

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CHS. 1 AND 3]

Amendment to the Rules of Procedure of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

Per Curiam

And Now, this 26th day of July, 2006, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rules of Procedure Nos. 102 and 301, as more specifically herein-after set forth, *It Is Hereby Ordered:*

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL CONDUCT

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

The following words and phrases when used in these rules shall have the following meanings, unless the context or subject matter otherwise requires:

* * * * *

[Preliminary Conference Judge is a member of the Court appointed by the President Judge when deemed appropriate to convene and preside at a preliminary conference.]

* * * * *

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; **[Preliminary Conference Judge;]** Conference Judge; Scheduling.

* * * * *

[(B) Appointment of Preliminary Conference Judge. If the Clerk does not receive an entry of appearance for the Judicial Officer within 15 days of service of the Complaint as specified in Rule 302(B), the Clerk shall so notify the President Judge. Within five (5) days of receipt of such notification the President Judge shall appoint a member of the Court to serve as Preliminary Conference Judge.

(C) Duties of Preliminary Conference Judge. As soon as practicable after appointment, the Preliminary Conference Judge shall schedule and conduct

a preliminary conference at which the Judicial Officer shall be advised of his or her right to be represented by counsel.

(D)] (B) Appointment of Conference Judge. Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

[(E)] (C) Duties of Conference Judge Following the Filing of Formal Complaint. In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:

* * * * *

[(F)] (D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.

[Pa.B. Doc. No. 06-1484. Filed for public inspection August 4, 2006, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 1]

Order Amending Rule 114; No. 348 Criminal Procedural Rules; Doc. No. 2

Order

Per Curiam:

Now, this 20th day of July, 2006, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of efficient administration because the amendment is perfunctory in nature, and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Criminal Procedure 114 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective September 1, 2006.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 114. Orders and Court Notices: Filing; Service; and Docket Entries.

* * * * *

(C) Docket Entries

* * * * *

(2) The docket entries shall contain:

* * * * *

(c) the date [**and manner**] of service of the order or court notice.

* * * * *

Comment

This rule was amended in 2004 to provide in one rule the procedures for the filing and service of all orders and court notices, and for making docket entries of the date of receipt, date appearing on the order or notice, and the date [**and manner**] of service. This rule incorporates the provisions of former Rule 113 (Notice of Court Proceedings Requiring Defendant's Presence). But see Rules 511, 540(F)(2), and 542(D) for the procedures for service of notice of a preliminary hearing, which are different from the procedures in this rule.

* * * * *

Official Note: Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 23, 2004, effective August 1, 2005; **amended July 20, 2006, effective September 1, 2006.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [**1477**] **1478** (March 18, 2000).

* * * * *

Final Report explaining the July 20, 2006 deletion of "manner of service" from paragraph (C)(2)(c) published with the Court's Order at 36 Pa.B. 4173 (August 5, 2006).

FINAL REPORT¹

Proposed Amendments of Pa.R.Crim.P. 114

Docket Entries When Court Order or Notice Served

On July 20, 2005, effective September 1, 2006, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Pa.R.Crim.P. 114 (Orders and Court Notices: Filing; Service; and Docket Entries) by deleting as no longer necessary the requirement in paragraph (C)(2)(c) that a docket entry be made of the manner of service.

Rule 114 was reorganized and amended when the motions rules package was adopted by the Court in 2004. As part of the process, paragraph (C) (Docket Entries), which retains without any changes the requirement that a docket entry be made of the date of service and the manner of service, paragraph (C)(2)(c), was added to require, inter alia, docket entries be made promptly.

When the requirement that a docket entry be made of the date of service and the manner of service originally was added to Rule 114 (in then-Rule 9024) in 1983, then-Rule 9024 also required that service of the order be by mail or personal delivery only. With the 2004 changes to Rule 114, there now are seven methods of service in

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

writing, as well as service orally in open court on the record. See paragraph (B)(3)(a).² By providing in Rule 114 the additional methods of service for court documents and orders, the 2004 rule change has created an unintended burden on the court officials who have to make the docket entries. As explained to the Committee, frequently court notices will be prepared and mailed in batches of, for example, 100 notices. When the docket entries for these notices are to be made, the users of the Common Pleas Criminal Court Case Management System (CPCMS) expected to make one entry and CPCMS would be able to automatically make the same entry for all 100 notices. CPCMS does have the capability to do this for the date of service if all 100 notices would be mailed on the same day. However, because by rule, the manner of service is different depending on whether the party is an assistant district attorney, a public defender, private counsel, or a defendant, instead of going in and making one docket entry that CPCMS will automatically enter for all 100 notices, the court official must manually enter the manner of service for all 100 notices. In view of this unintended and burdensome consequence of the service requirements in Rule 114(B)(3), the Committee was asked to consider deleting "manner of service" from the required docket entries in Rule 114(C)(3)(c).

The Committee, after discussing whether there is a benefit to having on the court docket the manner of service of court documents and what the ramifications to the criminal justice system would be if the provision was deleted from Rule 114, concluded that this information does not have to be included on the docket as long as the date of service is noted on the docket.³ Accordingly the "manner of service" has been deleted from Rule 114(C)(2)(c) as no longer necessary.

[Pa.B. Doc. No. 06-1485. Filed for public inspection August 4, 2006, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5; President Judge General Court Regulation No. 2006-04

Order

And Now, this 6th day of July, 2006, the Board of Judges of Philadelphia County, having voted at the Board of Judges' meeting held on May 18, 2006 to adopt Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5, *It Is Hereby Ordered* that

² The methods of service in writing are by (1) personal delivery to the party's attorney or, if unrepresented, the party; (2) personal delivery to the party's attorney's employee at the attorney's office; (3) mailing a copy to the party's attorney or leaving a copy for the attorney at the attorney's office; (4) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the party's attorney in the box in the courthouse assigned to the attorney for service; (5) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; (6) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has filed a written request for this method of service or has included a facsimile number or an electronic address on a prior legal paper filed in the case; or (7) delivery to the party's attorney, or the party if unrepresented, by carrier service.

³ In addition, Rule 113(A) requires that the criminal case file contain, inter alia, copies of all court notices.

Philadelphia Civil Rule 227.3 and Philadelphia Rule of Judicial Administration 5000.5 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 Civil Procedural Rules Committee and to the Administrative Office of Pennsylvania Courts for publication on its website. 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,
President Judge

Philadelphia Civil Rule

Philadelphia Civil Rule 227.3 Transcript of Testimony

(a) *Post-Trial Motions*. The court may, upon receipt of a copy of a request for partial transcript, or upon receipt of a partial transcript, request that the Official Court Reporter transcribe additional portions of the transcript, or the entire transcript, if the transcription of the increased portion of the transcript is deemed necessary for the disposition of the outstanding post-trial motions. The cost of such transcription shall be incurred by the party who filed the post-trial motions. In the event more than one party has filed post-trial motions, the cost of transcription shall be borne equally between or among such parties.

(b) *Appeals*. Upon receipt of the order for transcription of notes of testimony in connection with an appeal, and the requisite payment or deposit thereon, the Official Court Reporter shall prepare a full transcript of the case on appeal, unless the appellant or a cross-appellant has requested and obtained an order of diminution of transcription from the trial court. Pa.R.A.P. 1922 requires that an application for an order providing for less than the entire proceeding shall be made in civil cases within two days after the order for transcript is filed, and in criminal cases as provided in Pa.R.Crim.P. 115. As provided in Pa.R.A.P. 1911, the appellant must request and pay for the transcription of testimony; however, cross-appellants shall share the initial expense equally with all other appellants.

Adopted by the Board of Judges of the Court of Common Pleas on May 18, 2006.

Philadelphia Rule of Judicial Administration

5000.5 Requests for Transcripts

a) *Transcript Order Form*. The request for a transcript of all or part of the testimony at a trial or other proceeding must be made on a *Transcript Order Form* or *Digital Recording Transcript Order Form* which shall be substantially in the form set forth hereunder. The Transcript Order Forms must be fully completed and signed by the requesting party or counsel.

b) *Delivery Location*. The applicable Transcript Order Form must be faxed (at 215-683-8005) or delivered to the First Judicial District of Pennsylvania, Court Reporter and Interpreter Administration, Land Title Building, 100 South Broad Street, 2nd Floor, Philadelphia, PA 19110.

c) *Transcript Requests for Post-Verdict Motions and Appeals*. A copy of the applicable Transcript Order Form for requests made in connection with post-verdict motions and appeals to appellate courts shall also be:

- (1) served on the trial judge; and
- (2) filed with the applicable office as follows:

(i) for all Criminal proceedings: The Criminal Justice Center, Motions Counter, Room 206, 1301 Filbert Street, Philadelphia, PA 19107; or

(ii) for all Court of Common Pleas Civil proceedings: The Prothonotary's Office, Room 278 City Hall, Philadelphia, PA 19107; or

(iii) for all Domestic Relations proceedings: The Clerk of Family Court, 1133 Chestnut Street, Philadelphia, PA 19107; or

(iv) for all Orphans' Court proceedings: The Clerk of the Orphans' Court, Room 415 City Hall, Philadelphia, PA 19107; or

(v) for all Juvenile Delinquency proceedings: The Clerk of Quarter Sessions, Room 336, 1801 Vine Street, Philadelphia, PA 19103; or

(vi) for Juvenile Dependency proceedings involving a decision made on a Petition for Goal Change/Involuntary Termination of Parental Rights: Room 269, City Hall, Philadelphia, PA 19107; or

(vii) for all other Juvenile Dependency proceedings: The Criminal Justice Center, Motions Counter, Room 206, 1301 Filbert Street, Philadelphia, PA 19107; or

(viii) for all Adoption proceedings: Room 332, 1801 Vine Street, Philadelphia, PA 19103; or

(ix) for all Municipal Court Civil proceedings: 5th floor, 34 S. 11th Street, Philadelphia, PA 19107; or

(x) for all appeals to an appellate court: The Prothonotary of the applicable appellate court.

Adopted by the Board of Judges of the Court of Common Pleas on May 18, 2006.

**NEXT TRIAL DATE:
FORM**

TRANSCRIPT ORDER



First Judicial District of Pennsylvania
Court Reporter and Interpreter Administration
Land Title Building, 100 South Broad Street, 2nd Floor
Philadelphia, Pennsylvania 19110
Telephone: 215-683-8000 Fax: 215-683-8005

All information must be completed in order to begin transcription of notes.

CASE NAME: (Commonwealth vs.) or (Party vs. Party) C.P. #, M.C.# or Petition #:

Hearing/Trial Date: Courtroom #: Judge

Court Reporter's Name and Phone Number:

Requesting Attorney or Party Name: Phone No.: Fax No.:

Street Address:

City, State and Zip Code: Email:

District Attorney Defender Association Court-Appointed Counsel (Attach Appointment Letter) Private Counsel/Party (Make Check Payable to reporter.)

DELIVERY: Regular Delivery Expedited (Please Call Reporter to set delivery date) Daily (Next Day) (Please Call Reporter) Immediate (Same Day - Call Reporter)

NOTICE: CRIMINAL TRANSCRIPTS WILL BE PROVIDED ON A REGULAR DELIVERY BASIS ONLY. EXPEDITED, DAILY AND IMMEDIATE DELIVERY APPLIES ONLY TO CIVIL/PRIVATE TRANSCRIPTS.

PLEASE CHECK ALL THAT APPLY:

I am only requesting an estimate of costs. I am ordering a transcript. I am ordering Minuscript only
 Provide ASCII (extra charge) Include Word Index (extra charge) I want a Minuscript copy in addition to a full-sized copy (extra charge)

I understand that pursuant to Pa.R.J.A. No. 5000.6, transcription will not commence until the required deposit is received. I understand and agree that the unauthorized copying, duplication or sharing of the Notes without the express written approval of the court reporter shall subject me to all appropriate legal proceedings, including but not limited to civil action for damages pursuant to Pa.R.J.A. No. 5000.7 and notification to the Pennsylvania Disciplinary Board.

Signature of Ordering Counsel/Party: _____ Date: _____

THIS IS YOUR ESTIMATE FOR THE REQUESTED TRANSCRIPT:
Estimated No. of Pages: _____ @ per page _____ Deposit Required: Yes No
Date: _____ Total Required Deposit: \$ _____

THIS IS YOUR FINAL INVOICE FOR THE REQUESTED TRANSCRIPT:
Total No. of Pages: _____ @ \$ _____ per page = \$ _____
Additional Charges: Minuscript \$ _____ ASCII \$ _____ Word Index \$ _____ Other: \$ _____
Less Deposit: \$ _____ TOTAL DUE: \$ _____ Date: _____
Make check payable to: _____ MANDAMUS

TO ORDER A TRANSCRIPT: Fax this form to 215-683-8005, or mail to the above address. When ordering daily, expedited or immediate delivery, in addition to the form, please call the court reporter directly.
If the Transcript is ordered for Post-Trial Motions or an Appeal, a copy of this Form must be sent to the Trial Judge and filed with the Prothonotary, Clerk of Quarter Sessions, Clerk of the Orphans' Court, Clerk of Family Court, Juvenile Branch, Municipal Court, or Prothonotary of the applicable Appellate Court as provided in Philadelphia Rule of Judicial Administration 5000.5.

Revised 2/9/06



First Judicial District of Pennsylvania
Court Reporter and Interpreter Administration
Land Title Building, 100 South Broad Street, 2nd Floor
Philadelphia, Pennsylvania 19110
Telephone: 215-683-8000 Fax: 215-683-8005

DIGITAL RECORDING TRANSCRIPT ORDER FORM

ORDER DATE: _____

Case Name: _____

Case Number: _____ Hearing Date: _____

Location: Courtroom # _____ CJC [] 34 S. 11th Street [] 1801 Vine St.
(Domestic Relations)

Judge: _____

Requesting Counsel/Party: _____ I.D. No. _____

Check One: [] District Attorney [] Court Appointed [] Defender Association [] Private Counsel [] Private Party

Street Address: _____ Phone: _____

City, State, Zip Code: _____ Fax: _____

Email address: _____

Delivery: [] Standard (2 to 4 weeks) [] Expedited (1 to 2 weeks) [] Daily (24 hours)

NOTE: Expedited and Daily requests apply only to Civil Transcript Orders.

I understand that pursuant to Pa.R.J.A. No. 5000.6, transcription will not commence until the required deposit is received. I understand and agree that the unauthorized copying, duplication or sharing of the Notes without the express written approval of the court reporter shall subject me to all appropriate legal proceedings, including but not limited to civil action for damages pursuant to Pa.R.J.A. No. 5000.7 and notification to the Pennsylvania Disciplinary Board.

Signature: _____ Date: _____

TO ORDER A TRANSCRIPT: Fax this form to 215-683-8005, or mail to the above address.
If the Transcript is ordered for Post-Trial Motions or an Appeal, a copy of this Form must be sent to the Trial Judge and filed with the Prothonotary, Clerk of Quarter Sessions, Clerk of the Orphans' Court, Clerk of Family Court, Juvenile Branch, Municipal Court, or Prothonotary of the applicable Appellate Court as provided in Philadelphia Rule of Judicial Administration 5000.5.

PRIVATE COUNSEL/PRIVATE PARTY: When your order form is received, you will be contacted with the transcript cost. Payment must be received before your order is processed. You will be notified when your transcript is ready for pickup, and whether any additional payment is required.

THIS IS YOUR PRELIMINARY ESTIMATE FOR THE REQUESTED TRANSCRIPT:

Estimated No. of Pages: _____ @ \$ per page: _____

Deposit Required: [] Yes [] No Due Date: _____ Total Required Deposit: \$ _____

NEXT HEARING DATE: _____

Revised 2/9/06

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Criminal Procedure; No. 522 Misc. of 2006

Order

Local Rule of Criminal Procedure No. 542, as follows is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall file this Order and Local Rule with the Clerk of Courts of Beaver County and shall file certified copies thereof as follows:

(A) Seven certified copies with the Administrative Office of Pennsylvania Courts;

(B) Two certified copies and a computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(C) One certified copy with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court; and

(D) One copy shall be kept continuously available for public inspection and copying in the Office of the Clerk of Courts of Beaver County.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Local Rule 542

L.R. 542 Preliminary Hearing Scheduling; Continuances.

(A) At the preliminary arraignment or at the time of the issuance of a summons, the issuing authority shall schedule the preliminary hearing on a date and time assigned by the Court Administrator. The issuing authority shall give notice to the defendant and to counsel for the defendant, if any, of the date and time selected. The issuing authority shall promptly transfer all papers to the Court Administrator.

(B) The presiding Central Court Magisterial District Judge may, for cause shown, grant a continuance and shall note on the transcript every continuance together with:

- (1) the grounds for granting each continuance;
- (2) the party requesting the continuance;
- (3) the new date and time of the preliminary hearing.

(C) Each Motion to Continue Preliminary Hearing shall contain the following information:

- (1) the grounds for requesting each continuance;
- (2) the name of opposing counsel and opposing counsel's position on the motion;
- (3) the number of prior continuances, if any.

(D) Motions to Continue Preliminary Hearing made on the date of the Scheduled Hearing shall require the following:

(1) The moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel.

(2) the Magisterial District Judge to enter a ruling after entertaining argument from both counsel.

(E) Motions to Continue Preliminary Hearing made prior to the Scheduled Hearing Date shall require the following:

(1) the moving party to personally appear before the presiding Magisterial District Judge in Central Court and present a written motion after notice to opposing counsel; or

(2) deliver either in person, mail or fax, no later than 3:00 p.m. on the business day prior to the scheduled hearing date, a written motion to continue, to Central Court staff.

(a) Central Court staff, upon receiving the motion to continue, shall relay the motion to the presiding Magisterial District Judge at Central Court.

(b) The presiding Magisterial District Judge will enter a ruling.

(F) Any Motion to Continue Preliminary Hearing received after 3:00 p.m. on the business day prior to the scheduled hearing date will require the moving party to personally appear and present the motion to the presiding Magisterial District Judge at Central Court on the day of the hearing after notice to opposing counsel.

(G) Any motion to continue a preliminary hearing must be presented to a Magisterial District Judge for disposition before any action is taken, even if both parties have no objection to the continuance.

[Pa.B. Doc. No. 06-1487. Filed for public inspection August 4, 2006, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rule of Criminal Procedure 117 (MDJ Night Court Duty Procedure); No. 0091-7 MD 2006 (Amending 1793 S 1989)

Order

And Now, this 18th day of July, 2006, Dauphin County Local Rule of Criminal Procedure 117 is promulgated as follows:

Rule 117. Magisterial District Judge Night Court Duty Procedures

Pursuant to Pa.R.Crim.P. 117, the following schedule shall be implemented for ensuring provision of services:

1. The Magisterial District Courts' standard business hours shall be Monday—Friday, 8:00 AM—4:30 PM.

2. Any matter presented to a Magisterial District Judge (MDJ) by 4:00 PM Monday-Friday shall be resolved by that MDJ. Any MDJ who is unavailable must make arrangements with another MDJ or the Deputy Court Administrator for Magisterial District Judges to provide continuous coverage.

3. Any matter presented to a MDJ after 4:00 PM Monday-Friday, and any matter arising during non-business hours, shall be referred to the Night Court Duty Judge for disposition.

4. In accordance with Pa.R.Crim.P. 117(B), the following schedule is hereby established for Night Court coverage:

a. Monday, Tuesday, Wednesday, and Thursday evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 9:00 PM—12:00 AM. Any matters presented during those hours shall be resolved by the Night Court Duty Judge.

b. Friday, Saturday, and Sunday evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 10:00 PM—1:00 AM. Any matters presented between those hours shall be resolved by the Night Court Duty Judge.

c. The Night Court Duty Judge shall call into Night Court each weekday morning at 6:00 AM to inquire as to the status of pending matters. Should matters be pending that require the Night Court Duty Judge to respond, s/he shall report to either Night Court or his/her own office within one hour to resolve those matters.

d. Saturday, Sunday, and holiday mornings/afternoons: The Night Court Duty Judge shall call into Night Court at 7:00 AM and 3:00 PM on Saturday, Sunday and holidays to inquire as to the status of pending matters. Should matters be pending that require the Night Court Duty Judge to respond, s/he shall report to either Night Court or his/her own office within one hour to resolve those matters.

e. The Night Court Duty Judge shall not be required to report to his/her regular office for normal duties any earlier than 12:00 noon following night time hours at Night Court.

f. Notwithstanding the foregoing schedule, the Night Court Duty Judge shall be on call to promptly handle any of the following:

- (i) issuance of search warrants,
- (ii) issuance of arrest warrants,
- (iii) setting of bail (which will be posted at Night Court), and
- (iv) emergency Protection From Abuse petitions.

5. The assignment of Night Court Duty shall be made by the Court Administrator's Office.

This rule shall be effective August 1, 2006.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 06-1488. Filed for public inspection August 4, 2006, 9:00 a.m.]

FAYETTE COUNTY

Local Rule 575; Criminal Division No. 2 AD 2006

Order

And Now, this 21st day of July, 2006, pursuant to Rule 105 the Pennsylvania Rules of Criminal Procedure, it is ordered that Local Rule 575 is hereby amended to read as attached hereto.

The Clerk of Courts is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Criminal Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the *Fayette Legal Journal*.

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

By the Court

CONRAD B. CAPUZZI,
President Judge

F.C.R.Crim.P. 575 Motions Court Procedure

(j) The moving party shall file the original motion, Certificate of Presentation, and any attachments in the appropriate filing office before presentment in Motions Court. An original proposed order (if any), a copy of the Certificate of Presentation, Certificate of Service, and motion, assembled in that order, shall be delivered to the court administrator and every other party of record. Pursuant to Pa.R.Crim.P. 576(B)(1), all motions and other documents for which filing is required shall be served on each party and the court administrator so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

[Pa.B. Doc. No. 06-1489. Filed for public inspection August 4, 2006, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

Amendment of Local Civil Action Rule 39—1301; Miscellaneous Doc. No. 2006-2206

Order Of Court

July 17, 2006, Civil Action Rule No. 39—1301, for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN R. WALKER,
President Judge

Rule 39—1301. Compulsory Arbitration. Scope

All cases which are at issue where the amount in controversy shall be [~~\$25,000.00~~] \$50,000.00 or less, except those involving title to real estate, shall first be submitted to and heard by a Board of three (3) members of either Bar of the Judicial District for consideration and award. Cases involving title to real estate and cases involving more than [~~\$25,000.00~~] \$50,000.00 may be

heard by the Board upon agreement of counsel for both sides filed in the case. Cases which are not at issue and whether or not suit has been filed in which the amount in controversy shall be [~~\$25,000.00~~] \$50,000.00 or less may be referred to the Board of Arbitrators by Agreement of Reference signed by counsel for both sides in the case, which said Agreement of Reference shall define the issues involved and for determination by the Board and, when agreeable, shall also contain stipulations with respect to facts submitted or agreed upon, or defenses waived. In such cases the Agreement of Reference shall take the place of the pleadings in the case and be filed of record.

[Pa.B. Doc. No. 06-1490. Filed for public inspection August 4, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

**Administrative Order 2006-7—In Re: Posting Bail;
AD-233-2006**

Administrative Order

And Now, this 20th day of July, 2006, the court adopts the following Rule N520(b), Posting Bail, effective August 1, 2006.

By the Court

ROBERT A. FREEDBERG,
President Judge

Rule N520(B) Posting Bail

(1) Prior to filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted from 8:30 a.m. to 4:00 p.m. at the office of the magisterial district court where the case is pending.

(2) After filing of the transcript with the Office of the Clerk of the Criminal Division, bail may be posted from 8:30 a.m. to 4:30 p.m. at the Office of the Clerk of the Criminal Division.

(3) Bail may be posted at any other time at the Northampton County Prison. Said bail shall be posted with a corrections officer designated by the Director of the Department of Corrections and deputized by the Clerk of the Criminal Division. The corrections officer is authorized to accept the bail and, pursuant to PA.R.CRIM.P. 525, to release the defendant upon execution of the bail bond.

(4) Bail accepted at the prison shall be forwarded immediately to the Office of the Clerk of the Criminal Division. Upon receipt of the bail, if the transcript has not been filed, the Clerk of the Criminal Division shall notify the magisterial district court where the case is pending that defendant posted bail.

Comment—See PA.R.CRIM.P. 117(c).

—Posting of real estate may not be done at Northampton County Prison.

[Pa.B. Doc. No. 06-1491. Filed for public inspection August 4, 2006, 9:00 a.m.]
