

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Promulgation of Rule 1904 Governing Medical Professional Liability Actions; No. 264 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of November, 2004, Pennsylvania Rule of Judicial Administration 1904 is promulgated to read as follows.

Whereas prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Rule 1904. Medical Professional Liability Actions.

(a) The prothonotary of each judicial district shall maintain a docket of all medical professional liability actions by separate docketing code or other appropriate means. When the docket is established by docketing code, the code shall be "Civil Action—Medical Professional Liability Action."

(b) The prothonotary shall record on the medical professional liability action docket:

(1) the separate findings of the trier of fact, including, where applicable:

(i) past damages in lump sums for "medical and other related expenses," "loss of earnings," and "noneconomic loss,"

(ii) future damages in lump sums for "loss of earnings or earning capacity" and "noneconomic loss," and

(iii) future damages by year for "medical and other related expenses," and

Official Note: See Section 509(a) of the Mcare Act, 40 P. S. § 1303.509(a) and Pa.R.C.P. No. 1042.71.

(2) all orders of the court affecting the amount of damages determined by the trier of fact. The orders shall be set forth on the docket verbatim or with specificity sufficient to determine the effect of the orders upon the damages awarded to each plaintiff.

(c) Where a jury has made the separate findings that are recorded pursuant to subdivision (b), the jury's verdict

sheet and interrogatories shall be made part of the official record and shall be maintained in the custody of the prothonotary.

(d) On or before January 20 of each calendar year, the President Judge of each judicial district shall forward to the Court Administrator of Pennsylvania a report of medical professional liability cases. The report shall be prepared in a format prescribed by the Administrative Office of Pennsylvania Courts. Among items to be included are:

(1) a list of all medical professional liability actions filed in the preceding calendar year showing the present caption of

(i) those actions initially filed in the judicial district, and

(ii) those actions transferred into the judicial district. The list of actions transferred shall also show the former caption and the county of origin, and

(2) the separate findings required by subdivision (b) to be set forth on the docket for each action in which a verdict or decision has been entered.

Unofficial Note

The Civil Instructions Subcommittee of the Committee for Proposed Standard Jury Instructions has promulgated suggested special jury interrogatories ("verdict slip") for medical professional liability actions under the Mcare Act. *Pennsylvania Suggested Standard Civil Jury Instructions*, Pennsylvania Bar Institute.

[Pa.B. Doc. No. 04-2170. Filed for public inspection December 10, 2004, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 83]

Amendment of Rule 213 of the Pennsylvania Rules of Disciplinary Enforcement; No. 35 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 22nd day of November, 2004, Rule 213 of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

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 B. MISCONDUCT

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] handled as follows:

(1) [the hearing committee or special master before whom the subpoena is returnable in the case of] A challenge to a subpoena authorized by subdivision (a)(1)[; or] shall be heard and determined by the hearing committee or special master before whom the subpoena is returnable.

(2) [a member of a hearing committee in the disciplinary district in which the subpoena is returnable in the case of] A challenge to a subpoena authorized by subdivision (a)(2) shall be heard and determined by a member of a hearing committee in the disciplinary district in which the subpoena is returnable.

(3) A determination under paragraph (1) or (2) may not be appealed to the Board, but may be appealed to the Supreme Court under subdivision (g) within ten days after service of the determination on the party bringing the appeal.

* * * * *

(g) *Enforcement of subpoenas; appeal of challenges to subpoenas.*

(1) Either Disciplinary Counsel or a respondent-attorney may petition the Supreme Court [for the enforcement of any subpoena issued by the Prothonotary under these rules] to enforce a subpoena or to review a determination under subdivision (d)(1) or (2) on the validity of a subpoena. No attack on the validity of [such] a subpoena will be considered by the Court unless previously raised as provided in subdivision (d). See also Enforcement Rule 208(f)(5) (relating to emergency temporary suspension orders and related relief).

Official Note. The reference to Enforcement Rule 208(f)(5) is intended to make clear that, where the person who is resisting complying with a subpoena is the respondent-attorney, the provisions of this rule are cumulative of those in Enforcement Rule 208(f)(5).

* * * * *

(3) A petition for review of a determination made under subdivision (d)(1) or (2) must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

[Pa.B. Doc. No. 04-2171. Filed for public inspection December 10, 2004, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 223.3 Governing Jury Instructions on Noneconomic Loss in an Action for Bodily Injury or Death; No. 423 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 1st day of December, 2004, the first paragraph of Pennsylvania Rule of Civil Procedure 223.3, promulgated on August 20, 2004 and effective December 1, 2004, is amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective December 1, 2004.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 223.3. Conduct of the Trial. Actions for Bodily Injury or Death. Jury Instructions on Noneconomic Loss.

In any action for bodily injury or death in which a plaintiff has raised a claim for a damage award for noneconomic loss that is viable under applicable substantive law, the court shall give the following instructions to the jury.

* * * * *

[Pa.B. Doc. No. 04-2172. Filed for public inspection December 10, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WYOMING AND SULLIVAN COUNTIES

2005 Court Calendar; No. 2004-1241

Order of Court

And Now, the 15th day of November, 2004,

It Is Ordered that the Court Calendar of the Court of Common Pleas of the 44th Judicial District of Pennsylvania for the Year 2005, be and the same is hereby established in accordance with the schedule following hereto and made a part hereof.

By the Court

BRENDAN J. VANSTON,
President Judge

2005—Wyoming County Court Calendar

Arraignments, Sentences & ARD

January 12
February 9
March
April 13
May 11
June 8
July 13
August 10
September 14
October 12
November 9
December 7

Juveniles

January 5
February 2
March 9
April 6
May 4
June 1
July 6
August 3
September 7
October 5
November 2
December 5

De Novos

January 11
February 8
March
April 12
May 10
June 6
July 12
August 9
September 13
October 11
November 8
December 9

General Call

September 6

Status Call & Guilty Pleas

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

Dependency

January 13
February 10
March
April 14
May 12
June 9
July 14
August 11
September 15
October 13
November 10
December 8

Dro Contempts

January 13
February 10
March
April 14
May 12
June 9
July 14
August 11
September 15
October 13
November 10
December 8

Criminal Trial Weeks

February 14
April 25
June 13
August 15
October 17
December 12

Prison Board & Acct. Confirmation

January 4
February 1
March 1
April 5
May 3
June 7
July 5
August 2
September 6
October 4
November 1
December 6

Civil Trial Week

January 17
March 28
May 16
July 25
September 19
November 14

Close/Civil Trial

Oct. 1, 2004 . . . (Jan. 2005)
Dec. 5, 2004 . . . (March 2005)
February 4 (May, 2005)
April 1 (July, 2005)
June 3 (Sept. 2005)
August 5 (Nov. 2005)
October 7 (Jan., 2006)
Dec. 2 (March, 2006)

2005—Sullivan County Court Calendar*Regular Court Day*

January 6
 February 3
 March 3 (Arraignments Only—
 No Regular Court)
 April 7
 May 5
 June 2
 July 7
 August 4
 September 8
 October 6
 November 3
 December 1

Trial Weeks—Civil & Criminal

January 24
 April 18
 June 20
 September 26
 October 24

Close Dates For Civil Trial List

| | |
|------------------|------------------------|
| October 1, 2004 | (January 2005 Term) |
| December 3, 2004 | (April, 2005 Term) |
| April 1, 2004 | (June, 2005 Term) |
| June 3 | (September, 2005 Term) |
| August 5 | (October, 2005 Term) |
| October 7 | (January, 2006 Term) |
| December 2 | (March, 2006 Term) |

General Call

September 8, 2005

[Pa.B. Doc. No. 04-2173. Filed for public inspection December 10, 2004, 9:00 a.m.]

SUPREME COURT

Accreditation of the American Board of Certification as a Certifying Organization; No. 36 Disc. Rules Doc. No. 1

Order*Per Curiam:*

And Now, this 30th day of November, 2004, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the American Board of Certification is hereby accredited as a certifying organization in the area of bankruptcy law for a period of five calendar years.

[Pa.B. Doc. No. 04-2174. Filed for public inspection December 10, 2004, 9:00 a.m.]

Reestablishment of the Magisterial District Within the 5th Judicial District; No. 212 Magisterial Doc. No. 1

Order*Per Curiam:*

And Now, this 29th day of November, 2004, upon further consideration of the Petition for Realignment filed

by the former President Judge of the Fifth Judicial District dated November 15, 2002, relating to the proposed Central Court and the evaluation of the current Pittsburgh Magistrates Court to gauge the feasibility of transitioning the Pittsburgh Magistrates Court into the statewide district justice system, it is hereby *Ordered*:

Pursuant to the authority set forth by Article V, Section 10(c) of the Constitution of Pennsylvania and the general supervisory and administrative authority of the Supreme Court of Pennsylvania as set forth by 42 Pa.C.S. Section 1701, et seq., (Judicial Code), it is directed that an administrative judicial unit hereinafter referred to as the Pittsburgh Municipal Court is established within the Fifth Judicial District, to which all matters within the jurisdiction of the Pittsburgh Magistrates Court are assigned, except those matters within the jurisdiction of Pittsburgh Housing Court pending further Order of this Court. Pursuant to 42 Pa.C.S. Section 325, (Judicial Code), the President Judge of the Fifth Judicial District shall assign, on a rotating basis, Allegheny County District Justices to hear all matters before the Pittsburgh Municipal Court and Pittsburgh Housing Court. The President Judge of the Fifth Judicial District shall exercise full administrative authority over the Pittsburgh Municipal Court and Pittsburgh Housing Court. The responsibilities and duties of the district justices assigned to Pittsburgh Municipal Court and Pittsburgh Housing Court shall be the same as those of the minor judiciary and district justices as provided by law. All fines, fees, costs, restitution, and other reparations collected by the Pittsburgh Municipal Court shall be distributed in accord-

ance with 42 Pa.C.S. Sections 3571, 3572, 3573, and all other relevant legal authority.

The provisions of this Order shall be effective January 1, 2005.

Messrs. Justice Saylor and Eakin dissent, by reference to Section 21 of the Schedule to Article V of the Pennsylvania Constitution.

[Pa.B. Doc. No. 04-2175. Filed for public inspection December 10, 2004, 9:00 a.m.]
