

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Correction to Proposed Amendment to Rule 1925; Proposed Recommendation No. 62

The Appellate Court Procedural Rules Committee published a proposed amendment to Pennsylvania Rule of Appellate Procedure 1925 at 36 Pa.B. 5967 (September 30, 2006). The heading of proposed subsection (d) was reflected incorrectly. The correct version of subsection (d) is as follows, with ellipses referring to the existing text of the rule.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

* * * * *

[(c)] (d) *Opinions in matters on petition for allowance of appeal.*—Upon receipt of notice of the filing of a petition for allowance of appeal under Rule 1112(b) (appeals by allowance), the appellate court below which entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall [**forth with**] promptly file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

* * * * *

[Pa.B. Doc. No. 06-2010. Filed for public inspection October 13, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules L1910A, L1910B, L1910C, L1910D, L1910E and L1910F, are adopted as follows effective (30) days after publication in the *Pennsylvania Bulletin*. All existing Rules which are inconsistent with the foregoing Rules are revoked when the new Rules become effective.

The Court Administrator of Beaver County shall transmit certified copies of this Order and the Rules as follows:

(1) 7 with the Administrative Office of Pennsylvania Courts;

(2) 2 and a computer diskette containing the text of the Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) 1 with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;

(4) 1 copy shall be kept continuously available for public inspection and copying by the Domestic Relations Division of the Court;

(5) 1 copy with the Law Library of Beaver County and,

(6) 1 copy with the *Legal Journal of Beaver County* for publication therein.

By the Court

ROBERT E. KUNSELMAN,
President Judge

1910 ACTIONS FOR SUPPORT

Rule L1910A Procedure

(a) Actions for support shall proceed as prescribed by P.A.R.C.P. 1910.11.

(b) Continuances—A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR206B.

(c) Demand For De Novo Hearing—A demand for de novo hearing filed after the entry of an Interim Order following a Domestic Relations conference should set forth the issues to be raised with specificity. A copy of the demand for de novo hearing is to be served within five days of its filing upon the opposing party or that party's counsel of record.

Rule L1910B Appearance of Counsel

(a) All counsel shall file a Praeceptum for Appearance with the Domestic Relations Section, which includes the attorney's name, business address, telephone and facsimile numbers, and Supreme Court identification number. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices, or other record matters.

(b) Following entry of a final order from the matter for which counsel entered his or her appearance as set forth in L-1910.12(b), counsel may withdraw his or her appearance by filing of record a praecipe to withdraw to which is attached a certificate of service on that attorney's client as well as on the opposing party or that party's counsel forthwith.

Rule L1910C Special Relief Orders

All petitions or motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR206B.

A copy of any such petition or motion which is anticipated to be contested shall be delivered to the Motions Judge at least twenty four hours prior to presentation.

Rule L1910D Temporary Suspension of Order

(a) An enforcement officer of the Domestic Relations Division who suspends or adjusts any order in the absence of an order to do so, must send written notification of the suspension or adjustment, and the reason therefore, to all parties the same day that the action is taken.

(b) Any party may under circumstances where it is anticipated that continuation of a support order will result in an uncollectible overpayment of that obligation petition the court for a suspension of the obligation in accordance with Rule L1910C.

Rule L1920E Review of Court Files

Parties, and their attorneys of record in the Domestic Relations action, may upon written request at the Domestic Relations Office view the entire file maintained by the Domestic Relations Office, with the exception of the confidential notes of the hearing officers. No documents from the file may be removed from the Domestic Relations Office.

Rule L1920F Marriage Settlement Agreement and Divorce Decree

A party who wishes to terminate an alimony pendente lite obligation or to initiate enforcement of an alimony obligation in accordance with the terms of a divorce decree or a decree with marriage settlement agreement shall forward a true and correct copy of the decree to the Domestic Relations Division with a copy of the request forwarded to the opposing counsel or the opposing party if not represented by counsel. Unless the decree or decree with marriage settlement agreement specifically directs collection of alimony by the Domestic Relations Division, the Domestic Relations Division will not enforce collection without a court order.

[Pa.B. Doc. No. 06-2011. Filed for public inspection October 13, 2006, 9:00 a.m.]

MONTGOMERY COUNTY**Adoption of Local Rule of Criminal Procedure 117*—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail; 06-00001****Order**

And Now, this 19th day of September, 2006, the Court approves and adopts the Montgomery County Local Rule of Criminal Procedure 117*—Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail. The Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administra-

tor of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Rule 117*. Coverage: Issuing Warrants; Preliminary Arraignment and Summary Trials; and Setting and Accepting Bail.

1. In order to comply with the specific coverage requirements of Pa.R.Crim.P. 117, the following schedule for coverage is adopted:

a. All Magisterial District Courts in the 38th Judicial District shall be open to conduct public business during hours approved by the Court and posted in each Magisterial District Court as well as in a conspicuous place within the Montgomery County Courthouse designated by the President Judge.

b. Continuous Twenty-Four (24) hour coverage shall be in accordance with a rotating schedule of on-call Magisterial District Judges filed annually with the Montgomery County Clerk of Courts together with any amendments thereto.

c. During normal office hours, each Magisterial District Judge shall be primarily responsible to conduct all business relating to civil or criminal matters within his or her Magisterial District. Also, each Judge shall provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). The Magisterial District Judge on Twenty-Four (24) hour duty shall be available if coverage has been prearranged or in the event of an emergency.

d. After normal office hours, during the week, the on-call Magisterial District Judge shall be available to conduct arraignments until 10:00 p.m. and to provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). Between the hours of 10:00 p.m. and 8:00 a.m., the on-call Judge may defer the performance of Rule 117(A)(2)(a) services until after 8:00 a.m.

e. On weekends and holiday, the on-call Magisterial District Judge shall be available to conduct arraignments from 8:00 a.m. to 10:00 p.m. and provide services pursuant to Pa.R.Crim.P. 117(A)(2)(a). Between the hours of 10:00 p.m. and 8:00 a.m., the on-call Judge may defer the performance of Rule 117(A)(2)(a) services until after 8:00 a.m.

f. The on-call Magisterial District Judge shall be available at all times during the week after normal business hours and at all times during weekends and holidays to issue search warrants, arrest warrants and emergency orders under the Protection From Abuse Act.

2. Bail Before Verdict:

a. During normal office hours, bail may be posted at the Magisterial District Court from which the transcript shall issue.

b. Bail may also be posted, prior to the return of the transcript, on any day and at any time at the Montgomery County Correctional Facility with a correctional officer approved by the Warden of the facility and deputized by the Montgomery County Clerk of Courts.

[Pa.B. Doc. No. 06-2012. Filed for public inspection October 13, 2006, 9:00 a.m.]

NORTHAMPTON COUNTY

Preliminary Hearings—Criminal Homicide Prosecutions, Crimes Code Ch. 25; AD-322-2006

Administrative Order 2006-12

And now, this 26th day of September, 2006, it is hereby ordered that all preliminary hearings in criminal homicide prosecutions, Crimes Code Ch. 25, shall be held at the Northampton County Courthouse.

By the Court

ROBERT A. FREEDBERG,
President Judge

[Pa.B. Doc. No. 06-2013. Filed for public inspection October 13, 2006, 9:00 a.m.]

PIKE COUNTY

Promulgation of Local Rule L.Civ.P. 230.2; No. 1310-2006-Civil

Order

And now, this 25th day of September, 2006, the Court Orders the following:

1. Local Rule of Civil Procedure 230.2 is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. Local Rule of Judicial Administration 1901 as it existed prior to the adoption of Local Rule 230.2 is hereby repealed on the effective date of Local Rule 230.2.

3. The Court Administrator of the 60th Judicial District is hereby Ordered to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this Order and the Local Rules.

By the Court

JOSEPH F. KAMEEN,
President Judge

Local Rule 230.2—Termination of Inactive Cases

(a) At the direction of the Court Administrator, the Prothonotary shall create a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. Upon creation of the list the Court Administrator shall serve notice to counsel of record and to the parties for whom no appearance has been entered, as provided by Pa.R.C.P. 230.2 (2).

(b) Parties receiving notice of the proposed termination of their case, as described in paragraph (a) may file a Statement of Intention to Proceed. The Statement of Intention to Proceed shall be filed with the Prothonotary within sixty (60) days from the date the Notice of Proposed Termination is filed. A copy of the Statement of Intention to Proceed shall be served upon the Court Administrator and the opposing party, or counsel, if represented.

(c) If no Statement of Intention to Proceed is filed within sixty (60) days of the Notice of Proposed Termination, the Prothonotary shall enter an order as of course, terminating the matter with prejudice for failure to prosecute.

(d) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

To the Court:

It is hereby certified that, _____
intends to proceed with the above captioned matter.

Date: _____

Attorney for:

[Pa.B. Doc. No. 06-2014. Filed for public inspection October 13, 2006, 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 September 28, 2006, Ashly Mae Wisher is suspended from the Bar of this Commonwealth for a period of two years retroactive to August 3, 2005. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 06-2015. Filed for public inspection October 13, 2006, 9:00 a.m.]