

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendments to Commonwealth Court Internal Operating Procedures

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT MEDIATION

§ 67.71. Policy.

* * * * *

(b) Tax appeals from orders of the Board of Finance and Revenue, which are now subject to a status conference program, and all pro se matters shall be exempt from the Mediation Program. Mediation shall be offered at no cost to the parties and shall be conducted by a senior [judges] or retired judge of the Court assigned on a periodic basis by the President Judge. [A senior judge selected by the President Judge shall serve as the initial coordinator of the Mediation Program and shall screen cases for mediation and otherwise manage the Mediation Program in cooperation with the Chief Clerk of the Court.]

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JAMES G. COLLINS, President Judge

[Pa.B. Doc. No. 05-539. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Deposit of Escrow—Custodia Legis Funds; President Judge Administrative Doc. No. 01-2005

Order

And Now, this 11th day of March, 2005, it appearing that from time to time, funds are paid into Court and held by the Prothonotary in custodia legis, the Court hereby adopts the following Rules of Court to control the disbursement of funds paid into the court and held by the Prothonotary in custodia legis:

(1) funds paid into the Court and held by the Prothonotary in custodia legis shall be directed for deposit by an Order of the Court. The Order of the Court shall instruct the Prothonotary to deposit in his interest bearing account all such monies deposited in any legal proceeding. Upon deposit, a Receipt, substantially as attached hereto,

will be issued. All accrued interest on such funds will be determined by the Prothonotary on the day the funds are removed from the Office of the Prothonotary by a Court Order releasing the custodia legis funds;

(2) the interest paid by Order of the Court is simple interest. The Prothonotary is not a commercial banking institution and cannot pay compound interest of any kind on funds deposited per Court Order; and

(3) any interest earned in excess of the interest determined to be payable by the Prothonotary on the day of distribution shall be paid to the City Treasurer for the use of the City and County of Philadelphia and its court operations. Any deposit held less than ninety (90) days will not result in the payment of interest on such funds. Any deposit not in excess of Ten thousand (\$10,000.00) Dollars shall not result in the payment of interest, regardless of the length of time said funds are held in deposit by Court Order under the control of the Prothonotary.

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Administrative Order shall also be submitted to American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

By the Court

FREDERICA A. MASSIAH-JACKSON, President Judge,

OFFICE OF THE PROTHONOTARY

vs. : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: _____ TERM, _____

RECEIPT FOR DEPOSIT OF ESCROW—CUSTODIA LEGIS FUNDS

DATE: _____

AMOUNT: _____

RECEIVED FROM: _____

Pursuant to Court Order of Judge _____ this date of _____, and the terms and conditions set forth therein, the aforesaid amount has been deposited into a designated Court account. The deposited funds shall be retained in said account, as provided by President Judge Administrative Docket No. 01-2005, until further Ordered by the Court for the release of said funds, at which time, the deposited funds, together with accrued simple interest, if any, as determined by the Prothonotary at the time of distribution will

be paid from the Court account. Acceptance and presentation of said funds by Payee(s) will release the Prothonotary from any further claims for principal, interest and/or other costs.

PROTHONOTARY

I hereby acknowledge that I have received, on behalf of _____ a copy of this Receipt.

Date: _____
Print Name Signature

[Pa.B. Doc. No. 05-540. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 1 of 2005 Rules Doc.

Order of Court

And Now, this 28th day of February, 2005, it is hereby ordered, pursuant to action of the Board of Judges, that the following Local Rule 300.29 affecting the Criminal Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 300.29 Behavior Clinic

The facilities and staff of the Behavior Clinic shall be available for the examination of a defendant in any court case upon the order of an issuing authority or a Judge of this court.

In all cases wherein a defendant is preliminarily arraigned and charged with: Criminal Homicide; Arson; Kidnapping; Sexual Offenses: Rape, Involuntary Deviate Sexual Intercourse, Indecent Exposure, Indecent Assault, Aggravated Indecent Assault; Stalking; Endangering the Welfare of a Child; Corruption of minors (with accompanying sexual offenses); or the Criminal attempt at any of the above, the issuing authority shall make it a condition of bail that the defendant be examined by the Behavior Clinic within 48 hours if the arraignment is held on Monday through Friday, otherwise within 72 hours. When a defendant is charged with Criminal Homicide, the Behavior Clinic shall examine the defendant as promptly as possible and submit a report of the examination to the court.

In court cases other than those enumerated above, an issuing authority may order that a defendant submit to an examination in the offices of the Behavior Clinic as a condition of bail.

Local Rules 300.29 and 300.32 of the Criminal Division of the Court of Common Pleas of Allegheny County are hereby revoked.

[Pa.B. Doc. No. 05-541. Filed for public inspection March 25, 2005, 9:00 a.m.]

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 2 of 2005 Rules Doc.

Order of Court

And Now, to-wit, this 7th day of March 2005, the within new Local Rule 202.1 is adopted by and for the Fifth Judicial District affecting the Criminal Division of the Court of Common Pleas, effective April 4, 2005, and is being submitted for publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 202.1 Approval of Search Warrant Applications by Attorney for the Commonwealth.

The District Attorney of Allegheny County, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants in the following circumstances, wherein the search warrant is relative to the investigation or prosecution of the following criminal offenses:

Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Rule 202.1 shall take effect April 4, 2005.

[Pa.B. Doc. No. 05-542. Filed for public inspection March 25, 2005, 9:00 a.m.]

ALLEGHENY COUNTY

Rules of the Court of Common Pleas; No. 3 of 2005 Rules Doc.

Order of Court

And Now, to-wit, this 7th day of March, 2005, the within new Local Rule 507.1 is adopted by and for the Fifth Judicial District affecting the Criminal Division of the Court of Common Pleas, effective April 4, 2005, and is being submitted for publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Rule 507.1. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Allegheny County, Stephen A. Zappala, Jr., having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging Criminal Homicide (18 Pa.C.S. § 2501), Murder (18 Pa.C.S. § 2502), Voluntary Manslaughter (18 Pa.C.S. § 2503), Involuntary Manslaughter (18 Pa.C.S. § 2504), Drug Delivery Resulting in Death (18 Pa.C.S. § 2506), Homicide by Vehicle (75 Pa.C.S. § 3732), Homicide by Vehicle While Driving Under Influence (75 Pa.C.S. § 3735), Criminal Homicide of Unborn Child (18 Pa.C.S. § 2603), Murder of Unborn Child (18 Pa.C.S. § 2604) and Voluntary Manslaughter of Unborn Child (18 Pa.C.S. § 2605) shall not hereafter be accepted by any judicial officer unless the criminal complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing.

Rule 507.1 shall take effect April 4, 2005.

[Pa.B. Doc. No. 05-543. Filed for public inspection March 25, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Juvenile Court Records; No. 163 JV 90

Administrative Order No. 8-2005

And Now, this 4th day of March, 2005, it is hereby

Ordered and Decreed that, effective immediately, the Court *Vacates* the following Administrative Order issued October 17, 1990 governing the procedure for microfilming and destroying Juvenile Delinquency and Juvenile Dependency case files and *Directs* that the Juvenile Court Office and Children & Youth Office follow the Record Retention and Disposition Schedule adopted by the Pennsylvania Supreme Court pursuant to Pennsylvania Rule of Judicial Administration 507.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Court's Office, Juvenile Court Office and Children & Youth Office.

By The Court

ROGER N. NANOVIC,
President Judge

Administrative Order

And Now, this 17th day of October, 1990 for the proper disposition of Juvenile Court records, it is hereby

Ordered and Decreed that the following procedure be implemented:

1. All formal Court files containing an adjudication of delinquency or dependency that has been inactive for a period of (5) years, shall be microfilmed.
2. All formal Court files once microfilmed, shall be destroyed.
3. All formal Court files that contain cases that have resulted in a Consent Decree after being inactive for a period of five (5) years shall not be microfilmed, but shall be destroyed.
4. All formal Court files that contain cases that have resulted in a withdrawal of the original petition, or any Court finding other than listed above after being inactive for a period of five (5) years shall not be microfilmed, but shall be destroyed.

[Pa.B. Doc. No. 05-544. Filed for public inspection March 25, 2005, 9:00 a.m.]

CARBON COUNTY

Juvenile Restitution Fee Fund; No. 60 JV 98

Administrative Order No. 9-2005

And Now, this 15th day of March, 2005, pursuant to Title 42 of the *Pennsylvania Consolidated Statutes*, Section 6352(A)(5), it is hereby

Ordered and Decreed that, effective immediately, the Carbon County Court of Common Pleas *Reestablishes* a Juvenile Restitution Fee, previously known as Community Service Fee, be imposed against all juveniles defendants in the amount of Ten (\$10.00) Dollars.

It Is Further Ordered and Decreed that said funds *Shall Be* deposited into a separate county fund to reimburse crime victims for financial losses resulting from delinquent acts. Said disbursements *Shall Be* at the sole discretion of the President Judge.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Court's Office and Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-545. Filed for public inspection March 25, 2005, 9:00 a.m.]

CARBON COUNTY

Juvenile Supervision Fees; No. 59 JV 98

Administrative Order No. 7-2005

And Now, this 4th day of March, 2005, pursuant to Title 42 of the *Pennsylvania Consolidated Statutes*, Section 6323(F) & 6340(C.1), it is hereby

Ordered and Decreed that the Court of Common Pleas *Reestablishes* a Juvenile Supervision Fee imposed against all juveniles in the amount of Ten (\$10.00) Dollars for each informal case and Twenty five (\$25.00) Dollars for each consent decree and each adjudication.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Juvenile Court Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Court's Office and Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 05-546. Filed for public inspection March 25, 2005, 9:00 a.m.]

DELAWARE COUNTY

Rescission of Local Rule 2952; No. 05-193

Order

And Now, to wit, this 7th day of March, 2005, it is hereby *Ordered* that Delaware County Local Rule 2952 is hereby *Rescinded*.

By the Court

KENNETH A. CLOUSE,
President Judge

[Pa.B. Doc. No. 05-547. Filed for public inspection March 25, 2005, 9:00 a.m.]

WASHINGTON COUNTY

Local Civil Rule L-1301—Arbitration; No. 2005-1

Order

And Now, this 3rd day of March, 2005; *It Is Hereby Ordered* that previously-stated Washington County Local Civil Rule be adopted as follows.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DEBBIE O'DELL SENECA,
President Judge

L-1301 Arbitration

a. Pursuant to Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361 and Pa.R.C.P. 1301, & 11. Civil suits or actions in the court of Common Pleas where the amount in controversy is \$35,000.00 or less shall be first tried by a Board of Arbitrators except:

1. Cases involving title to real estate;
2. Cases where an accounting is demanded;
3. Replevin;
4. Actions requiring equitable or declaratory relief;
5. Actions in mandamus, quo warranto, and mortgage foreclosure.

b. Matters may be transferred to compulsory arbitration by the Court although the demand exceed \$35,000.00.

c. Matters may be placed at arbitration by consent of the parties. 42 Pa.C.S.A. § 7362.

d. Arbitration cases are not routinely assigned and all motions relating to these cases are heard by the Motions Judge.

[Pa.B. Doc. No. 05-548. Filed for public inspection March 25, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Rupert A. Hall, Jr., having been disbarred from the practice of law in the State of New Jersey by Order dated September 28, 2004, the Supreme Court of Pennsylvania issued an Order on March 4, 2005, disbaring Rupert A. Hall, Jr., from the Bar of this Commonwealth, effective April 3, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-549. Filed for public inspection March 25, 2005, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Louis J. Recchione having been disbarred from the practice of law in the State of New Jersey by Order dated September 29, 2004, the Supreme Court of Pennsylvania issued an Order on March 4, 2005, disbaring Louis J. Recchione from the Bar of this Commonwealth, effective April 3, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-550. Filed for public inspection March 25, 2005, 9:00 a.m.]
