

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 82 ]

#### Amendment of Rules 107 and 108 of the Pennsylvania Rules for Continuing Legal Education; No. 454; Supreme Court Rules; Doc. No. 1

##### Order

*Per Curiam:*

And Now, this 5th day of November, 2008, Rules 107 and 108 of the Pennsylvania Rules for Continuing Legal Education are amended to read as attached hereto.

To the extent that prior distribution and publication of this amendment would be required by Pa.R.J.A. No. 103, it has been determined that immediate promulgation is required in the interest of efficient administration.

This order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 82. CONTINUING LEGAL EDUCATION

#### Rule 107. Minimum Standards for Course Approval.

\* \* \* \* \*

(f) The course shall be presented in a suitable setting devoted to the educational activity of the program. No CLE shall consist solely of television viewing in the home, correspondence work, or self study, except as the Board shall approve to accommodate the needs of the handicapped or incapacitated. Video, motion picture or audio tape presentations may be used provided a faculty person is in attendance at all presentations to comment and answer questions. **[ Computer-based ] Distance Learning** programs may be approved if they meet interactive, technical and accreditation standards set forth by the Board;

\* \* \* \* \*

#### Rule 108. Credit for Continuing Legal Education Courses and Activity.

\* \* \* \* \*

(e) The number of credits earned by **[ computer-based ] distance learning** education that may be applied to the annual compliance requirement shall not exceed four (4).

[Pa.B. Doc. No. 08-2100. Filed for public inspection November 21, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 63; Miscellaneous 2008

##### Adopting Order

Now, this 30th day of October, 2008, it is hereby Ordered:

1. The following designated Somerset County Rule of Criminal Procedure (Som.R.Crim.P.), attached as follows, is hereby adopted as a Rule of this Court, effective April 1, 2009, and after publication in the *Pennsylvania Bulletin*:

Som.R.Crim.P. 552. Administrative Processing and Identification.

2. The following designated Som.R.Crim.P., attached as follows, are hereby amended with deletions marked in bold print and placed in brackets and additions marked in bold print, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.Crim.P. 122. Magisterial District Judges. Transmission of Public Defender Applications to Court.

Som.R.Crim.P. 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

Som.R.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions and Criteria.

Som.R.Crim.P. 311. ARD Procedure.

Som.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

Som.R.Crim.P. 530. Designation of Bail Agency.

Som.R.Crim.P. 571. Arraignment.

Som.R.Crim.P. 571.1. Form of Notice of Arraignment and Trial.

Som.R.Crim.P. 571.2. Form of Notice to Appear for Pleading and for Trial.

Som.R.Crim.P. 571.4. Form of Appearance and Waiver of Arraignment.

Som.R.Crim.P. 574. Scheduling of Argument and Hearing on Motions.

Som.R.Crim.P. 575. Motions Practices and Procedure.

Som.R.Crim.P. 600.1. Criminal Trial Scheduling.

Som.R.Crim.P. 600.2. Criminal Trials Scheduling Conference.

Som.R.Crim.P. 600.3. Criminal Trials Schedule.

Som.R.Crim.P. 604. Trial Procedure and Order of Proof.

Som.R.Crim.P. 708. Revocation Petition.

Som.R.Crim.P. 708.1. Revocation Procedure. Detention.

Som.R.Crim.P. 708.2. Revocation Procedure if Detention not Warranted.

Som.R.Crim.P. 708.4. Temporary Detainer.

Som.R.Crim.P. 708.7. Form. Petition for Revocation.

Som.R.Crim.P. 1200. Briefs.

3. Paragraph B. of Som.R.J.A. 1011. Argument Cases. Scheduling. Lists Submitted by Court, District Attorney and Domestic Relations Director, attached as follows, is hereby amended, with deletions marked in bold print and in brackets and additions marked in bold print, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

4. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the attached Rules with the Pennsylvania Criminal Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

JOHN M. CASCIO,  
*President Judge*

#### Rules of Court

#### **Som.R.Crim.P. 552. Administrative Processing and Identification.**

(A) In all cases in which a defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the a member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police, at the Somerset County Regional Booking Center (RBC), located in the Somerset Borough Police Department or at such other location designated, in writing, by the President Judge of the Somerset County Court of Common Pleas, for fingerprinting and processing.

(B) Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Somerset County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

(C)(1) In cases in which a defendant has been arraigned before a Magisterial District Judge and fails to post bond, the defendant shall be fingerprinted and photographed at either the RBC or the State Police Barracks, prior to his or her commitment at the Somerset County Jail.

(2) In cases in which a defendant has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the defendant shall be taken to an appropriate facility for video arraignment and then taken directly to the RBC or the State Police Barracks for the booking procedure, or be taken directly to the RBC or the State Police Barracks for a video arraignment and

booking procedure, before being committed to the Somerset County Jail if bond is not posted. If the defendant posts bond, the Magisterial District Judge shall either include a bond condition that directs the Defendant to appear at the State Police Barracks or the SBC, as appropriate, within 48 hours for processing or may direct the arresting officer to take the defendant directly to the appropriate facility for processing prior to his or her release.

(3) In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the Defendant to report to the RBC to be fingerprinted and photographed.

(4) In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

(D) A booking fee of one hundred dollars (\$100.00) shall be assessed and collected by the Somerset County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

(E) This fee will not apply to those Defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

(E) The SBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, et. seq., commonly known as "Megans Law," pursuant to 42 Pa.C.S.A. § 9795.2 (d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1.

#### CREDIT(S)

See 42 Pa.C.S.A. § 1725.5, et. seq.

Adopted October 30, 2008, effective April 1, 2009 and after publication in the *Pennsylvania Bulletin*.

Som.R.Crim.P. 122. Magisterial District [Justices] Judges Transmission of Public Defender Applications to Court.

Each Magisterial District [Justice] Judge shall transmit to the Office of the Public Defender all applications for assignment of counsel in criminal cases, promptly after the same are received by the Magisterial District [Justice] Judge. The Public Defender shall be responsible for filing the same with the Clerk of Courts promptly following return of the case to court.

Adopted July 19, 2001, effective September 10, 2001.

#### **Som.R.Crim.P. 202. Approval of Search Warrant Applications by Attorney for the Commonwealth**

The District Attorney of Somerset County having filed a certification pursuant to Pa.R.Crim.P. 202, [search warrants in the following circumstances: Search war-

rants the application for] any application for search warrant which is filed in Somerset County shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Adopted July 19, 2001, effective September 10, 2001.

**Som.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions and Criteria.**

A. A separate written motion shall be prepared for each docketed case for which ARD disposition is recommended. After filing in the office of the Clerk of Courts, the motions shall be presented to **the Administrative Judge of the Criminal Division** of the court **[in accordance with Motions Judge practice, ]** prior to scheduling the case for ARD hearing.

B. Motions for ARD disposition shall contain the following:

1. A statement of all offenses with which defendant is presently charged in this court; and

2. A statement of all offenses with which defendant is presently charged in any other jurisdiction which are known; and

3. Written statements of the criminal and motor vehicle records of the accused, if any, and if none, so stating, certified respectively by the appropriate official of the Department of Transportation, and the Clerk of Courts or other public official or authorized deputy having official custody of defendant's records, provided that in lieu of attaching such written statements to the motion, the same may be retained in the District Attorney's file and furnished to court when requested; and

4. Any other facts considered relevant to consideration of the motion.

C. ARD motions will be reviewed ex parte by the **[Motions] Administrative Judge** to determine whether the motion complies with these rules and warrants hearing.

1. If it appears from the face of the motion that the motion complies with these rules and warrants hearing, the **[Motions] Administrative Judge** will by endorsement thereon approve the same for scheduling and **[transmit it to the court clerk] return it to the Office of the District Attorney for scheduling.**

2. If additional facts are necessary to make the determination, the District Attorney and defense counsel shall furnish a written statement, if requested, containing such additional facts as the court may request.

3. If the **[Administrative] Judge** determines that the motion does not comply with these rules and does not warrant hearing, **[the Motions Judge] he or she** shall disapprove the motion for scheduling unless there are exceptional and compelling reasons set forth in the motion or in supplemental statements provided by the District Attorney and defense counsel.

4. ARD motions disapproved for scheduling shall be so endorsed by the **[Motions] Administrative Judge** and **[transmitted to the court clerk] returned to the Office of the District Attorney.**

Adopted July 19, 2001, effective September 10, 2001. Amended November 24, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 311. ARD Procedure.**

Upon receipt of an endorsed ARD motion, the **[court clerk] Clerk of Courts** shall make an appropriate docket entry of the endorsed order **[and shall then transmit it to the District Attorney ]**.

If the motion has been approved for scheduling, the District Attorney shall place the case on an argument list for transmission to the court as provided in Som.R.J.A. 1011.

If the motion has been disapproved for scheduling, either party may request a conference with the court respecting the propriety of scheduling at which conference counsel for both parties shall be present.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.**

A. The District Attorney of Somerset County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of the attorney for the Commonwealth prior to filing:

1. Criminal Homicide in violation of Section 2501 of the Crimes Code, 18 Pa.C.S.A. § 2501;

2. Murder in any degree in violation of Section 2502 of the Crimes Code, 18 Pa.C.S.A. § 2502;

3. Voluntary Manslaughter in violation of Section 2503 of the Crimes Code, 18 Pa.C.S.A. § 2503;

4. Involuntary Manslaughter in violation of Section 2504 of the Crimes Code, 18 Pa.C.S.A. § 2504;

5. Homicide by Vehicle in violation of Section 3732 of the Vehicle Code, 75 Pa.C.S.A. § 3732; and

6. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735.

**[7. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735; ]**

**[8] 7.** Rape in violation of Section 3121 of the Crimes Code, 18 Pa.C.S.A. § 3121;

**[9] 8.** Involuntary Deviate Intercourse in violation of Section 3123 of the Crimes Code, 18 Pa.C.S.A. § 3123;

**[10] 9.** Sexual Assault in violation of Section 3124.1 of the Crimes Code, 18 Pa.C.S.A. § 3124.1;

**[11] 10.** Aggravated Indecent Assault in violation of Section 3125 of the Crimes Code, 18 Pa.C.S.A. § 3125;

**[12] 11.** Indecent Assault in violation of Section 3126 of the Crimes Code, 18 Pa.C.S.A. § 3126; and

**[13] 12.** Incest in violation of Section 4302 of the Crimes Code, 18 Pa.C.S.A. § 4302.

Adopted July 19, 2001, effective September 10, 2001. Amended April 18, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 530. Designation of Bail Agency.**

A. The Court hereby designates and appoints the Somerset County Adult Probation Department to have the duties and powers of a bail agency for the 16th Judicial District, as provided for in Pa.R.Crim.P. 530.

B. The bail agency shall have all of the duties and powers specified in Pa.R.Crim.P. 530, including the authority to supervise persons released on bail pursuant to conditions established by the bail agency and approved by the Court, and the authority, upon issuance of a bail piece, to apprehend and detain a defendant for the purpose of bringing the defendant before the bail authority, as provided for in Pa.R.Crim.P. 536(B).

**C. Any defendant taken into custody pursuant to a bail piece issued by a judge of this Court under paragraph B. shall be processed and afforded a hearing before the Court in accordance with the procedure set forth in Pa.R.C.P. 150.**

Adopted February 4, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended October 6, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 571. Arraignment.**

A. Arraignment shall be scheduled not later than twenty (20) days after the information is filed, except that later arraignment may be scheduled for cause.

**Official Note:** For general scheduling procedures, see Som.R.J.A. 1030 et seq.

B. The purposes of arraignment are to assure that defendant is advised of the charges [ **against him** ]; to have counsel enter an appearance, or, if defendant has no counsel, to consider defendant's right to counsel; to commence the period of time within which to initiate pretrial discovery and to file other pretrial requests and motions; to insure defendant has been provided a copy of the information; and to afford defendant an opportunity to plead to the information.

C. After filing the information, the District Attorney shall notify defendant and defense counsel of arraignment and trial in the manner specified by Pa.R.Crim.P. [ **113** ] **114**. A copy of the information shall accompany the notice. The notice of arraignment and trial shall be in substantially the form prescribed in Som.R.Crim.P. 571.1.

In addition, however, the District Attorney shall in all cases mail a copy of the information and notice to defendant, by first class mail. The District Attorney shall also mail a copy of the notice to the bondsman, at least ten (10) days before the arraignment date.

D. Defendant shall appear personally before the court at arraignment and plead to the information, unless defendant or his attorney at or before arraignment, files with the Clerk of Courts and delivers a copy to the District Attorney, a written formal appearance, waiver and agreement to appear, signed by both defendant and defense counsel, in substantially the form specified in Som.R.Crim.P. 571.4.

E. When a case is continued to another term after the notice of arraignment and trial has been given, said notice need not again be given unless it appears that the notice was not received by defendant and the Commonwealth has obtained another address for defendant. Instead, the Commonwealth may notify defendant as follows:

1. If defendant has not pleaded to all charges, notification to appear **on the first day of any argument week at Criminal Motions Court** as selected by the District Attorney which occurs at least ten days after such notice is mailed, (but not later than the next regular call of the criminal trial list) to plead to the information and stating the date, time and place of trial, in substantially the form set forth in Som.R.Crim.P. 571.2.

2. If defendant has pleaded not guilty to all charges, notification to appear on the specified date, time and place for trial, in substantially the form specified in Som.R.Crim.P. 571.3.

F. The District Attorney shall keep an appropriate office record of the names and addresses of persons notified, the date of mailing and text of the notice.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.1. Form of Notice of Arraignment and Trial.**

|               |   |                           |
|---------------|---|---------------------------|
| COMMONWEALTH, | ) | IN THE COURT OF COMMON    |
|               | ) | PLEAS OF SOMERSET COUNTY, |
|               | ) | PENNSYLVANIA              |
|               | ) |                           |
|               | ) |                           |
| v.            | ) | NO. CRIMINAL 200          |
|               | ) |                           |
|               | ) |                           |
|               | ) |                           |
| Defendant     | ) |                           |

**NOTICE OF ARRAIGNMENT AND TRIAL**

To the defendant above named:

1. You have been formally charged with committing the criminal offense or offenses described in the Information which has been filed against you, copy of which is enclosed.

2. The date, time and place of arraignment on said criminal charges are as follows: \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 a.m. at the Courthouse, Somerset, Pennsylvania.

3. If you **are not** represented by an attorney, you **must** personally appear before the Court at the date, time, and place above stated in paragraph 2 of this Notice to plead guilty or not guilty to the charges. If you **are** represented by an attorney, you must personally appear before the Court at the date, time, and place above stated in paragraph 2 of this Notice to plead guilty or not guilty to the charges, unless (1) you and your attorney sign a waiver of appearance at arraignment in the form specified in Som.R.Crim.P. 571.4, **and** (2) you agree to appear personally instead at the Call of the Criminal Trial List on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock, a.m., at the Somerset County Courthouse in Somerset, Pennsylvania, to plead guilty or not guilty to the charges.

4. You have a right to the assistance of an attorney at all stages of these proceedings; if you cannot afford an attorney, one will be appointed for you without cost if you file an application for counsel. You may obtain an application form from the Clerk of Courts, District Attorney, Sheriff, or any **Magisterial District [ Justice ] Judge** of Somerset County, Pennsylvania. It is important that you obtain an attorney promptly to assist you in these proceedings, if you do not already have one.

5. You may request pretrial discovery of information, and inspection of articles or documents, in the possession of the District Attorney, pertaining to your case, if you file a written request in the Court within fourteen (14) days after the arraignment date specified above in paragraph 2 of this Notice.

6. You may file an omnibus motion for pretrial relief for any of the following purposes: continuance (postponement) of the trial date, severance (separate trial) of one or more of the charges against you, suppression of evidence illegally obtained, psychiatric examination, quashing (dismissing) the information for legal defects, disqualification of a Judge, pretrial conference with the Court, approval of settlement of the charges, or any other appropriate pretrial relief or assistance, if the motion is filed in the Court within thirty (30) days after the arraignment date specified above in paragraph 2 of this Notice.

7. You will lose your rights to file a request for pretrial discovery and inspection, and to file an omnibus motion for pretrial relief, unless a written request or motion is filed within the required period of time stated above in paragraphs 5 and 6 of this Notice, calculated from the arraignment date specified above in paragraph 2 of this Notice, or unless the period of time is extended by special Court Order for good cause.

8. If you plead not guilty to any of the charges against you, your trial will be scheduled for \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock a.m., at the Courthouse in Somerset, Pennsylvania, when and where you must appear with your attorney and your witnesses prepared for trial, and must remain until the trial is completed.

9. If you fail to appear when required, a warrant will be issued for your arrest.

\_\_\_\_\_  
District Attorney

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.2. Form of Notice to Appear for Pleading and for Trial.**

COMMONWEALTH, ) IN THE COURT OF COMMON  
 ) PLEAS OF SOMERSET COUNTY,  
 ) PENNSYLVANIA  
 )  
 )  
 v. )  
 ) NO. CRIMINAL 200  
 )  
 )  
 )  
 )  
 )  
 )  
 Defendant )

**NOTICE TO APPEAR FOR PLEADING AND FOR TRIAL**

To the defendant above named:

You are hereby notified that you must appear before the Court on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at [ 9:30 ] o'clock \_\_\_\_ .[ m ]M., at the Courthouse in Somerset, Pennsylvania, to plead guilty or not guilty to the criminal charges described in the Information filed against you in the above entitled proceedings.

If you plead not guilty to any of the charges, your trial will be scheduled for \_\_\_\_\_, the \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock a.m., at the Courthouse in Somerset, Pennsylvania, when and where you

must appear with your attorney and your witnesses prepared for trial, and must remain until the trial is completed.

If you do not appear when required, a warrant will be issued for your arrest.

\_\_\_\_\_  
District Attorney

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.4. Form of Appearance and Waiver of Arraignment.**

COMMONWEALTH, ) IN THE COURT OF COMMON  
 ) PLEAS OF SOMERSET COUNTY,  
 ) PENNSYLVANIA  
 )  
 )  
 v. )  
 ) NO. CRIMINAL 200  
 )  
 )  
 )  
 )  
 )  
 Defendant )

**APPEARANCE OF COUNSEL AND WAIVER OF APPEARANCE AT ARRAIGNMENT**

1. The undersigned attorney enters an appearance for defendant in the above captioned case.

2. Defendant acknowledges receipt of the Notice of Arraignment (for the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_), and Trial (for the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_), and receipt of a copy of the Information(s) in the above captioned cases(s).

3. Defendant understands the nature of the charges, the rights and duties of defendant pertaining to arraignment as stated in said Notice and particularly in Rules of Criminal Procedure 572 (Bill of Particulars), 573 (Pretrial Discovery and Inspection), and 578-581 [ 79 ] (Omnibus Pretrial Motion). Defense counsel has discussed these rights and duties with defendant, and believes defendant sufficiently understands them.

4. Defendant waives appearance at arraignment and agrees to appear at the next scheduled Call of the List on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to plead to the Information(s).

\_\_\_\_\_  
Printed Name of Attorney

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 574. Scheduling of Argument and Hearing on Motions.**

A. An "argument" case is any case ready for non-trial hearing or argument before the court **which is not subject to Motions Court procedures set forth in Som.R.Crim.P. 575.**

B. All argument cases shall be scheduled for argument or hearing only upon the filing of a scheduling praecipe in the form specified in Som.R.J.A. 1099, available through the Court Administrator's office or Prothonotary's office, except the following argument cases, which shall be scheduled, sec reg., by the Court Administrator without a scheduling praecipe:

1. Argument cases on the District Attorney's list (Somerset R.J.A. 1011.B.); and

2. Motions, petitions and applications for pretrial relief, including motions to quash, discovery motions, motions for pretrial conference, motions to suppress, omnibus pretrial motions and the like. Such matters shall first be filed with the Clerk of Courts who shall promptly transmit the same to the Court Administrator. If the case is on the criminal trial list for the coming trial session, all such motions shall be scheduled for disposition as soon as possible, and in all events before the scheduling conference held preceding the trial session. Otherwise, such matters shall be scheduled *sec reg*.

3. Post-sentence motions. Such motions shall first be filed with the Clerk of Courts who shall promptly transmit the same to the Court Administrator for scheduling *sec reg*. In addition, defense counsel shall immediately provide a copy of the motion to the Judge who presided at trial.

4. Any case in which a Judge of the Court has fixed a date for hearing or argument.

**5. The moving party may include, as part of the pleading, an endorsement page upon which counsel for the non-moving party may verify consent, in writing, to the entry of the relief requested.**

**6. The moving party shall attach to the pleading a proposed order, prepared as required by Som.R.Crim.P. 574.1.**

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 575. Motions Practice and Procedure.**

**A. Filing and Service of Motions.**

1. All motions shall be filed and served in accordance with the provisions of Part F(1) of the Pennsylvania Rules of Criminal Procedure, Pa.R.Crim.P. 575, et seq.

2. Motions shall be presented:

a. At Motions Court, in accordance with the procedure specified in subparagraph B of this Rule, if the motion is of the type permitted to be presented at Motions Court, or

b. In all matters in which a hearing or argument before the Court is required and for which presentation at Motions Court is not appropriate, by the filing of a scheduling praecipe according to the procedure, and in the form specified in subparagraph F of this Rule, copies of which are available from the Clerk of Courts or Court Administrator, or

c. In the case of motions which are permitted to be presented *ex parte*, without prior notice of presentation and opportunity to be heard, pursuant to the provisions of subparagraph D of this Rule, by presentation to the Administrative Judge of the Criminal Division in accordance with Motions practice specified in subparagraph C of this Rule, or

d. In the case of motions or petitions which, because of extraordinary and compelling circumstances, cannot be scheduled otherwise, and which must be heard upon short notice, by presentation to the Administrative Judge in accordance with Motions Judge practice specified in subparagraph C of this Rule.

**B. Motions Court.**

1. Criminal Motions Court will be held before the designated Administrative Judge of the Criminal Division at 9:00 A.M. on each Monday and Thursday of every

month, holidays excepted, **or as otherwise specified on the official court calendar.**

2. A matter may be presented at Criminal Motions Court when the issue raised, or relief requested, is:

a. Detention.

b. Establishment or revocation of bail.

c. Waiver of extradition.

d. To permit withdrawal as counsel.

e. Approval of *nol pros* or settlement

f. Joinder or severance.

g. Entry or vacation of a bench warrant or process.

h. Plea, with prior approval of the Administrative Judge.

i. Contested motions for continuance.

j. Such other matters as ordered by the Administrative Judge.

3. At least three days before presentation, a copy of the motion shall be served upon all other counsel and unrepresented parties, and upon the Court Administrator, together with a notice specifying the time and date of the Motions Court at which the motion will be presented.

4. The Court Administrator shall maintain a list of motions with date and time of receipt. Only those motions which have been submitted in a timely manner to the Court Administrator in accordance with these Rules or which have been scheduled by the Administrative Judge will be heard. Motions will be heard by the Court in the order of their submission to the Court Administrator.

5. The moving party shall file and serve an affidavit of service of the motion and notice prior to, or at the time of presentation. The motion will not be heard unless the notice requirements of this rule have been satisfied and an affidavit of service filed.

6. Counsel and unrepresented parties are to confer prior to the presentation of any motion and are to attempt, in good faith, to reach amicable resolution of the issues involved.

7. At the time of presentation, the Administrative Judge may enter an Order resolving the issues raised by the motion; schedule argument, hearing or other proceeding; issue a briefing schedule; or enter other appropriate Order.

**C. Presentation to the Court.** All uncontested matters, including applications and requests, formal and informal, which may be presented to the Administrative Judge, shall be signed by the moving **attorney or** party, **if unrepresented**, signed by the responding **attorney or** party, **if unrepresented** signifying agreement, filed and docketed in the office of the Clerk of Courts, and then transmitted to Chambers or presented in open court to the Administrative Judge except in the following circumstances:

1. Emergency cases may be presented to any judge.

2. Matters in which the Administrative Judge has been disqualified or declines to act shall be presented to another judge.

3. Administrative and policy matters required by law, will or custom to be acted upon by the President Judge, or appropriate for the attention of the President Judge, shall be presented to the President Judge.

**D. Ex parte orders.**

1. Motions presented to the court will not be considered ex parte, without prior notice of presentation and an opportunity to be heard, except in the following cases:

a. Cases in which the adverse **attorney or party, if unrepresented**, has, in writing, waived the opportunity to be heard or has consented to the requested action.

b. Cases in which there are special or compelling circumstances which the court finds justify ex parte action.

2. Prior notice of presentation of a motion to the court shall state the date, time and place of intended presentation and shall be accompanied by a copy of the motion and the proposed order.

3. In cases where an ex parte order is made, a copy of the motion and order shall be served promptly on the opponent, who may file a prompt application for reconsideration of the order.

4. In all cases where prior notice of presentation is required under statute or rule of court, the motion shall state that the requisite prior notice was given; the date, time and manner of giving notice; and the substance thereof. If the right to ex parte relief is based on the existence of special or compelling circumstances, the motion shall state such circumstances.

**E. Continuances.**

1. Motions for continuance must be made in writing **on forms specified by these Rules** or of record in open court, unless excused by the court for cause.

2. Absent exceptional circumstances, motions for continuance of hearings and arguments shall be presented **no later than ten (10) days after the date of the order scheduling the matter for hearing or argument**. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.

3. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.

4. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas a copy of the scheduling order from the other Court of Common Pleas shall be attached to the motion.

5. Motions for continuance of court cases shall be presented as follows:

a. When at a scheduled call of the list, to the presiding Judge.

b. When a case is on a current trial or argument schedule, to the assigned Judge.

c. In all other cases, to the Administrative Judge.

6. Continuances shall operate to effect rescheduling:

a. To a date certain or specific trial session if the Administrative Judge or Presiding Judge states a date certain or specific trial session in the continuance order.

b. In all other cases, only upon filing of a scheduling praecipe as provided in subparagraph F of this Rule.

7. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial or argument list.

8. Every motion for continuance shall specify the reasons for the request.

9. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

10. Every motion for unopposed continuance, whether written or oral, shall be joined in by the responding party or counsel of record.

11. An approved form of continuance motion for all matters other than trials is set forth in subparagraph F.12. of this Rule. Trials may be continued only by filing of a Rule 600 Motion available from the Clerk of Courts.

12. Form of Continuance Motion.

**CRIMINAL HEARING CONTINUANCE REQUEST**

|                 |                           |
|-----------------|---------------------------|
| COMMONWEALTH, ) | IN THE COURT OF COMMON    |
| )               | PLEAS OF SOMERSET COUNTY, |
| )               | PENNSYLVANIA              |
| )               |                           |
| v. )            |                           |
| )               | NO. CRIMINAL 200          |
| )               |                           |
| )               |                           |
| )               |                           |
| Defendant )     |                           |
| )               |                           |

Scheduled before Judge \_\_\_\_\_, on \_\_\_\_\_

For

Reason For Request:

Number of prior continuances:

By Commonwealth \_\_\_\_\_ By Defendant \_\_\_\_\_

NOTICE ( ) HAS ( ) HAS NOT BEEN GIVEN TO OPPOSING COUNSEL OR PARTY

(Sign) \_\_\_\_\_

Requesting Attorney or Party

Counsel For: \_\_\_\_\_

(Sign) \_\_\_\_\_

Responding Attorney or Party

Counsel For: \_\_\_\_\_

(Sign) \_\_\_\_\_

( ) Joins In ( ) Does Not Object ( ) Opposes

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 200 \_\_, the continuance request is ( ) GRANTED ( ) DENIED.

( ) Hearing to be rescheduled by scheduling **praecipe filed by Defendant ( ) District Attorney ( )**.

( ) Hearing is rescheduled for the \_\_\_\_ day of \_\_\_\_\_ 200 \_\_, at \_\_\_\_ M. in Courtroom No. \_\_\_\_\_, before Judge \_\_\_\_\_.

( ) **Delay attributed to: Commonwealth \_\_\_\_\_ Defendant \_\_\_\_\_**

( ) Period of delay: Included in \_\_\_\_ Excluded from \_\_\_\_ time within which trial must commence.

BY THE COURT:

\_\_\_\_\_ J

F. Scheduling by Praecept.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph F.6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct or other appropriate order.

6. Form of Scheduling Praecept.

COMMONWEALTH, ) IN THE COURT OF COMMON
) PLEAS OF SOMERSET COUNTY,
) PENNSYLVANIA
)
)
v. )
) NO. CRIMINAL 200
)
)
Defendant )

Type of scheduling requested:

( ) Sec. Reg. (On the next available Argument Schedule).

( ) Prompt (At a presently fixed date and time on an Argument Schedule already issued).

State reason for Prompt scheduling (Granted only for cause) \_\_\_\_\_

Estimated hearing time for all parties: \_\_\_\_\_

Judge \_\_\_\_\_ has previously heard a matter in this case.

( ) A copy of this praecipe has been served on opposing counsel and any unrepresented party.

Signature

Type Name and Party Represented

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ ,
( ) Argument ( ) Hearing is scheduled on \_\_\_\_\_
the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , in Court Room
\_\_\_\_ , at \_\_\_\_ .M. before Judge \_\_\_\_\_ .

BY THE COURT

\_\_\_\_\_ J

Distribution:

G. Preparation and Form of Orders. Copies for Distribution.

1. Unless otherwise directed by the court, orders requested by a party shall be drafted by the attorney at whose instance they are to be made, and shall be submitted to the court for approval.

2. All proposed orders presented to the court, whether by an attorney, court staff or department, or other person, shall list thereon the names of all counsel in the case (of record and known, including counsel for applicant), and shall indicate the party represented by each.

Official Note: Nothing herein is intended to alter the present practice of the court reporters in preparing court orders.

3. Counsel preparing the order shall be responsible for copying, and shall provide sufficient copies to the Clerk of Courts for distribution to all other counsel and parties. If the order continues a case or fixes a date for hearing or argument, counsel shall ensure that the order and its accompanying documents are transmitted to the Court Administrator for notation of the matter for scheduling purposes. The order and documents shall then be filed in the proper office.

4. All documents prepared in and issued from chambers shall be transmitted to the Court Administrator for copying and distribution sec reg., and for scheduling if necessary, then filed in the proper office.

Adopted November 21, 2006, effective 30 days after publication in the Pennsylvania Bulletin.

Som.R.Crim.P. 600.1. Criminal Trial Scheduling

A. The call of the criminal trial list shall be held on the [second] third Monday and third Tuesday preceding the beginning of the trial session, or at such other time established by the court.

B. At the call of the criminal trial list, all trial counsel must, unless excused by the court for cause, be present to report readiness for trial, and all defendants who have not previously pleaded to all charges shall be present for that purpose, unless excused by the court for cause or unless the court grants, or has granted, leave to plead on another date.

C. At the call of the list, the report of readiness for trial means that: All parties, witnesses, and counsel will (barring unexpected subsequent causes) be available, prepared and present for trial on the scheduled trial date and throughout the trial session until the case is called and trial completed. The readiness report is a professional commitment to the court and to all others in the case as above defined. Therefore, the readiness report certifies that reporting counsel has made the necessary recent inquiries of parties and witnesses in advance so that the readiness report will be informed and dependable.

Accordingly, if readiness is qualified in any way for any reason, the court must be informed thereof at the time of the call of the list, and facts which existed and should have been discovered before the readiness report are not cause for later continuance.

Adopted July 19, 2001, effective September 10, 2001. Amended December 10, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 600.2. Criminal Trial Scheduling Conference.**

A scheduling conference shall be held on the **second** Wednesday preceding the beginning of the trial session. All trial counsel must, unless excused by the court for cause, be present to report on scheduling. If readiness is qualified in any way for any reason, the court must be informed thereof, and facts which existed and should have been discovered before the scheduling conference are not cause for later continuance.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 600.3. Criminal Trial Schedule.**

A. Not later than **[Friday] Monday** of the week preceding the beginning of the trial session, the Court Administrator shall issue a criminal trial schedule for the session.

B. All juries will be selected on the first day of the trial session. Further trial proceedings, however, shall be conducted on the dates and times shown on the trial schedule, or as soon thereafter as the preceding case is concluded.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 604. Trial Procedure and Order of Proof.**

A. The order in which evidence is presented by a party within the party's case-in-chief, or within rebuttal or surrebuttal, rests primarily with trial counsel; but no evidence shall be presented otherwise out of order without prior notice to the opponent and consent of the Trial Judge.

B. Trial counsel shall have all witnesses and other evidence present and available in court when needed **and exhibits shall be identified and marked in advance** without delaying the trial, unless other arrangements are specially made in advance with the Trial Judge after notice to the opponent. If witnesses are excused from attendance at trial without prior approval of the Trial Judge, sanctions may be imposed, which may include exclusion of the witness' testimony.

C. Trial sessions shall begin at the date and time shown on the court schedule, unless otherwise ordered by the Trial Judge. Duration of trial sessions will be determined by the Trial Judge as the trial progresses. Counsel shall not rely on any particular time of day for recess or adjournment unless and until announced by the Trial Judge.

D. Counsel are encouraged to consult with the Trial Judge and other counsel concerning trial logistical problems as soon as the problem arises or becomes probable.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708. Revocation Petition.**

A. Whenever a probation officer or the District Attorney has reason to believe that a probationer or parolee of this court has violated any condition of his **or her**

probation or parole which warrants revocation, he **or she** shall prepare a petition for revocation setting forth:

1. The name of the sentencing Judge;
2. The date of the order of probation or parole and the term thereof;
3. The offense or offenses in which probation or parole was granted;
4. The specific condition or conditions violated and the facts of violation;
5. The name of defense counsel of record.

B. If the District Attorney is not the petitioner, the petition shall (except in juvenile cases) bear approval of the District Attorney or his designated assistant unless the court approves the filing without such approval.

C. The probation officer shall consult with the District Attorney or his **or her** designated assistant and seek **[his]** advice and counsel concerning the propriety of, and grounds for, revocation of probation or parole. Such consultation shall be arranged according to procedures mutually agreeable to said officers, preferably before preparation of the petition when time permits.

**Official Note:** See Som.R.Crim.P. 708.7 for suggested form of revocation petition.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.1. Revocation Procedure. Detention.**

If in the opinion of petitioner the violation warrants detention of defendant pending revocation hearing on the merits of the petition, the following procedures shall be followed:

A. Petitioner shall present to the court the petition and a motion for process. Following the court's action on the motion, the petition and motion and order thereon shall be delivered to the Court Administrator for filing and distribution *sec reg.*, provided that the copies for defendant and his **or her** counsel shall be delivered promptly to petitioner for service as hereinafter provided.

**Official Note:** For suggested form of motion and order for process, see Som.R.Crim.P. 708.8.

B. If process is denied, the case shall proceed without pre-hearing detention as prescribed in Som.R.Crim.P. 708.2.

C. If process is awarded, defendant shall be arrested and detained, provided, however, that:

1. Defendant shall not be detained for more than ten (10) days (72 hours for a juvenile) after incarceration in the Somerset County Jail on such process, without a detention hearing to determine whether there is reasonable cause to believe that defendant has violated a condition or conditions of probation or parole and that continued detention pending revocation hearing is warranted; and

2. Defendant shall not continue to be detained for revocation hearing for more than thirty (30) days (10 days for a juvenile) after the detention hearing; and

3. Defendant may at any time make application to the court for release on bail.

D. When defendant is placed in custody on the process, petitioner shall promptly present to the Court Administrator a motion to schedule a detention hearing which the Administrator shall promptly grant by making a scheduling order in behalf of the court, scheduling detention

hearing within ten (10) days (72 hours if a juvenile) after defendant was placed in custody in the Somerset County Jail on the process.

**Official Note:** For suggested form of motion and order for scheduling, see Som.R.Crim.P. 708.9.

E. Upon making the scheduling order, the Administrator shall file the motion and order in the clerk's office, and shall make distribution of copies thereof sec reg. provided that copies for defendant and his counsel shall be promptly delivered to petitioner for service.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.2. Revocation Procedure if Detention not Warranted.**

If in the opinion of petitioner the violation does not warrant detention of defendant pending revocation hearing, or if a motion for process is denied, the following procedure shall be followed:

A. Petitioner shall present to the Court Administrator the petition accompanied by a motion to schedule a revocation hearing which the Administrator shall promptly grant by making a scheduling order in behalf of the court, scheduling such hearing sec reg. unless prompt hearing is requested by petitioner. The Administrator shall file and distribute the petition, motion and order sec reg. provided that copies for defendant and his or her counsel shall be delivered promptly to petitioner for service on defendant and his or her counsel as hereinafter provided.

B. Petitioner shall serve or cause to be served upon defendant personally a copy of the revocation petition and hearing order and furnish a copy thereof to his or her counsel, at least ten (10) days prior to the hearing date.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.4. Temporary Detainer.**

In case of a clear emergency when no Judge of the court is available to make an order awarding process, a probation officer may without court order issue a temporary detainer as process for detention of defendant pending further proceedings, provided that the officer shall, if possible, obtain oral approval of a Judge or, if the Judge is unavailable, of his or her immediate supervisor. Such temporary detainer shall be valid only until a Judge of the court is available when the petition and motion for process shall be presented as herein provided.

In case of a probation violation when no Judge of the court is available to make an order awarding process, the petitioning officer may without court order issue a temporary detainer not to exceed 48 hours as process for incarceration of defendant. A written report will be submitted to the sentencing Judge within 24 hours or the next working day. If possible, the officer will obtain oral approval from either Judge to incarcerate the defendant under a detainer.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.7. Form. Petition for Revocation.**

The petition for revocation shall be in substantially the following form:

|               |   |                           |
|---------------|---|---------------------------|
| COMMONWEALTH, | ) | IN THE COURT OF COMMON    |
|               | ) | PLEAS OF SOMERSET COUNTY, |
|               | ) | PENNSYLVANIA              |
|               | ) |                           |
|               | ) |                           |
| v.            | ) | NO. CRIMINAL 200          |
|               | ) |                           |
|               | ) |                           |
| Defendant     | ) |                           |
|               | ) |                           |

**PETITION FOR REVOCATION OF PROBATION/PAROLE**

TO THE HONORABLE JUDGES OF SAID COURT:

This petition respectfully represents:

- Petitioner is \_\_\_\_\_ .  
(State name and title of officer seeking revocation)
- Defendant named above was placed on probation/parole by \_\_\_\_\_, J., on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for a term of \_\_\_\_\_ years on charges of \_\_\_\_\_, in the above captioned proceedings.
- Defendant has violated [ his ] probation/parole as follows (state specific conditions violated and facts of violation): \_\_\_\_\_
- Counsel for defendant of record is \_\_\_\_\_, Esquire.

WHEREFORE, petitioner prays the court after hearing to revoke defendant's probation/parole.

\_\_\_\_\_  
Petitioner

Sworn and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
District Attorney

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 1200. Briefs.**

A. Hearings on Suppression or Omnibus Pre-Trial Motions. The moving party shall include in the motion, or shall file a separate memorandum containing, a summary of the legal issues involved [ or ] and citation of authorities relied upon, stating the principle of law for which each authority is cited. If separate memorandum is utilized, it shall be filed not later than 10 days before the scheduled hearing date or at the hearing if earlier scheduled. The opponent shall file a response not later than calling of the case for hearing.

B. In all other cases, briefs shall be filed when ordered by the court. Unless the Order specifies otherwise, the moving party's brief shall be filed within 20 days of the Order and the reply brief within 10 days thereafter.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.J.A. 1011. Argument Cases. Scheduling. Lists Submitted by Court, District Attorney and Domestic Relations Director.**

B. The District Attorney shall as of course transmit to the Court Administrator a typed, written [ **argument** ] list **compiled from the records maintained by the District Attorney and/or generated by the CPCMS system** showing all criminal argument cases ready for disposition by the court, not later than [ **noon on the third Monday** ] **twenty (20) days** preceding the beginning of each argument court week. Said list shall show the following for each case: The caption, [ **the names of the offenses charged and the grade or degree of each,** ] the purpose of listing, and counsel of record (including the name or initials of the District Attorney or Assistant District Attorney assigned to the case). In cases listed for sentence, the list shall also show the name(s) of the Judge(s) before whom defendant was tried or entered a guilty plea; and in cases listed for any matter affecting or relating to a prior sentence (e.g., parole, revocation of probation, modification of sentence, etc.), the name of the sentencing Judge. See R.Crim.P. 311.

Adopted June 19, 1990, effective August 13, 1990.

[Pa.B. Doc. No. 08-2101. Filed for public inspection November 21, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Mark S. Guberman, having been disbarred from the practice of law in the State of Maryland by Opinion and Order of the Court of Appeals of Maryland filed April 13, 2006, the Supreme Court of Pennsylvania issued an Order on November 7, 2008, disbaring Mark S. Guberman from the Bar of this Commonwealth, effective December 7, 2008. 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. 08-2102. Filed for public inspection November 21, 2008, 9:00 a.m.]