

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 211 ]

#### Promulgation of Consumer Price Index and Judicial Salaries Pursuant to Act 51 of 1995; No. 266 Judicial Administration; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 8th day of December, 2004, pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, it is hereby *Ordered* that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the most recent 12-month period and the judicial salary amounts effective January 1, 2005, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 211. CONSUMER PRICE INDEX

Pursuant to Article V, Section 10(c) of the Pennsylvania Constitution and Section 1721 of the Judicial Code, 42 Pa.C.S. § 1721, the Supreme Court of Pennsylvania has authorized the Court Administrator to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for the most recent 12-month period and the judicial salaries effective January 1, 2005, as required by Act 51 of 1995, amending the Public Official Compensation Law, Act of September 30, 1983 (P. L. 160, No. 39), 65 P. S. § 366.1 et seq. See, No. 266 Judicial Administration Docket No. 1.

The Court Administrator of Pennsylvania reports that the percentage of increase in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U), for the 12-month period ending October 2004, was 5.2 percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUURA102SAO, Wednesday, November 17, 2004).

The Court Administrator of Pennsylvania also reports that the following judicial salaries are adopted to implement Act 51 of 1995:

#### Section 2.1. Judicial salaries effective January 1, 2005.

(a) *Supreme Court.*—The annual salary of the Chief Justice of the Supreme Court shall be \$154,448 and the

annual salary of each of the other justices of the Supreme Court shall be \$150,369.

(b) *Superior Court.*—The annual salary of the President Judge of the Superior Court shall be \$147,858 and the annual salary of the other judges of the Superior Court shall be \$145,659.

(c) *Commonwealth Court.*—The annual salary of the President Judge of the Commonwealth Court shall be \$147,858. The annual salary of each of the other judges of the Commonwealth Court shall be \$145,659.

(d) *Courts of common pleas.*—

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$133,103.

(ii) Philadelphia County, \$133,731.

(iii) Judicial districts having six or more judges, \$131,848.

(iv) Judicial districts having three to five judges, \$131,220.

(v) Judicial districts having one or two judges, \$130,591.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$131,848.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$131,220.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$131,848.

(ix) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$131,220.

(2) The other judges of the courts of common pleas shall be paid an annual salary of \$130,591.

(e) *Philadelphia Municipal Court.*—The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$129,335. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$127,139.

(f) *Philadelphia Traffic Court.*—The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$69,064. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$68,437.

(g) *District justices.*—A district justice shall receive an annual salary payable by the Commonwealth of \$64,669.

(h) *Senior judges.*—The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$400 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge

retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 04-2225. Filed for public inspection December 17, 2004, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### LANCASTER COUNTY

**Rules of Civil Procedure Nos. 10, 36, 1018.1, 1915.15 and 3252 Amended; Rules of Criminal Procedure Nos. 3 and 570 Amended; Rule of Civil Procedure 1042.21 Adopted**

#### Administrative Order

Lancaster County Rules of Civil Procedure Nos. 10, 36, 1018.1, 1915.15 and 3252 and Lancaster County Rules of Criminal Procedure Nos. 3 and 570 are amended as follows. Lancaster County Rule of Civil Procedure 1042.21 is adopted as follows. These changes shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGELIS,  
*President Judge*

#### Civil Rules of Procedure

##### Rule 10. Business Judge

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

B. Family Court motions and petitions for special relief or other Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or, for urgent matters, to the assigned judge by appointment. A copy of the motion or petition, as well as notice of when and where it will be presented, must be provided to all parties at least two business days before presentation to the Court. Proof of service of the pleading and of that notice must be attached to the original.

##### Rule 36. Assigned Judge

The assigned judge shall be the judge who:

A. Has been assigned a petition pursuant to Local Rule 206.4(c)B.5, a preliminary objection pursuant to Local Rule 1028(c) or a motion pursuant to Local Rules 208.3(a), 1034(a) or 1035.2(a).

B. Conducts a hearing prior to trial.

C. Has been assigned a case pursuant to Local Rules 27D, 212.2A or 212.2B.

##### Rule 1018.1 Notice to Defend

The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
Telephone: 717-393-0737

#### Rule 1042.21. Medical Professional Liability Actions. Motion for Settlement Conference or Mediation

A motion for mediation filed pursuant to Pa.R.C.P. No. 1042.21 shall propose a mediator and the conditions for the mediation. Any non-moving party shall have ten business days to file an objection and a praecipe to assign the motion for disposition. If the non-moving party's objection is to the proposed mediator or conditions for the mediation, that party shall propose an alternate mediator or alternate conditions for the mediation. If the non-moving party's objection is that there is no realistic possibility of settlement, that party shall state the basis for that belief. A proposed order shall be attached to any motion or objection.

If an objection is filed, the assigned judge shall issue an order directing the moving party to place a telephone conference of all the parties and the judge or shall issue an order scheduling a chambers conference. If an agreement on a mediator or the conditions for the mediation cannot be reached during this conference or within the time granted by the Court and if the Court believes that there is a realistic possibility of settlement and that mediation should proceed, the judge shall appoint a mediator and resolve any other disputed conditions for the mediation.

If no objection is filed, the moving party shall file a praecipe to assign the motion for disposition.

#### Rule 1915.15. Form of Order

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

#### IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION LAW

_____ ,	:	
Plaintiff	:	
	:	
v.	:	No.
	:	
_____ ,	:	
Defendant	:	

#### ORDER

You, \_\_\_\_\_, (defendant) (respondent), have been sued in Court to (obtain)(modify) custody, partial custody or visitation of the following child/children: (names)

1. You are ordered to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. for a conciliation conference to be held in room number \_\_\_\_\_ before Custody Conference Officer \_\_\_\_\_.

2. Pending the custody conference:  
(Court selects option)

- ☐ No temporary order is requested.
- ☐ The Court issues no temporary order.
- ☐ The custody Order (date and reference No.) remains in effect.

With the following revisions (if applicable)

The Court enters the following Temporary Order:

### 3. Required Education Seminar:

a. All parties named in the caption of the case **MUST** participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee **MUST** be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is [www.co.lancaster.pa.us/Courts](http://www.co.lancaster.pa.us/Courts).

f. If you fail to attend the custody education seminar without being excused by order of Court, you **WILL** be subject to contempt proceedings.

4. If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

LANCASTER BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
28 EAST ORANGE STREET  
LANCASTER, PA 17602  
(717) 393-0737

### AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with

Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

JUDGE

DATE:

ATTEST:

### **Rule 3252. Writ of Execution**

The following is designated to be named in the Writ of Execution Notice as the organization from which information can be obtained:

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
Telephone: 717-393-0737

### **Criminal Rules of Procedure**

#### **Rule 3. Call of the List**

A call of the trial list will take place as scheduled by the District Court Administrator prior to each trial term. At that time, the President Judge or his designee will address all motions for trial continuances and requests to schedule guilty pleas. Any case not removed from the trial list at the call of the list will be considered trial ready.

#### **Rule 570. Pre-trial Conference**

##### *A. Scheduling of pre-trial conference*

1. After the information is filed, the District Court Administrator shall schedule a pre-trial conference.

The District Court Administrator shall provide notice of the pre-trial conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 114.

2. A pre-trial conference for a homicide case shall be governed by Local Rule 570A.

##### *B. Appearances required*

The attorney for the Commonwealth and the attorney for the defendant or the pro se defendant shall appear at the pre-trial conference.

##### *C. Certification for trial*

A case may be certified ready for trial by the attorneys for the Commonwealth and the defendant (or the pro se defendant) at the pre-trial conference.

When a case is certified ready for trial, it shall not be scheduled for any further pre-trial conferences.

##### *D. Continuance*

A continuance request made at the pre-trial conference must be in writing and shall state the position of the opposing attorney.

##### *E. Guilty plea*

1. If the status of a case is a guilty plea, the guilty plea must be scheduled at the pre-trial conference.

2. A defendant may plead guilty at the pre-trial conference at the discretion of the Court.

*F. Status order*

The Court shall issue a status order at the pre-trial conference. Copies shall be provided to all parties and the District Court Administrator.

[Pa.B. Doc. No. 04-2226. Filed for public inspection December 17, 2004, 9:00 a.m.]

**NORTHAMPTON COUNTY**

**Administrative Order 2004-5—Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residual Lease-Form**

**Order Of Court**

*And Now*, this 29th day of November, 2004, the attached amended rule, N3155, is hereby adopted. The effective date of the rule is January 3, 2005.

*By the Court:*

ROBERT A. FREEDBERG,  
*President Judge*

**Rule N3155. Order of Attachment of Income to Satisfy Landlord-Tenant Judgment Under Residential Lease-Form**

To: (employer)

Pursuant to the laws of the Commonwealth of Pennsylvania the net wages of \_\_\_\_\_, defendant/tenant, \_\_\_\_\_ (payroll or other identification number, if applicable), of \_\_\_\_\_ (address), is hereby attached to the following extent.

You are directed to pay to the Prothonotary of the Court of Common Pleas of Northampton County 10% of the net wages due the defendant/tenant. The attachment payment must be sent to the Prothonotary within fifteen (15) days of the date the defendant/tenant is paid. Checks should be made payable to: \_\_\_\_\_

(Insert name of Judgment Creditor)

The order of attachment for damages arising out of a residential lease is binding upon you until further notice and shall have priority over any attachment, execution, garnishment or wage attachment under state or local law except one relating to a support order or a prior attachment for damages arising out of a residential lease. You must commence the attachment of the defendant/tenant's income as soon as possible but no later than fourteen (14) days from the date of the issuance of this order of attachment.

You are notified further that pursuant to law:

1. The defendant/tenant has been notified that an order of attachment would be issued.

2. Willful failure to comply with this order may result in (i) your being adjudged in contempt of court with appropriate sanctions; (ii) your being held liable for any amount not withheld or withheld but not forwarded to the Prothonotary; and (iii) attachment of your funds or property.

3. The attachment of income or the possibility thereof as a basis, in whole or in part, for the discharge of an employee or any disciplinary action against or demotion of an employee is prohibited. Violation may result in (i)

your being adjudged in contempt with appropriate sanctions; and (ii) an action against you by the employee for damages.

4. You must notify the Prothonotary when the defendant/tenant terminates employment and provide the Prothonotary with the employee's last known address and the name and address of the new employer, if known.

5. The maximum amount of the attachment shall not exceed 10% of the employee's net wages per pay period. The total amount of wages attached pursuant to this order shall not exceed \_\_\_\_\_.

6. For the purposes of this order, "net wages" means all wages paid less only the following items:

- (i) Federal, State, and local income taxes;
- (ii) F.I.C.A. payments and nonvoluntary retirement payments;
- (iii) Union dues; and
- (iv) Health insurance premiums.

Date of Order: \_\_\_\_\_

BY THE COURT,

\_\_\_\_\_  
J.

[Pa.B. Doc. No. 04-2227. Filed for public inspection December 17, 2004, 9:00 a.m.]

**SOMERSET COUNTY**

**Consolidated Rules of Court; No. 70 Miscellaneous 2004**

**Adopting Order**

*Now*, this 24th day of November, 2004, it is hereby *Ordered*:

1. Som. R.Crim.P. 310, Accelerated Rehabilitative Disposition, Motions And Orders, is amended to read in its entirety as follows hereto, effective thirty days after publication in the *Pennsylvania Bulletin*.

2. The Somerset County Court Administrator shall:

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

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the attached Rule with the Pennsylvania Criminal 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.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions And Criteria.**

A. A separate written motion shall be prepared for each docketed case for which ARD disposition is recom-

mended. After filing in the office of the Clerk of Courts, the motions shall be presented to the court in accordance with Motions Judge practice, prior to scheduling the case for ARD hearing.

B. Motions for ARD disposition shall contain the following:

1. A statement of all offenses with which defendant is presently charged in this court; and

2. A statement of all offenses with which defendant is presently charged in any other jurisdiction which are known; and

3. Written statements of the criminal and motor vehicle records of the accused, if any, and if none, so stating, certified respectively by the appropriate official of the Department of Transportation, and the Clerk of Courts or other public official or authorized deputy having official custody of defendant's records, provided that in lieu of attaching such written statements to the motion, the same may be retained in the District Attorney's file and furnished to court when requested; and

4. Any other facts considered relevant to consideration of the motion.

C. ARD motions will be reviewed *ex parte* by the Motions Judge to determine whether the motion complies with these rules and warrants hearing.

1. If it appears from the face of the motion that the motion complies with these rules and warrants hearing, the Motions Judge will by endorsement thereon approve the same for scheduling and transmit it to the court clerk.

2. If additional facts are necessary to make the determination, the District Attorney and defense counsel shall furnish a written statement, if requested, containing such additional facts as the court may request.

3. If the Motions Judge determines that the motion does not comply with these rules and does not warrant hearing, the Motions Judge shall disapprove the motion for scheduling unless there are exceptional and compel-

ling reasons set forth in the motion or in supplemental statements provided by the District Attorney and defense counsel.

4. ARD motions disapproved for scheduling shall be so endorsed by the Motions Judge and transmitted to the court clerk.

[Pa.B. Doc. No. 04-2228. Filed for public inspection December 17, 2004, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Patrick W. Morgan of Philadelphia has been transferred to Inactive Status by Order of the Supreme Court of Pennsylvania dated November 4, 2004, pursuant to Rule 219, Pa.R.D.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175.00. The Order became effective December 4, 2004.

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

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 04-2229. Filed for public inspection December 17, 2004, 9:00 a.m.]