

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW [204 PA. CODE CH. 71]

Amendment of Rule 201 of the Pennsylvania Bar Admission Rules; No. 389 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of March, 2006, Rule 201 of the Pennsylvania Bar Admission Rules is amended to read as follows.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective immediately.

Madame Justice Baldwin did not participate in the decision of this matter.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 201. Bar of the Commonwealth of Pennsylvania.

* * * * *

(c) Changes in status under Enforcement Rules. An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, or foreign legal consultant:

(1) may be disbarred, suspended or transferred to inactive status and may be readmitted or otherwise reinstated pursuant to the Enforcement Rules [administered by The Disciplinary Board of the Supreme Court of Pennsylvania.];

(2) may have such admission to the bar or limited license to practice law revoked or another appropriate sanction imposed pursuant to the Enforcement Rules when the attorney made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered prior to the attorney being admitted to the bar or issued a limited license to practice law.

(d) *Certification of good standing.* Upon written request and the payment of a fee of \$25.00 the Prothonotary shall issue a certificate of good standing to any member of the bar of this Commonwealth or limited licensed attorney entitled thereto. The certificate shall be one appropriate for admission to the bar of the federal courts and other state courts. A certificate of good standing shall not be issued to a member of the bar of this Commonwealth or limited licensed attorney who currently is the subject of:

* * * * *

(3) a petition for transfer 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).

Official Note:

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If a person's admission to practice law or limited license to practice law as an in-house corporate counsel or foreign legal consultant is revoked for a material misrepresentation or omission, the person will be required to reapply de novo. Any such persons who are seeking admission to practice law must meet all of the requirements for admission to the bar, including the taking and passing of the current bar examination if more than three years have passed since the prior certificate recommending the person's admission to the bar was issued by the Board. At the time of reapplication, the Board will make a determination as to the applicant's character and fitness to practice law, taking into account all of the existing character issues, including the prior misrepresentation or omission.

[Pa.B. Doc. No. 06-563. Filed for public inspection April 7, 2006, 9:00 a.m.]

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

Amendment of Rules 203 and 204 of the Pennsylvania Rules of Disciplinary Enforcement; No. 51 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of March, 2006, Rules 203(b) and 204(a) of the Pennsylvania Rules of Disciplinary Enforcement are 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.

Madame Justice Baldwin did not participate in the decision of this matter.

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 203. Grounds for discipline.

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(b) The following shall also be grounds for discipline:

* * * * *

(6) Making a material misrepresentation of fact or deliberately failing to disclose a material fact in connection with an application submitted under the Pennsylvania Bar Admission Rules.

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Rule 204. Types of discipline.

(a) Misconduct shall be grounds for:

* * * * *

(7) Revocation of an attorney's admission or license to practice law in the circumstances provided in Rule 203(b)(6) (relating to grounds for discipline).

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[Pa.B. Doc. No. 06-564. Filed for public inspection April 7, 2006, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rules 229.1 and *3129.2(b)(1); President Judge General Court Regulation No. 2006-01

Order

And Now, this 29th day of March, 2006, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 16, 2006 to adopt Philadelphia Civil Rules 229.1 and *3129.2(b)(1), *It Is Hereby Ordered* that Philadelphia Civil Rules 229.1 and *3129.2(b)(1) are adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued

by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the 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

C. DARNELL JONES, II,
Administrative Judge

Philadelphia Civil Rule 229.1 Settlement Recommendations, Demands and Offers.

From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount, demand or offer made shall be communicated forthwith to the client by his, her or its counsel.

Adopted by the Board of Judges on February 16, 2006.

Philadelphia Civil Rule *3129.2(b)(1)

(A) For the purpose of Pa.R.C.P. 3129.2(b)(1), which specifies the contents of the handbills required to be posted by the Sheriff, and for the purpose of Pa.R.C.P. 3129.2(d), which requires the publication in newspapers of the information contained in the handbill, the requirement of "a brief description of the property to be sold, its location [**and**] any improvements" shall be satisfied, in the case of Residential Properties consisting of four (4) units or less, by providing the following information:

(a) for "location": the street address of the property with the zip code, extended zip code if available, and ward number;

(b) for "a brief description of the property": the approximate size of the property in square feet or acres and the Philadelphia Board of Revision of Taxes (BRT) account number—designated as follows: "BRT # XXXXXXXXX"; and

(c) for "improvements": the words "Residential Property."

(B) Plaintiff, when preparing a Writ of Execution for transmission to the Sheriff, shall include therein a description which conforms to the requirements of this Rule.

(C) The Sheriff's conditions for sale shall provide the following paragraph in bold:

"Prospective purchasers are directed to the Philadelphia Board of Revision of Taxes (BRT) Website (<http://brtweb.phila.gov>) for a fuller description of the properties listed. Properties can be looked up by the BRT number, which should be cross-checked with the address. Prospective purchasers are also directed to the Philadelphia Department of Records, at Room 154 City Hall, Philadelphia, PA

215-686-1483 and to its Website at <http://philadox.phila.gov>, where they can view the deed to each individual property and find the boundaries of the property. PROSPECTIVE PURCHASERS ARE RESPONSIBLE FOR DETERMINING THE NATURE, LOCATION, CONDITION AND BOUNDARIES OF THE PROPERTIES THEY SEEK TO PURCHASE."

The Sheriff's condition of sale shall add to the "Explanation" section the following:

The "BRT #" refers to a unique number assigned by the Philadelphia Board of Revision of Taxes to each property in the City for the purpose of assessing it for taxes. This number can be used to obtain descriptive information about the property from the BRT Website.

Explanatory Comment

The Pennsylvania Rules of Civil Procedure require that notice of the sale of Real Property provide inter alia, "a brief description of the property to be sold, and any improvements . . ." In Philadelphia County, these descriptions have generally included a description of the property that includes the metes and bounds defining the lot. Such a description, sufficient under the holdings of the Pennsylvania Supreme Court in *Shimkus v. Klimatis*, 377 Pa. 546 (Pa. 1954) and *Senge v. Border*, 319 Pa. 481, 483 (Pa. 1935), is not necessary and results in descriptions that are lengthy and uninformative. See *Nutt v. Berlin Smokeless Coal & Clay Mining Co.*, 262 Pa. 417 (Pa. 1918) (Advertisement which simply refers to the number of the warrant of a tract of land is a sufficient description). The length of the descriptions results in unnecessary costs being borne by the judgment creditors initiating the sale or by the judgment debtors. This situation is particularly problematic when the advertising costs become an obstacle to a homeowner preventing the sale through reinstatement of the mortgage. The metes and bounds description is also not helpful in that it does not necessarily provide meaningful information regarding the type of property that is being sold and has resulted in confusion for buyers. This Rule seeks to remedy both of those problems as it relates to the sale of Residential Properties consisting of four (4) or fewer dwelling units by permitting a notice that is both shorter and more informative than the metes and bounds description currently being used, thereby saving costs and reducing potential confusion.

Adopted by the Board of Judges on February 16, 2006.

[Pa.B. Doc. No. 06-565. Filed for public inspection April 7, 2006, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Adoption of Local Rule of Civil Procedure 1301
Scope—Arbitration; 04-1727

Administrative Order No. 8-2006

And Now, this 23rd day of March, 2006, pursuant to Pennsylvania Rule of Civil Procedure 1301 and to incorporate the limits established by Pa.C.S.A., § 7361, it is hereby *Ordered* and *Decreed* that, effective immediately, the Carbon County Court of Common Pleas hereby *Adopts* Local Rule of Civil Procedure CARB.R.C.P. 1301 governing Carbon County's existing practice of submitting actions to compulsory arbitration.

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 Civil 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 a copy of the Order in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1301—Scope

All civil cases where the amount in controversy (exclusive of interest and costs) shall be Thirty-Five Thousand (\$35,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361. The amount in controversy shall be determined from the pleadings. The Court may on its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

[Pa.B. Doc. No. 06-566. Filed for public inspection April 7, 2006, 9:00 a.m.]