

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 99]

Amendments to the Code of Civility; No. 368
Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of April, 2005, it is ordered that the Code of Civility is amended as set forth in Annex A hereto.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart D. CODE OF CIVILITY

CHAPTER 99. CODE OF CIVILITY

§ 99.1. Preamble.

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The following principles are designed to encourage judges and lawyers to meet their obligations toward each other and the judicial system in general. It is expected that judges and lawyers will make a voluntary and mutual commitment to adhere to these principles. These principles are not intended to supersede or alter existing disciplinary codes or standards of conduct, nor shall they be used as a basis for litigation, lawyer discipline or sanctions.

§ 99.3. The Lawyer's Duties to the Court **and to Other Lawyers.**

1. A lawyer should act in a manner consistent with the fair, efficient and humane system of justice and treat all participants in the legal process in a civil, professional and courteous manner at all times. **These principles apply to the lawyer's conduct in the courtroom, in office practice and in the course of litigation.**

2. A lawyer should speak and write in a civil and respectful manner in all communications with the court **[and],** court personnel, **and other lawyers.**

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17. **A lawyer should demonstrate respect for other lawyers, which requires that counsel be punctual in meeting appointments with other lawyers and considerate of the schedules of other participants in the legal process; adhere to commitments, whether made orally or in writing; and respond promptly to communications from other lawyers.**

18. A lawyer should strive to protect the dignity and independence of the judiciary, particularly from unjust criticism and attack.

19. **A lawyer should be cognizant of the standing of the legal profession and should bring these principles to the attention of other lawyers when appropriate.**

[Pa.B. Doc. No. 05-879. Filed for public inspection May 6, 2005, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Order Amending Local Rules of Procedure for Civil
Actions; No. 501 CD 2005

Order

And Now, April 19, 2005 it is hereby ordered:

1. Clarion County Local Rules of Civil Procedure L212.1, L212.2, L212.3, L216, L220.1, L225, L227.1, L230.2, L1018.1, L1033, L1301, L1302, L1303, L1304, L1305, L1306, L1910.10 and L1920.51, copies of which follow this order, are adopted, effective July 1, 2005.

2. Effective July 1, 2005 with the adoption of the following local rules of court, all previously issued Local Rules are rescinded, with the exception of the following rules: L1915.3, L1940.3 and L1940.5, which were amended in October 2003, effective November 10, 2003, L205.2(b), L206.4(c), L208.2(c), L208.2(d), L208.2(e), L208.3(b), L1028(c) and L1034(a), which were amended in July 2004, effective August 3, 2004 and L205.2(a) and L1035.2(a), which were amended in August 2004, effective August 13, 2004.

3. The Clarion County Court Administrator is directed to:

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

B. Distribute two (2) certified copies of this Order, the following Rules and a computer diskette containing the text of the local rules, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Civil Procedural Rules Committee.

D. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Domestic Relations Procedural Rules Committee.

E. Provide the Clarion County Prothonotary with a copy of the Rules being amended, which shall be available for public inspection and copying. The Clarion County Prothonotary shall, upon adoption of the previously listed Local Rules of Court, maintain a complete up to date set of the Clarion County Local Rules of Court as amended July 1, 2005, which shall be provided to the Prothonotary by the Clarion County Court Administrator.

F. Provide a copy of the complete Clarion County Local Rules of Court as amended July 1, 2005, to each member of the local bar.

By the Court

JAMES G. ARNER,
President Judge

Readiness in the form hereinafter provided. A party placing a case on the trial list shall forthwith serve a copy of the Certificate of Readiness upon all other counsel of record, who, if for any reason opposes such certification, shall within twenty (20) days thereafter file their reasons opposing the Certificate of Readiness for trial.

Rule L212.1 Placement of Civil Actions on the Trial List.

(a) *Certificate of Readiness for Trial:* To place a case on the trial list, both jury and non-jury, counsel for one or more of the parties in the case shall file a Certificate of

The certificate of readiness to be used in Clarion County shall be in the following form:

**COURT OF COMMON PLEAS OF CLARION COUNTY
CIVIL TRIAL LISTING**

CERTIFICATE OF READINESS (To be executed by Trial Counsel only)	TO THE PROTHONOTARY DATE PRESENTED
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CASE NUMBER Date Complaint filed:	TYPE TRIAL REQUESTED <input type="checkbox"/> Jury <input type="checkbox"/> Non-jury <input type="checkbox"/> Arbitration	ESTIMATED TRIAL TIME _____ DAYS
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PLAINTIFF(S)

DEFENDANT(S)

Check Block
of a Minor
is a party
 to the case

ADDITIONAL DEFENDANT(S)

JURY DEMAND FILED BY:

DATE JURY DEMAND FILED:

AMOUNT AT ISSUE \$	CONSOLIDATION <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE CONSOLIDATION ORDERED
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PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available, serious settlement negotiations have been conducted, the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel

Signature of Trial Counsel

COUNSEL WHO WILL ACTUALLY TRY THE CASE

FOR THE PLAINTIFF

TELEPHONE NUMBER

FOR THE DEFENDANT

TELEPHONE NUMBER

FOR ADDITIONAL DEFENDANT

TELEPHONE NUMBER

(b) *Prothonotary's Active Trial List*: When a case has been certified as ready for trial, the prothonotary shall place the case upon the trial list. The trial list shall close approximately every two months on a date designated on the annual court calendar. Within three business days after each closing of the trial list, the prothonotary shall deliver to the court administrator a copy of the trial list which shall be current to and include the last date which was designated for closing, together with all record papers for each case on the said list. When the prothonotary delivers the trial list to the court administrator, the court administrator shall determine how much time shall be allotted to each pre-trial conference and shall determine the exact time of day each pre-trial conference shall begin.

Rule L212.2 Pre Trial Statement.

(a) Three days prior to the date scheduled for the pre-trial conference each party shall submit to the court and to other counsel of record a pre-trial statement containing those items set forth by PA.R.C.P. 212.2. In addition, the pre trial statement shall set forth an estimate of the length of time which will be required to present the party's case in chief.

(b) If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference, of the necessity or desirability of using a witness, an exhibit, plot or plan, he shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit, plot or plan as is required on the pre-trial statement set forth in PA.R.C.P. 212.2.

Failure to provide such information no less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, shall not be compliance with this subsection, and may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

Rule L212.3 Pre Trial Conference

(a) For the purposes of this rule, "pre-trial conference" shall mean a type of conference described in Pa. R.C.P. No. 212.3.

(b) Except as otherwise ordered by the court, pre-trial conferences shall be held at times directed by the court administrator upon the call of each trial list. Pre-trial conferences are extended to all actions not subject to arbitration under Rule L 1301, both jury and non-jury.

(c) During the pre-trial conference a date certain will be established for the trial. In jury trials jury selection will begin at 9 a.m. on the first day scheduled for the trial and the trial of the case will begin immediately thereafter. In non-jury trials the trial shall begin at 9 a.m. on the first day scheduled for the trial. All subsequent days of trials, jury and non-jury, will begin at 9 a.m. If at any time during a trial an attorney believes that a matter should be discussed in chambers with the court before that day's trial begins, he shall contact the other attorney and arrange to be in chambers with the opposing attorney at 8:30 a.m.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and admissions, and must have full settlement authority. If counsel does not have such authority then the person or corporation having the actual interest in the case, whether as party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.

(e) The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who

will handle the examination or cross-examination of witnesses must attend the pre-trial conference.

(f) The court will dictate a pre-trial order covering all matters resolved at pre-trial immediately following the pre-trial conference. The pre trial order will address any preliminary motions remaining to be determined and will set forth a schedule for the filing and disposition of those motions.

Rule L216 Motions For Continuance

(a) All motions for continuances shall be in writing, shall be signed by counsel, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel either objects or does not object to the proposed continuance.

(b) In addition to the requirements of paragraph (a) above, the first motion for continuance filed by an attorney in any case shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and the reason it is being presented.

(c) In addition to the requirements of paragraph (a) above, any motion for continuance made by an attorney subsequent to that attorney's first motion for continuance shall contain a certification by that attorney that their client has consented to the requested continuance.

Rule L220.1 Voir Dire

(a) After the jury panel for a particular case is drawn, a list of the persons on such panel shall be handed to each attorney involved in the case, and the court shall inform the jurors of the names and residences of each of the parties, the nature of the suit, and the names of the attorneys and their associates.

(b) Initial voir dire examination shall be conducted by the court and will include, in addition to the court's general questions on voir dire, such additional questions appropriate to the case at hand as counsel shall submit in writing and as are approved by the court. The court may permit counsel to supplement the court's voir dire examination by such further inquiry as it deems proper.

Rule L225 Addresses and Summing Up

(a) Opening addresses may be made by all parties or groups of parties at the commencement of the trial in the order that they appear in the pleadings. Any party may reserve his opening address until immediately before presenting his evidence.

(b) After the close of the testimony, each party or group of parties shall have the right of final address or argument. The party or parties having the burden of proof shall have the right of final address or argument to the jury.

Rule L227.1 Post Trial Conferences

In every case in which a Motion for Post-Trial Relief has been filed, the court administrator shall schedule a post-trial conference to be held as soon as the business of the court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the court on said motion and the extent of the trial record which will need to be transcribed.

(a) Absent a request for transcription of a portion of the record the court will dispose of the motion without transcript.

(b) A party filing post-trial motions who desires a transcript shall cause the transcript or portion thereof to be transcribed before the motion is argued.

(c) In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.

(d) The court reporter shall, upon the request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one half of the estimated cost of transcribing. Upon completion of the transcript the court reporter shall invoice the party requesting the transcript and the transcript shall not be filed nor a copy delivered to any party until the invoice has been paid in full. In the discretion of the court and upon order specially made, the invoice may be taxed as costs.

Rule L230.2 Termination of Inactive Cases

(a) On or before April 1st of each year the prothonotary shall prepare a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The prothonotary shall serve notice of proposed dismissal for each case on the list to counsel of record and on the parties if not represented, at least sixty days prior to the date of proposed termination. The notice shall contain the date of proposed termination and the procedure to avoid termination.

(c) All procedures that will be followed are set forth in PA R.C.P. 230.2.

ACTIONS AT LAW

Rule L1018.1 Notice To Defendant

The person, to be named in the notice to defend, from whom legal help can be obtained is:

Laurel Legal Services
231 West Main Street
Clarion, PA 16214
Telephone: (814) 226 4340

Rule L1033 Amended Pleading

Whenever a pleading is filed amending more than one paragraph of the original pleading, such pleading shall be a complete pleading and not merely set forth the amendments to the former pleading. The amended pleading shall clearly indicate that it is an amended pleading and the paragraphs shall be renumbered.

ARBITRATION

Rule L1301 Scope

(a) All cases which are at issue where the amount in controversy is \$25,000.00 or less, except those involving title to real estate, shall first be submitted to and heard by a board of three members of the Clarion County Bar.

(b) Any case in which the amount in controversy exceeds \$25,000.00 may be submitted to and heard by a board of three members of the Clarion County Bar upon a written stipulation being filed by all parties.

(c) Either party in such civil suit or action, his agent or attorney may place a case on the list of cases for trial by arbitration by filing a Certificate of Readiness in the form provided by local rule L212.1(a)

(d) Any such case which has been placed upon the Prothonotary's Trial List shall be removed from such list by the prothonotary and placed on the Arbitration List.

Rule L1302 List of Arbitrators. Appointment to Board. Oath. Compensation.

(a) The Arbitration List herein referred to shall be kept and maintained by the prothonotary.

(b) Within ten days after a case is placed on the Arbitration List, the prothonotary shall forthwith nominate three names in alphabetical order, from the list of attorneys qualified to act as arbitrators in Clarion County. These three attorneys shall comprise the Board of Arbitration and they shall be so appointed by the prothonotary.

(c) The prothonotary shall make his nominations of arbitrators from an alphabetical list of members of the Bar of Clarion County. Nominations shall be made in alphabetical order from such list, except where a particular attorney is excused by the court. Not more than one member of a firm or association of attorneys shall be appointed to the same board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or part, with any counsel of record. The senior member appointed shall be chairman of the board. Immediately after appointment of the Board of Arbitrators the prothonotary shall notify them in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary, on praecipe of counsel, shall appoint the next attorney on the list to fill such vacancy. Any attorney disqualified or stricken off in a case shall be put at the head of the list of attorneys.

(d) The arbitrators shall be sworn or affirmed to justly and equitably try all matters submitted to them. The oath may be administered by any person authorized to administer oaths.

(e) (1) Each member of the Board of Arbitrators who has signed a report or files a minority report shall receive as compensation for services a fee that is set forth from time to time by court order for all cases involving three hours or less, plus an additional sum to be set forth by court order for each hour served over three hours of hearing time. Companion cases heard together count as one for purposes of this rule.

(2) The chairman shall receive as compensation for the duties as chairman an additional sum to be set by court order from time to time notwithstanding that a case be settled or discontinued after a time for hearing has been fixed but before the hearing is held.

(3) If after a time for a hearing has been fixed but before the hearing is held the case is settled or discontinued and the chairman of the Board of Arbitrators has not been notified of that settlement or discontinuance prior to 3:30 p.m. on the last day that the Court House is open for business before the day on which the hearing is to be held, each member of the Board of Arbitrators shall receive as compensation for services a fee of Seventy-Five Dollars (\$75.00). The chairman shall receive this fee in addition to his compensation for the duties of chairman as described in paragraph (2) above. If the members of the Board of Arbitrators receive a fee pursuant to this paragraph, the court may, in its discretion, assess to either party or both parties, as costs, the Two Hundred Twenty-Five Dollars (\$225.00) to which the members of the Board of Arbitrators were entitled because of the late settlement or late discontinuance.

(4) Compensation shall be paid by the County of Clarion upon a voucher approved for payment by the prothonotary.

Rule L1303 Hearing. Notice.

(a) The chairman of the board of arbitrators shall within ten (10) days after the board has been appointed, set a date and time for the arbitrators' hearing and shall notify the parties or their counsel, in writing, not less than thirty (30) days before the hearing, of the time and place of the hearing. Hearings shall be held in Court Room Number Two in the Clarion County Courthouse unless the parties by agreement shall designate another place and the arbitrators concur in such designation.

(b) The arbitrators, for cause shown, may continue a hearing to a definite date fixed by them.

(c) The Arbitration Court List will set forth all of those cases for which boards of arbitrators have been appointed but no hearings have yet been held. Cases listed on said Arbitration Court List shall be heard and disposed of within sixty (60) days, from the date of appointment of the board, except by leave of court upon good cause shown.

Rule L1304 Conduct of Hearing. Generally.

The arbitrators shall not be required to make a record of the proceedings before them. If any party shall, by writing filed with the chairman fifteen days before the hearing, request a record, the arbitrators shall provide a reporter and cause a record to be made. The party requesting the same shall pay the cost thereof and shall deposit with the arbitrators the sum of One Hundred Fifty Dollars (\$150.00) to secure payment. The arbitrators may, at any time that they deem the circumstances demand it, require an additional deposit. Any surplus shall be returned by the arbitrators to the party depositing it. The cost of the record shall not be considered costs in the case.

Rule L1305 Conduct of Hearing. Evidence.

(a) At the hearing, the arbitrators shall have the power to rule on the questions of evidence, to determine the number of witnesses who shall be heard and the extent to which they will be examined and cross-examined, to decide both the law and the facts of the case, and generally to control the proceedings in such a way that the case will be disposed of promptly.

(b) Witnesses before the arbitrators shall be sworn or affirmed by them, and witness fees and mileage shall be allowed and taxed at the legal rate for a court of record. The successful party may file his witness bill with the prothonotary.

Rule L1306 Award

The board of arbitrators shall make its report and render its award promptly upon conclusion of the hearing. The report shall state when the hearing was held, what counsel were present, the names of the witnesses heard, shall contain an award, either for the plaintiff or for the defendant, in a form similar to the verdict of a jury, shall be signed by the board of arbitrators, or a majority of them, and shall be transmitted to the prothonotary. The decision of the majority shall be the decision of the board of arbitrators. The prothonotary shall notify all parties of the decision of the arbitrators within ten (10) days of their filing their report with the prothonotary.

ACTIONS FOR SUPPORT**Rule L1910.10 Alternate Hearing Procedure in Actions for Support**

The hearing procedure described in Rule 1910.12 of the Pennsylvania Rules of Civil Procedure are hereby adopted and shall be utilized in lieu of the procedure prescribed by Rule 1910.11.

ACTION OF DIVORCE**Rule L1920.51 Appointment of Master**

(a) In all divorce or annulment actions where there are unresolved issues properly referable to a master under the applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by the Pennsylvania Rules of Civil Procedure. The court may also appoint a master upon its own motion. The order of appointment shall specify the matters which are referred to the master. Masters shall be appointed by the court from its list of practicing members of the bar of the county. An attorney may be excused from performing such service at the discretion of the court.

(b) At the time of filing a motion for appointment of a master the moving party shall deposit Five Hundred Dollars (\$500.00) with the Prothonotary as security for payment of master's fees and costs. No master will be appointed until the Five Hundred Dollars (\$500.00) has been deposited.

Should the court appoint a master on its own motion, the court shall direct in its order of appointment the party responsible for deposit of funds with the Prothonotary. No action will be taken by the master until such sums have been deposited.

(c) The master shall schedule a preliminary conference immediately after the issuance of the order of appointment. The preliminary conference shall be held at the earliest possible convenience, but no later than sixty (60) days following the appointment of the master. The preliminary conference shall be attended by the master, the parties and their counsel. Those present shall explore the possibility of resolving the issues without further litigation.

Should no resolution be reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order the moving party to deposit an additional One Thousand Five Hundred Dollars (\$1500.00) with the Prothonotary, to be applied to master's and stenographer's fees. As soon as the additional One Thousand Five Hundred Dollars (\$1500.00) has been deposited with the Prothonotary, the master shall schedule an evidentiary hearing and shall provide notice of the hearing as set forth in the Pennsylvania Rules of Civil Procedure. The master shall schedule an evidentiary hearing only after the master has ascertained that the additional funds have been deposited with the Prothonotary.

(d) The standard hourly fee to be charged by court appointed masters shall be determined from time to time by order of court. In a matter involving complex issues of law or fact the court, in its discretion, may adjust the hourly fee paid to the master.

(e) Should the master at any time determine that the sum deposited with the Prothonotary is insufficient to provide for the services of the master and any stenographer required, the master shall move the court to order additional deposits unless the parties agree to such additional deposits. The master shall not be required to proceed further until such sum of additional deposits as ordered or agreed upon are made to the Prothonotary.

[Pa.B. Doc. No. 05-880. Filed for public inspection May 6, 2005, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rule on Mediation; No. 1793
CV 1989

Order

And Now, this 25th day of April, 2005, the following is adopted as Dauphin County Court of Common Pleas Local Rule 1001:

Rule 1001. Mediationa. *General*

Every civil action, except protection from abuse matters, filed in the Dauphin County Court of Common Pleas is eligible for mediation. Prior to filing suit and whenever practicable thereafter, parties and their counsel are encouraged to consider and to pursue mediation options.

b. *Procedure*

Parties and their attorneys in all civil cases may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration. Status conferences conducted by the Court shall include a discussion of the likely success of mediation and the appropriate point in the life of that case for mediation session(s) to be scheduled.

c. *Certifications*

All pre-trial conference memoranda shall include certification by the attorney submitting same that mediation has been previously pursued or, if mediation has not been pursued, that the topic of mediation was discussed among all counsel and rejected only after good faith consideration. Likewise, certificates of readiness filed with the Court Administrator as to any civil action shall contain a similar certification that mediation was pursued or, if not, was the subject of good faith consideration by counsel.

d. *Mediation Programs*

Parties and their attorneys are encouraged to use mediation to resolve disputes either through the Civil Dispute Resolution Program administered by the Dauphin County Bar Association or any other mediation program acceptable to the parties.

e. *Effective Date*

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

Comment: Parties and their attorneys are encouraged to use mediation as a means to bring disputes to conclusion economically and expeditiously. While mediation is voluntary, the Court may feel strongly that the use of mediation will conclude pending litigation. Parties and their attorneys are urged to accept the advice of the Court when mediation is suggested as a means to resolve the case.

The Court may recommend that the parties in any civil case, except protection from abuse matters, utilize mediation or other alternative dispute resolution processes, including, but not necessarily limited to, services offered by the Civil Dispute Resolution Program as administered through the Dauphin County Bar Association whenever it appears to the judge presiding in such case that mediation or other alternative dispute resolution processes are likely to resolve the case.

An issue may arise regarding insurance policies, and particularly professional negligence policies, wherein ultimate approval of a settlement rests with the insured. The use of mediation may lead parties to evaluate their

positions and achieve a mutually acceptable resolution. This rule cannot rewrite an insurance contract, but participation in mediation may educate all interests with respect to the merits of resolving a pending dispute without protracted litigation. All parties should come to the mediation process with appropriate motivations. The process should be used in good faith; for example, it should not be used as an alternative means for discovery.

It is anticipated that the Pennsylvania Supreme Court may enact rules directing certain types of cases to use alternative dispute resolution processes, including mediation, as a prerequisite step for certification prior to trial. This rule is adopted in anticipation of such and will be amended to comply with the mandates of any future rules adopted by the Pennsylvania Supreme Court.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-881. Filed for public inspection May 6, 2005, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 CV 1989

And Now This 19th day of April, 2005, Dauphin County Local Rule 412 is hereby rescinded.

Comments: Service of Original Process in Domestic Relations Matters, which includes custody actions, is governed by Pennsylvania Rule of Civil Procedure 1930.4. Local Rule 412 is no longer necessary.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 05-882. Filed for public inspection May 6, 2005, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 26 Misc. 2005

Adopting Order

Now, this 18th day of April, 2005, it is hereby *Ordered*:

1. Som.R.Crim.P. 507, Approval Of Police Complaints And Arrest Warrant Affidavits By Attorney For The Commonwealth, is amended to read in its entirety as follows hereto, effective thirty (30) 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 following Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following 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 following 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

Complaints and Warrants—Approval

Som. R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

A. The District Attorney of Somerset County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of the attorney for the Commonwealth prior to filing:

1. Criminal Homicide in violation of Section 2501 of the Crimes Code, 18 Pa.C.S.A. § 2501;
2. Murder in any degree in violation of Section 2502 of the Crimes Code, 18 Pa.C.S.A. § 2502;
3. Voluntary Manslaughter in violation of Section 2503 of the Crimes Code, 18 Pa.C.S.A. § 2503;
4. Involuntary Manslaughter in violation of Section 2504 of the Crimes Code, 18 Pa.C.S.A. § 2504;
5. Homicide by Vehicle in violation of Section 3732 of the Vehicle Code, 75 Pa.C.S.A. § 3732; and
6. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735.
7. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735;

8. Rape in violation of Section 3121 of the Crimes Code, 18 Pa.C.S.A. § 3121;

9. Involuntary Deviate Intercourse in violation of Section 3123 of the Crimes Code, 18 Pa.C.S.A. § 3123;

10. Sexual Assault in violation of Section 3124.1 of the Crimes Code, 18 Pa.C.S.A. § 3124.1;

11. Aggravated Indecent Assault in violation of Section 3125 of the Crimes Code, 18 Pa.C.S.A. § 3125;

12. Indecent Assault in violation of Section 3126 of the Crimes Code, 18 Pa.C.S.A. § 3126; and

13. Incest in violation of Section 4302 of the Crimes Code, 18 Pa.C.S.A. § 4302.

[Pa.B. Doc. No. 05-883. Filed for public inspection May 6, 2005, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued April 19, 2005, Thomas Joseph Coleman, III, is *Suspended* from the Bar of this Commonwealth for a period of two years. 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. 05-884. Filed for public inspection May 6, 2005, 9:00 a.m.]
