senior hearing committee member or an experienced hearing committee member. The Board shall designate [ the chairman ] one of the members so appointed as the chair for the committee, who shall be a senior hearing committee member. [ Thereafter all regular terms ] The terms of hearing committee members shall be three years and no member shall serve for more than two consecutive three-year terms. [ An alternate hearing committee member shall serve for a term of three years, and may serve for a second consecutive three-year term. ] Board rules may authorize a [ regular or alternate ] hearing committee member whose term has expired to continue to serve until the conclusion of any matter commenced before the member prior to the expiration of such term. A [ regular or alternate ] hearing committee member who has served two consecutive three-year terms may be reappointed after the expiration of one year. [ The ] A hearing committee shall act only with the concurrence of a majority of its members and two members shall constitute a quorum, except that a single [ regular, but not an alternate ] senior or experienced hearing committee member may act for the committee when the committee is sitting as an investigatory hearing committee under Enforcement Rule 213(a)(1) (relating to subpoena power, depositions and related matters), [ hearing and determining a challenge to a subpoena under Enforcement Rule 213(d)(2), ] or when conducting a prehearing conference [ or when considering a petition for reinstatement to active status from inactive status under Enforcement Rule 218 (c)(3)(ii) (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred ]. The terms of hearing committee members shall commence on July 1.

(b) Hearing committees shall have the power and duty:

\* \* \* \* \*

[ (3) To review, by the member assigned, and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands and institution of formal charges.

(4) To hear and determine, by the member assigned, attacks on the validity of subpoenas issued pursuant to Rule 213(a)(2) (relating to subpoena power, depositions and related matters). ]

(c) [ Where a regular hearing committee member is disqualified or otherwise unavailable to serve with respect to any particular formal proceeding, the Secretary shall assign an alternate hearing committee member to serve in place of the unavailable member with respect to that proceeding. Particular formal charges may not be referred to a hearing committee unless at least one regular member of the committee serves on the committee during its handling of those charges. ] If [ the

chairman ] a member of a hearing committee [ is ] becomes disqualified or otherwise unavailable to serve with respect to any particular [ formal proceeding ] matter, the Secretary shall designate [ the chairman of the hearing committee for that proceeding who shall be a regular member of the committee ] a replacement. [ Where it is impracticable to refer particular formal charges to any established hearing committee within a disciplinary district, the Board in the manner provided by Board rule shall select a special hearing committee from all available regular hearing committee members within an adjacent district. ]

\* \* \* \* \*

**Rule 213. Subpoena power, depositions and related matters.**

\* \* \* \* \*

(d) *Challenges.* Any attack on the validity of a subpoena issued under this rule shall be heard and determined by:

\* \* \* \* \*

(2) a [ member of a ] hearing committee member in the disciplinary district in which the subpoena is returnable in the case of a subpoena authorized by subdivision (a)(2).

\* \* \* \* \*

**Rule 218. Reinstatement.**

\* \* \* \* \*

(c)(1) Petitions for reinstatement by formerly admitted attorneys shall be filed with the Board.

\* \* \* \* \*

(7) A petition for reinstatement to active status from inactive status by a formerly admitted attorney who has not been suspended or disbarred shall be considered by a single senior or experienced hearing committee member who shall perform the functions of a hearing committee under this subdivision (c), and the rules of the Board may provide for abbreviated procedures to be followed by that hearing committee member.

\* \* \* \* \*

[Pa.B. Doc. No. 04-1117. Filed for public inspection June 25, 2004, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## FAYETTE COUNTY

### Local Rules 3.7 and 3.8; Orphans' Division No. 602 of 2004

#### Order

And Now, this 8th day of June, 2004, pursuant to Rule 1.2 the Pennsylvania Orphans' Court Rules, it is hereby ordered that the new Local Rules 3.7 and 3.8 are hereby promulgated to read as follows.

The Clerk of the Orphans' Court is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

(4) This revision of the orphans' court rules shall also be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,  
*President Judge*

#### OCR 3.7 Presentation of Applications for Court Action

(a) All applications for Court action, including motions and any other requests for Court-ordered relief, shall be presented to the Court by following the Motions Court procedure set forth in OCR 3.8.

(b) As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," the latter not requiring the presence of the parties or counsel. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(c) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(d) All documents seeking Court action which are filed and served pursuant to this Rule shall include a Certificate of Service, signed by the party's attorney, or the party if unrepresented, setting forth the date and manner of service (personal delivery, mail, facsimile), and the names, addresses and phone numbers of the persons served.

Example:

I hereby certify that I am this day serving the within document upon the persons and in the manner indicated below.

1. Service by certified mail, return receipt requested:  
(Name of person served) \_\_\_\_\_, \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_

2. Service by facsimile at FAX number: \_\_\_\_\_  
(Name of person served) \_\_\_\_\_, \_\_\_\_\_ Phone number \_\_\_\_\_

Address \_\_\_\_\_

3. Service in person:  
(Name of person served) \_\_\_\_\_, \_\_\_\_\_ Phone number \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_ Signature \_\_\_\_\_

**OCR 3.8 Motions Court Procedure**

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(b) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on a Certificate of Presentation, which form appears in Paragraph (g) hereof.

(c) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate office before presentment in Motions Court. An original proposed order, a copy of the Certificate of Presentation and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(d) All motions pertaining to matters already ruled on by a Judge shall be presented to that Judge in Motions Court, except in emergencies as set forth in paragraph (c) of this Rule immediately above.

(e) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(f) Failure to accurately provide the following information as required by Paragraph (g) may result in the matter not being listed for Motions Court.

(g) The Certificate of Presentation required to be presented with all motions shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

:  
:  
:  
:  
: NO. \_\_\_\_\_ OF \_\_\_\_\_

**CERTIFICATE OF PRESENTATION**

1. The undersigned, \_\_\_\_\_, represents, \_\_\_\_\_ the moving party herein.
2. The attached motion will be presented in Motions Court on \_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_ at 9:00 o'clock A.M.
3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)
4. Judge \_\_\_\_\_ has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)
5. The SPECIFIC citation for the Court's authority to grant the relief requested is \_\_\_\_\_.

6. Estimated time for hearing or argument to resolve the motion on its merits: \_\_\_\_\_.

Respectfully submitted,

Date: \_\_\_\_\_

[Pa.B. Doc. No. 04-1118. Filed for public inspection June 25, 2004, 9:00 a.m.]

**FAYETTE COUNTY**

**Local Rules 114.1, 305 and 305.1; Criminal Division; Nos. 114.1 31 AD 2004, 305 32 AD 2004 and 305.1 33 AD 2004**

**Order**

And Now, this 8th day of June, 2004, pursuant to Rule 105 the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that the new Local Rules 114.1, 305, and 305.1 are hereby promulgated to read as follows:

The Clerk of Courts is directed as follows:

- (1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.
- (2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- (3) One certified copy of the Local Rules shall be sent to the State Criminal Procedural Rules Committee.
- (4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.
- (5) These revisions of the criminal rules shall also be published on the web site of the Administrative Office of Pennsylvania Courts ([www.aopc.org](http://www.aopc.org)).

These Local Rules shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court

CONRAD B. CAPUZZI,  
*President Judge*

**FCRCrim.P 114.1**

The Court, by and through the President Judge, hereby designates the Court Administrator of Fayette County as the entity responsible for service of all Court notices on each party's attorney, or the party if unrepresented.

**FCRCrim.P 305. Presentation of Applications for Court Action**

(a) All applications for Court action, including motions and any other requests for Court-ordered relief, shall be presented to the Court by following the Motions Court procedure set forth in FCRCrim.P 305.1.

(b) As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," the latter not requiring either the parties or counsel to appear. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as

uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(c) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(d) Any motion relating to discovery must contain a certification that counsel has conferred or attempted to confer with the District Attorney in order to resolve the matter without court action.

**FCRCrim.P 305.1. Motions Court Procedure**

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(b) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on a Certificate of Presentation, which form appears in Paragraph (g) hereof.

(c) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof. The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate office before presentation in Motions Court. An original proposed order (if any), a copy of the Certificate of Presentation and the motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Pursuant to Pa.R.Crim.P 576 (B)(1), all motions and other documents for which filing is required shall be served on each party and the Court Administrator so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(d) All motions pertaining to matters already ruled on by a Judge shall be presented to that Judge in Motions Court, except in emergencies as set forth in paragraph (c) of this Rule immediately above.

(e) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(f) Failure to accurately provide the following information as required by Paragraph (g) may result in the matter not being listed for Motions Court.

(g) The Certificate of Presentation required to be presented with all motions shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

:  
:  
:  
:  
:  
: NO. \_\_\_\_\_ OF \_\_\_\_\_

**CERTIFICATE OF PRESENTATION**

1. The undersigned, \_\_\_\_\_, represents \_\_\_\_\_, the moving party herein.

2. The attached motion will be presented in Motions Court on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_ at 9:00 o'clock A.M.

3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)

4. Judge \_\_\_\_\_ has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)

5. The SPECIFIC citation for the Court's authority to grant the relief requested is \_\_\_\_\_.

6. Estimated time for hearing or argument to resolve the motion on its merits: \_\_\_\_\_.

Respectfully submitted,

Date: \_\_\_\_\_

[Pa.B. Doc. No. 04-1119. Filed for public inspection June 25, 2004, 9:00 a.m.]

**LEHIGH COUNTY**

**Administrative Order Requiring Dismissal of All Protection from Abuse Cases which Have Been Inactive for More than 18 Months; No. 2004-J-47**

**Order**

Now, this 20th day of April, 2004, *It Is Ordered*, that the following Administrative Order No. 2004-J-47, in and for the 31st Judicial District of Pennsylvania 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 Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

[Pa.B. Doc. No. 04-1120. Filed for public inspection June 25, 2004, 9:00 a.m.]

**LEHIGH COUNTY**

**Administrative Order Requiring Dismissal of All Protection from Abuse Cases which Have Been Inactive for More than 18 Months; No. 2004-J-47**

**Order**

Now, this 20th day of April, 2004, *It Is Ordered*, that pursuant to the Pennsylvania Protection from Abuse Act<sup>1</sup> all protection from abuse cases which have had no

<sup>1</sup> 23 Pa.C.S. § 6108(d).

activity on their docket for more than 18 months shall be closed by the Lehigh County Clerk of Courts—Civil Division.

*It Is Further Ordered* that the prior Order of this Court dated November 25, 1998, requiring the dismissal of all protection from abuse cases which have been inactive for more than one year is hereby *Vacated*.

*It Is Further Ordered* that the application of this Order shall not relieve any party from liability for costs, fines, and/or restitution imposed in a protection from abuse case which is closed pursuant to this Order.

*It Is Further Ordered* that this Order shall apply with equal effect to all protection from abuse cases presently on the docket in Lehigh County and to those filed subsequent to this Order.

*It Is Further Ordered* that this Order shall remain in full force and effect until vacated by Order of the Court of Common Pleas of Lehigh County.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

[Pa.B. Doc. No. 04-1121. Filed for public inspection June 25, 2004, 9:00 a.m.]

### LEHIGH COUNTY

#### Adoption of New Rule of Criminal Procedure 114, Service of Orders and Court Notices; File No. 1262-M-2004

##### Order

*And Now*, this 7th day of June, 2004, *It Is Ordered* that the following New Rule of Criminal Procedure 114, Services of Orders and Court Notices, in and for the 31st Judicial District of Pennsylvania composed of Lehigh County, be, and the same is, promulgated herewith, to become effective thirty (30) days after their publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that seven (7) certified copies of this Order and the following Rule of Criminal Procedure shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; and that one (1) copy shall be filed with the Clerk of Courts—Criminal of the Court of Common Pleas of Lehigh County.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

#### Leh.R.Cr.P. 114. Service of Orders and Court Notices

A. Except as otherwise provided in Paragraph (B) of this local rule, the Clerk of Courts—Criminal shall serve copies of all orders and court notices filed with the Clerk.

B. Copies of orders and court notices generated by the Court Administrator shall be served by the Court Administrator, who shall indicate on the original transmitted to the Clerk for filing, each attorney or party served,

including their names, as well as addresses, dates, and methods of service.

[Pa.B. Doc. No. 04-1122. Filed for public inspection June 25, 2004, 9:00 a.m.]

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 31 Misc. 2004

##### Amended Adopting Order

*Now*, this 26th day of May, 2004, it is hereby *Ordered* that:

1. The following designated Somerset County Rules of Civil Procedure (Som.R.C.P.) are hereby adopted as Rules of this Court, effective on July 26, 2004:

- Som.R.C.P. 205.2(b). Cover Sheet.
- Som.R.C.P. 206.4(c). Form Of Petition. Rule To Show Cause. Adoption Of Alternative Procedure.
- Som.R.C.P. 208.2(d). Certification That Motion Is Uncontested.
- Som.R.C.P. 208.2(e). Certification Of Communication With Opposing Counsel And Unrepresented Parties With Respect To Motions Relating To Discovery.
- Som.R.C.P. 208.3(a). Motions Practice And Procedure.
- Som.R.C.P. 208.3(b). Motions Practice—Filing Of Briefs.
- Som.R.C.P. 1028(c). Preliminary Objections Procedure.
- Som.R.C.P. 1034(a). Motion For Judgment On The Pleadings—Procedure.
- Som.R.C.P. 1035.2(a). Motion For Summary Judgment—Procedure.

2. Somerset Rule of Civil Procedure 210 (Som.R.C.P. 210), Briefs, is amended to read in its entirety, as set forth in revised Som.R.C.P. 210.

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 Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the 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*

[Pa.B. Doc. No. 04-1123. Filed for public inspection June 25, 2004, 9:00 a.m.]



WAYNE COUNTY
Local Rule 205.2(b); No. 46-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, It is the Order of this Court that Wayne County Local Rule 1021.1 is Hereby Amended to read Local Rule 205.2(b), and is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 205.2(b) Civil Cover Sheet

(a) Every new civil action commenced after July 26, 2004, including every summons or complaint filed by a plaintiff and every summons or complaint filed by a defendant against an additional defendant shall contain a completed Civil Cover Sheet substantially in the form set forth in subsection (c).

(b) No summons, complaint pleading or other document used to commence a new civil action shall be accepted for filing unless it is accompanied by a duly completed Civil Cover Sheet.

(c) Form of Civil Cover Sheet

[ CAPTION ] DOCKET NUMBER
CIVIL COVER SHEET
PLAINTIFFS' NAMES DEFENDANTS' NAMES
PLAINTIFFS' ADDRESSES DEFENDANTS' ADDRESSES
PLAINTIFFS' COUNSEL DEFENDANTS' COUNSEL
COUNSEL'S ADDRESS, (if known)
PHONE NUMBER, FAX NUMBER
SUPREME COURT ID NUMBER
AMOUNT IN CONTROVERSY:
COURT DISPOSITION SOUGHT:
Arbitration Jury Non-Jury Minor Court
Appeal Statutory Appeal Mortgage Foreclosure
Petition Other:

[Pa.B. Doc. No. 04-1124. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 206.4(c); No. 34-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 206.4(c), is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

By the Court

ROBERT J. CONWAY,
President Judge

Local Rule 206.4(c) Rules to Show Cause

A Rule to Show Cause shall be filed in the Wayne County Prothonotary's Office. There is no requirement to present a Rule to Show Cause in Motion Court. Issuance of a Rule to Show Cause shall be discretionary with the Court. All Rules to Show Cause shall be scheduled for hearing and/or argument as soon as is convenient for all parties and the Court.

The moving party shall file a brief no later than ten (10) business days prior to the Hearing/Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Hearing/Argument date.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

The Court Administrator is HEREBY AUTHORIZED to sign and schedule Rules to Show Cause as part of his administrative duties and this action shall carry the same force and effect as if Ordered directly by this Court.

[Pa.B. Doc. No. 04-1125. Filed for public inspection June 25, 2004, 9:00 a.m.]

WAYNE COUNTY
Local Rule 208.2(c); No. 35-2004-Civil

Amended Order

And Now, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(c), is Hereby Adopted. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is Ordered and Directed to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

tion and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 208.2(c) Inclusion of Authority in All Motions**

All motions shall include a brief statement of the applicable authority.

[Pa.B. Doc. No. 04-1126. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 208.2(d); No. 36-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(d), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 208.2(d) Certification Regarding Contested Motions**

All motions shall include a certification, signed by counsel for the moving party, stating whether or not said motion is contested or uncontested.

[Pa.B. Doc. No. 04-1127. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 208.2(e); No. 37-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.2(e), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective thirty on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspec-

tion and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 208.2(e) Certification of Attempt to Confer with Interested Parties**

All motions relating to discovery shall include a certification signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without Court action.

[Pa.B. Doc. No. 04-1128. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 208.3(a); No. 38-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.3(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered and Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 208.3(a) Motions**

Except for motions made orally during a trial or hearing, all motions shall be written, shall contain a caption setting forth the name of the court, the number of the action, nature of the proceeding, names of the parties, and the name of counsel, or if no counsel of record, the name of the party making the motion. All motions shall include a proposed Order.

All motions shall be filed in the Wayne County Prothonotary's Office. Any motion which does not seek scheduling of a Rule to Show Cause or Appointment of a Master shall be presented in Motions Court.

If the Motion, Petition or Application is of such nature that opposing parties have the right to be heard, the moving party shall give each opposing party at least forty-eight (48) hours notice of the time when the moving party will appear and present such motion, petition or application, unless the emergency nature of the matter prevents such notice. In that situation, the moving party shall give as much notice as is reasonably possible.

[Pa.B. Doc. No. 04-1129. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**  
**Local Rule 208.3(b); No. 39-2004-Civil**

**Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 208.3(b), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 208.3(b) Requirement of Brief**

All Motions which do not seek Issuance of a Rule to Show Cause or Appointment of a Master shall be presented with a brief containing appropriate authority, unless due to the exigent nature of the circumstances, one cannot be prepared.

A response to any motion shall be presented with a brief, unless due to the exigent nature of the circumstances, one cannot be prepared.

[Pa.B. Doc. No. 04-1130. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 1028(c); No. 40-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1028(c), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 1028(c) Preliminary Objections**

All Preliminary Objections shall be filed in the Wayne County Prothonotary's Office. If no Amended Complaint is filed within twenty (20) days, the Prothonotary shall schedule oral argument for the next available Argument

Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1131. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**

**Local Rule 1034(a); No. 41-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1034(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective thirty on July 26, 2004. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 1034(a) Motions for Judgment on the Pleadings**

All Motions for Judgment on the Pleadings shall be filed in the Wayne County Prothonotary's Office. The Prothonotary shall immediately schedule oral argument for the next available Argument Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1132. Filed for public inspection June 25, 2004, 9:00 a.m.]

**WAYNE COUNTY**  
**Local Rule 1035.2(a); No. 42-2004-Civil**

**Amended Order**

*And Now*, to wit, this 3rd day of June, 2004, Wayne County Local Rule 1035.2(a), is *Hereby Adopted*. In accordance with Pa. R.J.A. 103(c), this Order and the following Rule shall be effective on July 26, 2004. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Amended Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Prothonotary of Wayne County.

*By the Court*

ROBERT J. CONWAY,  
*President Judge*

**Local Rule 1035.2(a) Motions for Summary Judgment**

All motions for Summary Judgment shall be filed in the Wayne County Prothonotary's Office. The Prothonotary shall immediately schedule oral argument for the next available Argument Day and notify all parties. The moving party shall file a brief no later than ten (10) business days prior to the Argument date. The respondent's brief must be filed no later than five (5) business days prior to the Argument date.

In the event that either or both parties wish to submit the matter on briefs without oral argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, briefs shall still be due on the days previously indicated by the Court, unless continued in writing.

Failure to file a brief in a timely manner without written leave of the Court may result in judgment against that party without further notice.

[Pa.B. Doc. No. 04-1133. Filed for public inspection June 25, 2004, 9:00 a.m.]

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