

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85, 91 AND 93]

Amendments to Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 66

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Orders dated March 21, 2006, March 28, 2006, and June 28, 2006, the Supreme Court of Pennsylvania amended Pa.R.D.E. 203(b), 204(a), 208(g) and 214(g). By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 85. GENERAL PROVISIONS

§ 85.7. Grounds for discipline.

* * * * *

(b) Enforcement Rule 203(b) provides that 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.

* * * * *

§ 85.8. Types of discipline.

(a) *General rule.* Enforcement Rule 204(a) provides that misconduct shall be grounds for any of the following:

* * * * *

(7) Revocation of an attorney's admission or license to practice law in the circumstances provided in § 85.7(b)(6) (relating to grounds for discipline).

* * * * *

CHAPTER 91. MISCELLANEOUS MATTERS

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.36. Proceedings upon conviction of other crimes.

(a) Enforcement Rule 214(g) provides that upon receipt of a certificate of a conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted [, including reference to the Board for the institution of a formal proceeding in the appropriate disciplinary district]; and that the Court may in its discretion [make no reference] take no action with respect to convictions for minor offenses.

(b) The Official Note to Enforcement Rule 214(g) provides that the actions the Court may take under subsection (a) include reference of the matter to the Office of Disciplinary Counsel for investigation and possible commencement of either a formal or informal proceeding, or reference of the matter to the Board with direction that it institute a formal proceeding.

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

TAXATION OF COSTS

§ 93.111. Determination of reimbursable expenses.

* * * * *

(c) *Administrative fee.* Enforcement Rule 208(g)(3) provides that the expenses taxable under § 89.205(b) (relating to informal admonition or private reprimand following formal hearing) or § 89.209 (relating to expenses of formal proceedings) may include an administrative fee except that

an administrative fee shall not be included where the discipline imposed is an informal admonition; and that the administrative fee shall be \$250.

[Pa.B. Doc. No. 06-2327. Filed for public inspection December 1, 2006, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF
PENNSYLVANIA COURTS
[204 PA. CODE CH. 213]

**Electronic Case Records Public Access Policy of
the Unified Judicial System of Pennsylvania**

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following policy has been approved by the Supreme Court and shall be effective January 1, 2007. The policy's explanatory report and other related information can be found on the public access webpage located at www.courts.state.pa.us.

Filed in the Administrative Office of Pennsylvania Courts on November 20, 2006.

ZYGOMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

**TITLE 204. JUDICIAL SYSTEM GENERAL
PROVISIONS**

**PART VII. ADMINISTRATIVE OFFICE OF
PENNSYLVANIA COURTS**

**CHAPTER 213. ACCESS TO [DISTRICT JUSTICE]
RECORDS POLICY**

**Subchapter C. ELECTRONIC CASE RECORD
PUBLIC ACCESS POLICY OF THE UNIFIED
JUDICIAL SYSTEM OF PENNSYLVANIA**

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213.71.	Definitions.
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213.79.	Continuous Availability of Policy.

§ 213.71. Definitions.

(a) "CPCMS" means the Common Pleas Criminal Court Case Management System.

(b) "Custodian" is the person, or designee, responsible for the safekeeping of electronic case records held by any court or office and for processing public requests for access to electronic case records.

(c) "Electronic Case Record" means information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the PACMS, CPCMS, or MDJS and that appears on web docket sheets or is provided in response to bulk distribution requests, regardless of format.

(d) "MDJS" means the Magisterial District Judge Automated System.

(e) "Office" is any entity that is using one of the following automated systems: Pennsylvania Appellate Court Case Management System (PACMS); Common Pleas Criminal Court Case Management System (CPCMS); or Magisterial District Judge Automated System (MDJS).

(f) "PACMS" means the Pennsylvania Appellate Court Case Management System.

(g) "Party" means one by or against whom a civil or criminal action is brought.

(h) "Public" includes any person, business, non-profit entity, organization or association.

(1) "Public" does not include:

(i) Unified Judicial System officials or employees, including employees of the office of the clerk of courts, prothonotary, and any other office performing similar functions;

(ii) people or entities, private or governmental, who assist the Unified Judicial System or related offices in providing court services; and

(iii) any federal, state, or local governmental agency or an employee or official of such an agency when acting in his/her official capacity.

(i) "Public Access" means that the public may inspect and obtain electronic case records, except as provided by law or as set forth in this policy.

(j) "Request for Bulk Distribution of Electronic Case Records" means any request, regardless of the format the information is requested to be received in, for all or a subset of electronic case records.

(k) "UJS" means the Unified Judicial System of Pennsylvania.

(l) "Web Docket Sheets" are internet available representations of data that have been entered into a Unified Judicial System supported case management system for the purpose of recording filings, subsequent actions and events on a court case, and miscellaneous docketed items.

§ 213.72. Statement of General Policy.

(a) This policy covers all electronic case records.

(b) The public may inspect and obtain electronic case records except as provided by law or as set forth in this policy.

(c) A court or office may not adopt for electronic case records a more restrictive access policy or provide greater access than that provided for in this policy.

§ 213.73. Electronic Case Record Information Excluded from Public Access.

The following information in an electronic case record is not accessible by the public:

(1) social security numbers;

(2) operator license numbers;

(3) victim information including name, address and other contact information;

(4) informant information including name, address and other contact information;

(5) juror information including name, address and other contact information;

(6) a party's street address, except the city, state, and ZIP code may be released;

(7) witness information including name, address and other contact information;

(8) SID (state identification) numbers;

(9) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;

(10) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;

(11) information sealed or protected pursuant to court order;

(12) information to which access is otherwise restricted by federal law, state law, or state court rule; and

(13) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator of Pennsylvania with the approval of the Chief Justice.

§ 213.74. Requests for Bulk Distribution of Electronic Case Records.

(a) A request for bulk distribution of electronic case records shall be permitted for data that is not excluded from public access as set forth in this policy.

(b) A request for bulk distribution of electronic case records not publicly accessible under § 213.73 of this Policy may be fulfilled where: the information released does not identify specific individuals; the release of the information will not present a risk to personal security or privacy; and the information is being requested for a scholarly, journalistic, governmental-related, research or case preparation purpose.

(1) Requests of this type will be reviewed on a case-by-case basis.

(2) In addition to the request form, the requestor shall submit in writing:

(i) the purpose/reason for the request;

(ii) identification of the information sought;

(iii) explanation of the steps that the requestor will take to ensure that the information provided will be secure and protected; and

(iv) certification that the information will not be used except for the stated purposes.

§ 213.75. Requests for Electronic Case Record Information from Another Court or Office.

Any request for electronic case record information from another court should be referred to the proper record custodian in the court or office where the electronic case record information originated. Any request for electronic case record information concerning multiple magisterial district judge courts or judicial districts should be referred to the Administrative Office of the Pennsylvania Courts.

§ 213.76. Responding to a Request for Access to Electronic Case Records.

(a) Within 10 business days of receipt of a written request for electronic case record access, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requestor, notify requestor that the information is available upon payment of the same;

(2) notify the requestor in writing that the requestor has not complied with the provisions of this policy;

(3) notify the requestor in writing that the information cannot be provided; or

(4) notify the requestor in writing that the request has been received and the expected date that the information will be available. If the information will not be available within 30 business days, the court or office shall notify the Administrative Office of Pennsylvania Courts and the requestor simultaneously.

(b) If the court or office cannot respond to the request as set forth in subsection (a), the court or office shall concurrently give written notice of the same to the requestor and Administrative Office of Pennsylvania Courts.

§ 213.77. Fees.

(a) Reasonable fees may be imposed for providing public access to electronic case records pursuant to this policy.

(b) A fee schedule shall be in writing and publicly posted.

(c) A fee schedule in any judicial district, including any changes thereto, shall not become effective and enforceable until:

(1) a copy of the proposed fee schedule is submitted by the president judge to the Administrative Office of Pennsylvania Courts; and

(2) the Administrative Office of Pennsylvania Courts has approved the proposed fee schedule.

§ 213.78. Correcting Data Errors.

(a) A party to a case, or the party's attorney, seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed.

(b) A request to correct an alleged error contained in an electronic case record of the Supreme Court, Superior Court or Commonwealth Court shall be submitted to the prothonotary of the proper appellate court.

(c) A request to correct an alleged error contained in an electronic case record of the Court of Common Pleas, Philadelphia Municipal Court or a Magisterial District Court shall be submitted and processed as set forth below.

(1) The request shall be made on a form designed and published by the Administrative Office of Pennsylvania Courts.

(2) The request shall be submitted to the clerk of courts if the alleged error appears in an electronic case record of the Court of Common Pleas or Philadelphia Municipal Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(3) The request shall be submitted to the Magisterial District Court if the alleged error appears in an electronic case record of the Magisterial District Court. The requestor shall also provide copies of the form to all parties to the case, the District Court Administrator and the Administrative Office of Pennsylvania Courts.

(4) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error.

(5) Within 10 business days of receipt of a request, the clerk of courts or Magisterial District Court shall respond in writing to the requestor, all parties to the case, and Administrative Office of Pennsylvania Courts, in one of the following manners:

(i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(6) A requestor has the right to seek review of a final decision under paragraph (5)(i)—(iv) rendered by a clerk of courts or a Magisterial District Court within 10 business days of notification of that decision.

(i) The request for review shall be submitted to the District Court Administrator on a form that is designed and published by the Administrative Office of Pennsylvania Courts.

(ii) If the request for review concerns a Magisterial District Court's decision, it shall be reviewed by the judge assigned by the President Judge.

(iii) If the request for review concerns a clerk of courts' decision, it shall be reviewed by the judge who presided over the case from which the electronic case record alleged to be in error was derived.

§ 213.79. Continuous Availability of Policy.

A copy of this policy shall be continuously available for public access in every court or office that is using the PACMS, CPCMS, and/or MDJS.

[Pa.B. Doc. No. 06-2328. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 85

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 19, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.25-3. Civil Contempt. Conference Summary. Order. Hearing De Novo.

* * * * *

(b) The court, without hearing the parties, may enter an appropriate order after consideration of the conference summary. **[The order shall state] Each party shall be provided with a copy of the order and written notice that any party may, within [ten] twenty days after the date of receipt or the date of the mailing**

[of a copy] of the order, **whichever occurs first**, file a written demand with the domestic relations section for a hearing before the court.

* * * * *

Rule 1910.25-4. Civil Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

* * * * *

(c) Within [**ten**] **twenty** days after the conclusion of the hearing, any party may file exceptions to the report or any part thereof, to rulings on objections, to statements or findings of fact, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to the entry of the order, leave is granted to file exceptions raising those matters.

(d) If no exceptions are filed within the [**ten**] **twenty**-day period, the court shall review the report and, if approved, enter an order.

* * * * *

Rule 1910.25-5. Civil Contempt. Contempt Order. Incarceration.

* * * * *

(b) An order committing a respondent to jail for **civil** contempt of a support order shall specify the conditions the fulfillment of which will result in the release of the respondent.

(c) The court may order the respondent to obtain employment with income that can be verified and is subject to income attachment. If the respondent willfully fails to comply with an order to obtain such employment, the court may commit the respondent to jail upon adjudication for indirect criminal contempt, provided the respondent is afforded all of the procedural safeguards available to criminal defendants.

Official Note: The time periods set forth in Rules 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

Explanatory Comment—2007

Parental support of children is a fundamental requirement of law and public policy. Absent an inability to maintain employment or acquire other income or assets, sanction in the form of incarceration may be imposed by the court to compel compliance and provide an incentive to obey the law. The contempt process, which should be used as a last resort, is necessary to impose coercive sanctions upon those obligors whose circumstances provide no recourse to the court to compel payment or a good faith effort to comply. Appellate opinions have made it clear that an obligor who is in civil contempt cannot be incarcerated without the present ability to fulfill the conditions the court imposes for release. See, *Godfrey v. Godfrey*, 894 A.2d 776 (Pa. Super. 2006); *Hyle v. Hyle*, 868 A.2d 601 (Pa. Super. 2005). However, the courts also have noted that

recalcitrant obligors may be imprisoned for indirect criminal contempt if afforded the proper procedural safeguards.

[Pa.B. Doc. No. 06-2329. Filed for public inspection December 1, 2006, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1930]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 87

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, January 19, 2007 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.5. Discovery in Domestic Relations Matters.

* * * * *

(b) Discovery shall be available without leave of court in accordance with Pa.R.C.P. 4001 et seq. in alimony, equitable distribution, counsel fee and expense and complex support **and complex custody** proceedings.

Explanatory Comment—1997

Whether a support case is complex is to be determined by motion before the court for a separate listing pursuant to Rules 1910.11(j)(1) and 1910.12(c)(1). It is not necessary, however, to have a case listed separately on grounds of complexity of factual or legal issues in order to engage in discovery. If discovery is needed in a support case

which does not require a separate listing, the court should grant leave to engage in it.

[Explanatory Comment—2000

Subdivision (b) has been amended to clarify that the adjective “complex” applies only to a support proceeding.]

Explanatory Comment—2007

Subdivision (b) has been amended to permit discovery in complex custody cases. Examples of complex custody cases include, but are not limited to, those involving initial determinations of primary custody, a change in primary custody, relocation or matters in which there are allegations of abuse or neglect.

[Pa.B. Doc. No. 06-2330. Filed for public inspection December 1, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Amended Order

The second paragraph of our Order of November 6, 2006, is amended to read as follows.

All Local Rules inconsistent with the foregoing Amended Rules are suspended on the effective date of electronic filing for the various category of cases set forth in LR 205.4 (2) (b) as amended.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules LR 205.4, LR 206A, LR 206B and LR 206C are amended as follows. New provisions are in bold and deleted provisions are bracketed and bold.

All Local Rules inconsistent with the foregoing amended rules are suspended upon the effective date of the foregoing amended rules.

The Court Administrator shall transmit copies of this Order as follows:

1. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

2. Two (2) certified copies and a computer diskette containing the text of this Order and the amended Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. One certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania by attachment to an e-mail addressed to civil.rules@pacourts.us for publication on the Pennsylvania Judiciary's Web Application Portal;

4. One copy with the Prothonotary of Beaver County to be kept continuously available for public inspection and copying;

5. One copy to the Law Library of Beaver County; and,

6. One copy with the *Legal Journal of Beaver County* for publication therein.

By the Court

ROBERT E. KUNSELMAN,
President Judge

MOTIONS, RULES AND PETITIONS

LR 206A Motion Court

Uncontested Motions and Petitions will be routed by the electronic filing system to the appropriate judge for consideration and the entry of an appropriate order.

Contested Motions and Petitions will be considered by the Court at the times and in accordance with the practice which is published with the annual court calendar.

Note: Former Rule 206A is superseded by this New Rule.

LR 206B Notice To Opposing Party Or Counsel

Unless consented to by all affected parties or otherwise authorized by law or rule of court, no motion or petition will be considered by the Court until the opposing party or his counsel has received at least six (6) business days notice of the Presentation thereof. Notice should be given through the Court's electronic file and serve system but, if given in another manner, must be given in writing. Proof of such other service shall be filed.

Note: Former Rule 206B is superseded by this New Rule.

LR 206C Presentation of Motion or Petition

Except for all Family Law matters, uncontested motions or petitions need not be presented to the Court in hard copy or in person. If any party intends to oppose a motion or petition, that party shall file a Notice of Objection. An Answer to the motion or petition may also be filed.

In all contested civil matters and in all Family Law matters, whether or not an answer is filed, counsel or an unrepresented party shall arrange a time to appear before the Court to present their arguments pursuant to LR 206A.

Note: Former Rule 206C is superseded by this New Rule.

Note: The Court's Order can thereafter be filed electronically by either scanning the same at the Office of the filing party and then filing it electronically or by transmitting the Order to the Prothonotary for scanning and filing electronically. The Prothonotary shall not charge a scanning fee for scanning an Order of Court which is to be filed electronically without a legal paper attached thereto.

Note: A responding party need not file Notice of Objection where the filing party is seeking the issuance of a rule to show cause unless the responding party intends to object to the issuance of the rule to show cause.

LR 206.4(c) Procedures for Issuance of a Rule to Show Cause

(b) A Petition seeking the issuance of a rule to show cause shall be filed electronically pursuant to

LR 205.4. Notice of the filing and the service of the Petition shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

(c) The Petition must be accompanied by a proposed order in the form set forth in Pa.R.C.P. No. 206.5 (d).

Note: Subdivisions (a) and (e) of the former rule remains in effect. Subdivisions (b) (c) and (d) are superseded by new Subdivisions (b) and (c).

Note: LR 205.4, 206A, 206B and 206C are available on the Beaver County Website; www.co.beaver.pa.us, Links are available to the Court and then to the Law Library.

LR 208.3 (b) Procedure Governing Motions

(a) All motions shall be filed electronically pursuant to LR 205.4. Notice of the filing and the service of the motion shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

Note: LR 205.4, 206B and 206C are available on the Beaver County Website, www.co.beaver.pa.us. Links are available to the Court and then to the Law Library.

Note: Subdivision (b) of the former Rule remains in effect. Subdivisions (a) and (c) of the former Rule are superseded by New Subdivision (a).

LR 205.4 Electronic Filing and Service of Legal Papers

1. The Prothonotary of Beaver County is hereby authorized to accept filings of legal papers by electronic transmission in accordance with Pa. R.C.P. No. 205.4 and this rule at the following website: [http:// www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve)

To obtain access to the **electronic** filing system, all filing parties shall apply for a Username and Password at this website. **[or use computer terminals provided at the Office of the Prothonotary of Beaver County.]**

Upon the acceptance of a filing by electronic transmission, the Prothonotary, or the Prothonotary's agent shall provide the filing party with a filing status message which sets forth the date and time of acceptance of the filing.

(a) A legal paper includes a writ of summons or a complaint that is original process naming an original defendant or an additional defendant but does not include a notice of appeal from a Board of Arbitration **[or]**, a notice of appeal from a Magisterial District Judge, **or papers relating to Protection From Abuse.**

(b) All legal papers filed by electronic transmission shall be filed in Microsoft Word for Windows, Word Perfect for Windows or Adobe PDF format. To the extent practical, legal papers shall comply with the requirements of LR Nos. 205.2(a) and 205.2(b). In addition, each page shall be numbered at the bottom center of the page and the case number shall appear, in at least twelve point font, in the upper right-hand corner of each page. **All papers filed electronically shall include the electronic mail address of the filing person.**

Lexis-Nexis File and Serve will convert any Word or Word Perfect file to PDF Format but the original format shall also be made available to the court. The official record of the court is the PDF version.

(c) Signatures on Electronically Filed Legal Papers

Every legal paper filed and/or served electronically shall be deemed to have been signed if it bears a typographical signature of the filing person, e.g., /s/ John Doe, Esq., along with the typed name, address, telephone number and Supreme Court identification number of the filing attorney. Such typographical signatures shall be treated as personal signatures for all purposes under the Pennsylvania Rules of Civil Procedure. Judges may, in the alternative, use graphic signatures.

2. All legal papers must be filed electronically as set forth in **[in accordance with]** the schedule hereinafter set forth. **For all cases pending on the effective date for electronic filing for that category of cases, the filing party shall also provide the Prothonotary with a hard copy of each legal paper filed electronically.** Filing parties must register with Lexis-Nexis File and Serve **at the website set forth in subpart 1, unless the filer is not represented by an attorney.** Should any party or attorney deliver a legal paper to the Prothonotary in hard copy for filing, the Prothonotary shall electronically upload the legal paper to Lexis-Nexis File and Serve and may assess a filing fee and service fee for the same. All filing parties shall also file a written request for notice of the entry of an order or judgment by electronic means.

(a) In addition to all other applicable fees, the Prothonotary is authorized to collect an automation fee of \$5.00 for each initial filing and the sum of \$1.00 per page for each page of a legal paper which is not presented in electronic format. The Prothonotary shall not accept a legal paper for filing prior to payment of or the satisfactory arrangements for payment of the required fees. The Prothonotary may delegate the collection and disbursement of fees to Lexis-Nexis File and Serve.

(b) The schedule for legal papers to be filed electronically and the effective date for electronic filing for each category of cases is as follows:

<i>Type of Case</i>	<i>Effective Date</i>
1. Mortgage Foreclosure	Cases initiated on or after September 18, 2006
2. Judgments by Confession and Municipal Claims	Cases initiated on or after November 13, 2006
3. All Other Civil Matters Except Divorce and Child Custody	Cases pending or initiated on or after February 12, 2007
4. Divorce and Child Custody	Cases pending or initiated on or after April 2, 2007

3. The Prothonotary need not maintain a hard copy of any legal paper filed electronically except as required to comply with Pa.R.C.P. No. 205.4(b) (2) (ii), cases called for trial, cases appealed to an appellate court, cases transferred to another court, and those portions of cases at issue in an argument scheduled before this Court. On request by the Prothonotary, the filing party shall submit a hard copy of each paper filed electronically to enable the Prothonotary to comply with this part of this Rule.

Further, for all cases pending on the effective date for electronic filing, the filing party shall provide the Prothonotary with a hard copy of each paper filed electronically.

4. The Prothonotary shall provide a computer terminal or terminals for public access to electronically filed legal papers.

5. A legal paper **submitted [accepted]** for filing shall be deemed to have been filed as of the date and time it was received by the electronic filing system **and, if filed electronically by 11:59 p.m. E.T., shall be considered filed once the transmission is successfully completed as recorded on the Lexis-Nexis File and Serve System.** If a legal paper is rejected by the Prothonotary, it shall be forthwith returned to the filing party and a reason for its rejection shall be specified. Subject to the provisions of section 7 [6], a rejected legal paper shall be deemed as not having been filed.

6. An electronically filed document is deemed served only upon selection of parties to be served and submission according to the File and Serve procedure. The associated transaction receipt will list the parties selected for service and give proof of date, time and method of service.

7. Any filing party for whom the failure of the website or the erroneous rejection of the legal paper resulted in an untimely filing may petition the Court to request that the legal paper be deemed filed as of the submission dates, such petition shall state the date and time of the failure or rejection, the reason why the legal paper could not be submitted in person, the reason the rejection was erroneous and the reason the legal paper could not be timely resubmitted.

8. Parties not represented by counsel must file electronically with the assistance of the Prothonotary or remotely through a File and Serve Account available solely to pro se litigants and known as a basic account. If a pro se party files remotely, service must be made electronically through File and Serve to the extent feasible. Otherwise, pro se parties must serve legal papers conventionally in accordance with the Pennsylvania Rules of Civil Procedure and the Beaver County Local Rules of Civil Procedure.

[Pa.B. Doc. No. 06-2331. Filed for public inspection December 1, 2006, 9:00 a.m.]

DAUPHIN COUNTY

Appointment of Arbitrators for Dauphin County for 2007; No. 2006 CV 1216 AO

Amended Administrative Order

And Now, this 15th day of November, 2006, pursuant to Dauph. R.C.P. 1302, the following attorneys are hereby appointed as Arbitrators to serve for a term of one year beginning January 1, 2007 and thereafter until their successors have been duly appointed and qualified by the Court:

William Adler
Brigid Alford
Jeffrey R. Boswell
Robert F. Claraval
Honorable John C. Dowling
James W. Evans
Lacy Hayes
David E. Lehman
Richard F. Maffett, Jr.

Douglas Marsico
Terrance McGowan
Honorable G. Thomas Miller
Lawrence J. Neary
Richard Placey
Craig Staudenmaier
Lee C. Swartz
Richard H. Wix
Brett Woodburn

The annual compensation is fixed at \$2,500.00 for members and at \$3,200.00 for chairs, to be paid in semi-annual installments.

Hearings shall be conducted in Hearing Room "A" on the dates set on the Court Calendar.

Assignment is indicated on Attachment A.

By the Court

RICHARD A. LEWIS,
President Judge

ATTACHMENT "A"

2007 COMPOSITION OF BOARDS OF ARBITRATORS

<i>Board #1</i>	<i>Week of</i>
William Adler, Chair Douglas Marsico Lawrence Neary	January 16, 2007 July 16, 2007
<i>BOARD #2</i>	
Brigid Alford, Chair Richard Wix Brett Woodburn	February 26, 2007 August 13, 2007
<i>BOARD #3</i>	
Hon. John C. Dowling, Chair Terrance McGowan Lacy Hayes	March 19, 2007 September 17, 2007
<i>BOARD #4</i>	
David E. Lehman, Chair Jeffrey R. Boswell Lee C. Swartz	April 23, 2007 October 15, 2007
<i>BOARD #5</i>	
Hon. G. Thomas Miller, Chair Robert F. Claraval Crag Staudenmaier	May 14, 2007 November 13, 2007
<i>BOARD #6</i>	
Richard Placey, Chair James W. Evans Richard F. Maffett, Jr.	June 11, 2007 December 17, 2007

[Pa.B. Doc. No. 06-2332. Filed for public inspection December 1, 2006, 9:00 a.m.]

MIFFLIN COUNTY

Rule of Criminal Procedure; Local Rule 117

Order

And Now, this 8th day of November, 2006, it is *Hereby Ordered* that the following Local Rule 117 Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail be promulgated.

This rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. A copy of this rule shall be kept continuously available for public inspection and copying in the Office of the Prothonotary and the Office of the Clerk of Courts. The Prothonotary or Clerk shall furnish to any person a copy of any local rule upon request and payment of reasonable costs of reproduction and mailing.

Local Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays, excluding holidays, from 8:00 a.m. to 4:30 p.m., prevailing time.

(2) Continuous coverage for the issuance of search warrants and arrest warrants, for warrants issued pursuant to Pa.R.Crim.P. 430 in a summary case, for the issuance of emergency orders under the Protection from Abuse Act, and for those services set forth in Pa.R.Crim.P. 117 (A)(2)(a), (b), (c) and (d) (e.g., for the holding of preliminary arraignments and summary trials, and for the setting and accepting of bail and collateral) shall be in accordance with the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.

(3) Magisterial District Judges, the Clerk of Courts and the Warden, or in his absence his designee in charge of the Mifflin County Correctional Facility, shall be authorized to accept bail in accordance with the provisions, and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure.

By the Court

TIMOTHY S. SEARER,
President Judge

[Pa.B. Doc. No. 06-2333. Filed for public inspection December 1, 2006, 9:00 a.m.]

**NORTHAMPTON COUNTY
Central Booking Procedure; AD-377-2006**

ADMINISTRATIVE ORDER 2006-13

And Now, this 9th day of November, 2006, it is hereby ordered that the following procedure is adopted effective January 1, 2007:

DESIGNATION OF CENTRAL BOOKING CENTERS

1. The Court of Common Pleas of Northampton County hereby adopts a countywide Central Booking Center plan as set forth herein.

2. Central Booking Centers (hereinafter CBC) shall be located at the Northampton County Criminal Administration Building, 105 South Union Street, Easton, PA 18042, and at the City of Bethlehem Police Department, 10 East Church Street, Bethlehem, PA 18018.

CENTRAL BOOKING PROCEDURES

3. CBC shall be utilized to process and identify individuals arrested, charged or accused of a crime. Among the procedures to be conducted at CBC are photography, fingerprinting and determination of the prior record of involvement with the court system for the person who is processed.

4. All persons arrested, with or without a warrant, for a felony or misdemeanor, except those processed at Northampton County D.U.I. Centers, shall be taken to a CBC for processing prior to the preliminary arraignment. This requirement shall not apply to persons arrested and released pursuant to PA.R.CRIM.P. 519(B) who shall be processed in accord with paragraph

5. When an issuing authority issues a summons rather than an arrest warrant, the issuing authority shall send the following notice with the summons:

“Notice—Central Booking Required”

“You must report to the Central Booking Center at the Northampton County Criminal Administration Building, 105 South Union Street, Easton, PA 18042, for processing at least five (5) days before your preliminary hearing. Bring a copy of the summons with you to the Central Booking Center.

Failure to report to the Central Booking Center will cause your arrest and detention.”

6. CBC staff shall provide copies of photographs, fingerprints and prior record to the police prosecutor, the magisterial district judge who conducts the preliminary arraignment and who conducts the preliminary hearing, and to the District Attorney of Northampton County. Said material may be transmitted by use of advanced communication technology as that term is defined in PA.C. CRIM. P. 103.

VIDEO ARRAIGNMENT

7. Preliminary arraignments, during other than normal business hours of the magisterial district court, employing two-way simultaneous audio-visual communication pursuant to PA.R.CRIM.P. 540(A), shall be conducted at a CBC.

MISCELLANEOUS

8. (A) The Sheriff of Northampton County shall administer the countywide central booking plan and the CBC.

(B) All applicable federal and state technology standards for the collection and transmission of offender identification information shall be complied with.

9. Fingerprinting authorized by law, including 18 PA.C.S.A. § 3929(G) and 18 PA.C.S.A. § 9112, may be taken at a CBC.

10. Fingerprinting and photographing of a juvenile, as authorized by the Juvenile Act, 42 PA.C.S.A. § 6308 and § 6309, shall be done at a CBC.

11. Costs in the amount of Two Hundred Dollars (\$200.00) for central booking procedures performed pursuant to this administrative order shall be assessed upon conviction of a felony or misdemeanor or acceptance into the Accelerated Rehabilitation Disposition Program. Said sum shall be paid to the Clerk of Court of the Criminal

Division who shall retain said funds in a special Central Booking Account until appropriated by the County as authorized by law.

By the Court

ROBERT A. FREEDBERG,
President Judge

Comment: Processing and identifying defendants charged with Driving Under the Influence, 75 PA.C.S.A. § 3802, shall continue at Northampton County D.U.I. Centers. Therefore, the costs imposed under Paragraph 11 do not apply to those defendants.

[Pa.B. Doc. No. 06-2334. Filed for public inspection December 1, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that William A. Hansen having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated May 17, 2006, the Supreme Court of Pennsylvania issued an Order on November 14, 2006, disbaring William A. Hansen from the Bar of this Commonwealth, effective December 14, 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. 06-2335. Filed for public inspection December 1, 2006, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that James J. Gallo having been suspended from the practice of law in the State of New Jersey for a period of six months by Order of the Supreme Court of New Jersey dated March 21, 2006, the Supreme Court of Pennsylvania issued an Order dated November 14, 2006 suspending James J. Gallo from the practice of law in this Commonwealth for a period of six months, effective December 14, 2006. 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. 06-2336. Filed for public inspection December 1, 2006, 9:00 a.m.]
