

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 208(g) of the Pennsylvania Rules of Disciplinary Enforcement; No. 53 Disciplinary Rules; Doc. No. 1

#### Order

*Per Curiam:*

And Now, this 28th day of June, 2006, Rule 208(g) 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 208. Procedure.

\* \* \* \* \*

(g) *Costs.*

\* \* \* \* \*

(3) The expenses taxable under paragraph (1) or (2) may include an administrative fee except that an administrative fee shall not be included where the discipline imposed is an informal admonition. The administrative fee shall be \$250.

\* \* \* \* \*

[Pa.B. Doc. No. 06-1309. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

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

Amendment 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 DECISIONS

#### § 67.55. Reporting of Opinions; Certain Decisions not to be Cited.

Unreported opinions of [ the ] this court shall not be [ relied upon or cited by a Court or a party in any other action or proceeding, except that such a memorandum decision ] cited in any opinion of this court or in any brief or argument addressed to it, except that such unreported opinion may be relied upon or cited when it is relevant under the doctrine of law of the case, *res judicata*[ , ] or collateral estoppel. When an unreported memorandum opinion is relied upon pursuant to this rule, a copy of the memorandum must be attached to the brief. A single-judge opinion, even if reported, shall be cited only for its persuasive value, not as a binding precedent. This rule shall be effective retroactively, so as to apply to opinions filed before the effective date of this section, as well as to opinions filed in the future.

[Pa.B. Doc. No. 06-1310. Filed for public inspection July 14, 2006, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LANCASTER COUNTY

Adoption of Rule of Criminal Procedure No. 150 Bench Warrants; No. 1 AD 2006; CPJ. No. 7 Page 1357

#### Administrative Order

And Now, this 30th day of June, 2006, Lancaster County Rule of Criminal Procedure 150 is adopted as follows:

**Rule 150. Bench Warrants**

A. In all cases where a bench warrant is executed, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to the bench warrant, the Warden or his designee shall notify the District Court Administrator within twelve hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing within the time permitted by Pa.R.Crim.P. 150.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, and the Clerk of Courts for Lancaster County. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bench warrants held pursuant to this Rule.

This Rule shall be effective for individuals detained on or after August 1, 2006.

*By the Court*

LOUIS J. FARINA,  
*President Judge*

[Pa.B. Doc. No. 06-1311. Filed for public inspection July 14, 2006, 9:00 a.m.]

**MERCER COUNTY****Provision of Continuous Coverage of Issuing Authority; No. CP-43-AD-3-2006****Administrative Order**

*And Now*, this 26th day of June, 2006, *It Is Hereby Ordered and Directed* that the President Judge of Mercer County, Thirty-fifth Judicial District of Pennsylvania, shall issue annually an order for Temporary Assignment of Issuing Authority for the upcoming calendar year. Pursuant to the Pennsylvania Rules of Criminal Procedure, and particularly Rule 117, this order shall provide continuous coverage on a 24 hour/seven day period for services for the judicial district by designating an "on-call" Magisterial District Judge to be available for those time periods outside of normal business hours. This order continues the long-standing procedure in this Judicial District of providing a continuous on-call system of Magisterial District Judges as set forth in prior Administrative orders.

*By the Court*

FRANCIS J. FORNELLI,  
*President Judge*

[Pa.B. Doc. No. 06-1312. Filed for public inspection July 14, 2006, 9:00 a.m.]

**NORTHAMPTON COUNTY****Administrative Order 2006-6—In Re: Bench Warrants; AD-203-2006****Administrative Order**

*And Now*, this 30th day of June, 2006, the court adopts the following Rule N150, Bench Warrants, effective August 1, 2006.

*By The Court:*

ROBERT A. FREEDBERG,  
*President Judge*

**N150 BENCH WARRANTS**

(a) Bench warrant hearings required by PA.R.CRIM.P. 150(A)(1) shall be conducted by the motions judge if the judge who issued the bench warrant is unavailable.

(b) The Warden of Northampton County Prison promptly shall notify the Court Administrator that an individual is being held on a bench warrant.

(c) The Court Administrator shall schedule the bench warrant hearing so that the individual is not held prior to hearing longer than 72 hours, or until the close of the next business day, if the 72 hours expires on a non-business day. The Court Administrator promptly shall notify the District Attorney, the Public Defender or defendant's attorney if an appearance has been entered, and the Office of Pre-trial Services of the bench warrant hearing.

[Pa.B. Doc. No. 06-1313. Filed for public inspection July 14, 2006, 9:00 a.m.]

**SCHUYLKILL COUNTY****Administrative Order 2006.4; No. AD-102-2006**

*And Now*, this 27th day of June, 2006, at 12:30 p.m., pursuant to Pa.R.Crim.P. 117, it is hereby *Ordered* that the following procedures shall be utilized to ensure sufficient availability of Magisterial District Judges to provide, within the Twenty-First Judicial District, those services required by the Rules of Criminal Procedure and the Protection from Abuse Act:

1. During Normal Business Hours

(a) Normal business hours shall be construed as Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.

(b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the rules relating to venue.

2. Duty On-Call Magisterial District Judge

(a) The Criminal Court Administrator shall establish a rotating schedule assigning a duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the County as required by the Rules of Criminal Procedure and the Protection from Abuse Act.

(b) On weekdays when the Court is open for business, the duty Magisterial District Judge shall be on duty from 4:30 p.m. until 8:30 a.m. the following morning. On weekends and holidays, he or she shall be on duty from 8:30 a.m. until 8:30 a.m. the following day.

### 3. Bail and Warrants

(a) The duty Magisterial District Judge shall be available without unreasonable delay throughout the hours of his or her duty assignment at the established office of the duty Magisterial District Judge for the purpose of accepting the posting of a defendant's bail.

(b) The duty Magisterial District Judge shall be available without unreasonable delay at his or her established office throughout the hours of his or her duty assignment for the issuance of search warrants pursuant to Pa.R.Crim.P. 203 and arrest warrants pursuant to Pa.R.Crim.P. 513. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue the warrant in accordance with the requirements of Rules 203 and 513.

### 4. Preliminary Arraignments Outside Normal Hours

(a) Weekdays—when an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 4:30 p.m. and 11:00 p.m., the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(2) Between the hours of 11:00 p.m. and 8:30 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Schuylkill County Prison. Personnel of the Prison shall make the individual(s) available at the prison video conferencing site by 8:30 a.m., at which time the duty Magisterial District Judge shall conduct the preliminary arraignment through the use of advanced communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the preliminary arraignment in person at the Schuylkill County Prison.

(b) Saturdays, Sundays and Holidays—When an individual is placed under arrest by law enforcement and requires arraignment:

(1) Between the hours of 7:00 a.m. and 12:00 p.m. (noon), the duty Magisterial District Judge shall be available without unreasonable delay at his or her established office. In the discretion of the duty Magisterial District Judge, advanced communication technology may be utilized for the arraignment.

(2) Between the hours of 12:00 p.m. (noon) and 8:30 a.m. the following day, individuals placed under arrest and requiring arraignment shall be temporarily detained at the Schuylkill County Prison. Individuals so detained between the hours of 12:00 p.m. (noon) and 10:30 p.m. shall, by prison personnel, be made available at the prison video conferencing site at 10:30 p.m. for preliminary arraignment. Individuals so detained between the hours of 10:30 p.m. and 8:30 a.m. the next day shall be made available at the prison video conferencing site by 8:30 a.m. for preliminary arraignment. The duty Magisterial District Judge shall conduct a preliminary arraignment through the use of advanced communication technology of all individuals so detained. Individuals detained between the hours of 12:00 p.m. (noon) and 10:30 p.m. shall be preliminarily arraigned by 10:30 p.m. Individuals

detained between the hours of 10:30 p.m. and 8:30 a.m. the next day shall be preliminarily arraigned by 8:30 a.m. that next day. In the event of technological failure, the duty of Magisterial District Judge shall conduct the preliminary arraignment in person at the Schuylkill County Prison at the times stated.

5. Emergency Protection From Abuse Orders—When an individual seeks an emergency protection from abuse order outside normal Court business, the duty Magisterial District Judge shall speak with the individual and a representative of Schuylkill Women in Crisis by phone to establish a time at which the individual will be available at the Schuylkill Women in Crisis video conferencing site. At the agreed time the duty Magisterial District Judge shall receive the petition for relief, conduct an ex parte hearing and either issue or deny the requested order by the use of advance communication technology. In the event of technological failure, the duty Magisterial District Judge shall conduct the proceedings at his or her established office without unreasonable delay.

6. The effective date of this Order shall be August 18, 2006.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

[Pa.B. Doc. No. 06-1314. Filed for public inspection July 14, 2006, 9:00 a.m.]

## SUSQUEHANNA COUNTY

### New Rule of the Criminal Division of the Court of Common Pleas; No. 1992-59 CR

#### Order

*Now To Wit*, this 3rd day of July, 2006,

*It Is Ordered And Decreed* that the following rule of the Criminal Division of the Court of Common Pleas of Susquehanna County, Rule 117. Coverage Magisterial District Judges be and the same is hereby promulgated herewith to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and that one (1) copy shall be filed with the Prothonotary of the Court of Common Pleas of Susquehanna County.

*By the Court*

KENNETH W. SEAMANS,  
*President Judge*

#### Susq.Crim.Rule 117. COVERAGE MAGISTERIAL DISTRICT JUDGES

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 9:00 A.M. to 4:30 P.M. prevailing time.

(2) Magisterial District Judges shall be available twenty-four hours per day, every day of the calendar year to provide continuous coverage for the issuance of search warrants, pursuant to Pa.R.Crim.P. No 203, arrest warrants pursuant to Pa.R.Crim.P., No. 513, request to accept bail and emergency orders under the Protection From Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the District Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) The Magisterial District Judges shall be available during the normal business hours for all other business.

(4) This rule shall be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 06-1315. Filed for public inspection July 14, 2006, 9:00 a.m.]

### WASHINGTON COUNTY

**Local Civil Rule: L-1018.1 Notice to Defend; No. 2006-1**

#### Order

*And Now*, this 27th day of June, 2006; *It Is Hereby Ordered* that the previously stated Washington County Local Rule be amended as follows.

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

DEBBIE O'DELL SENECA,  
*President Judge*

#### L-1018.1 Notice to Defend

The notice required by Pa.R.C.P. No. 1018.1 shall include the following names, addresses, and telephone numbers:

a. Lawyer Referral Service, 119 South College Street, Washington, Pennsylvania 15301, telephone number 724-225-6710

b. Southwestern Pennsylvania Legal Aid Society, 10 West Cherry Avenue, Washington, Pennsylvania 15301, telephone number 724-225-6170

[Pa.B. Doc. No. 06-1316. Filed for public inspection July 14, 2006, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Jerry F. Palmer having been disbarred from the practice of law in the State of Louisiana by Order of the Supreme Court of Louisiana dated December 4, 2002, the Supreme Court of Pennsylvania issued an Order on June 29, 2006, disbaring Jerry F. Palmer from the Bar of this Commonwealth, effective July 29, 2006. 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. 06-1317. Filed for public inspection July 14, 2006, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Ronald Alonzo Wright having been suspended from the practice of law in the District of Columbia for a period of one year by Opinion and Order of the District of Columbia Court of Appeals decided October 20, 2005, the Supreme Court of Pennsylvania issued an Order dated June 23, 2006, suspending Ronald Alonzo Wright from the practice of law in this Commonwealth consistent with the Opinion and Order of the District of Columbia Court of Appeals decided October 20, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 06-1318. Filed for public inspection July 14, 2006, 9:00 a.m.]