

THE COURTS

Title 255—LOCAL COURT RULES

LUZERNE COUNTY

Order Amending Rule 1302; Rule of Civil Procedure; No. 14722-2008

Order

Now, this 6th day of November, 2008, the Court hereby amends Luzerne County Rule of Civil Procedure 1302, in the following form, effective immediately.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Order, along with the diskette with the Administrative Office of Pennsylvania Courts, two (2) certified copies of this Order and the following rule along with a diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

It is further ordered that the local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

MARK A. CIAVARELLA, Jr.,
President Judge

Rule 1302. Appointment of the Board.

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(g) Assessment Appeals

The following provisions shall govern the arbitration of assessment appeals:

(i) All assessment appeals shall be referred by the prothonotary to the Director of Specialty Courts for mediation. A report of mediation shall be filed in all cases.

(ii) The prothonotary shall not appoint a board of arbitrators unless a mediation report is filed.

(iii) Arbitrators shall be appointed as provided for in paragraphs (a) through (e) except that the same board of arbitrators may be appointed to multiple assessment appeal cases scheduled for the same day.

(iv) Compensation: Arbitrators shall be compensated as provided in paragraph (f) except that the compensation of each member of a board of arbitration in assessment appeals assigned to hear multiple cases on the same day shall not exceed \$125.00 per hour, but in no event shall any arbitrator be compensated more than \$125.00 per case without court approval.

[Pa.B. Doc. No. 08-2141. Filed for public inspection November 28, 2008, 9:00 a.m.]

MCKEAN COUNTY

Promulgation of Criminal Procedure; Rule L 117; Criminal Division; No. 82 MD 2008

Order

And Now, this 12th day of November, 2008, the Court approves and adopts McKean County Local Rule of Criminal Procedure L 117 (Coverage: Preliminary Arraignments; and Setting and Accepting Bail). The Rule shall become effective not less than thirty days after publication of the Rule in the *Pennsylvania Bulletin*.

The Court Administrator of the 48th Judicial District is hereby *Ordered* and *Directed* to do the following:

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

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

c. File one (1) certified copy of this *Order* and the pertinent Local Rule with the Criminal Procedure Rules Committee.

d. File one (1) certified copy of this *Order* and the pertinent Local Rule with the Prothonotary. The Prothonotary shall keep continuously available for public inspection, copies of this *Order* and the pertinent Local Rule.

e. Provide one (1) certified copy of this *Order* and the pertinent Local Rule with the Court Administrator of McKean County.

f. Provide one (1) certified copy of this *Order* and the pertinent Local Rule with each Judge of this Court.

By the Court

JOHN H. YODER,
President Judge

Rule L 117. Preliminary Arraignment and Setting and Accepting Bail.

1. In order to comply with the specific coverage requirements of Pa.R.Crim.P. 116, the following schedule for coverage is adopted:

a. All Magisterial District Courts in the 48th Judicial District shall be open to conduct public business during hours approved by the Court and posted at each Magisterial District Court as well as in a conspicuous place within the McKean County Courthouse designated by the President Judge.

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

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

be available if coverage has been prearranged or in the event of an emergency.

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

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

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

2. Bail Before Verdict:

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

b. The on-call District Judge shall provide continuous coverage for the purpose of executing Pa.R.Crim.P. 117 as has been the established procedure, and further, that in the event an incarcerated defendant and/or person acting in his behalf wishes to post bail, the Warden of the McKean County Jail or his designated agent shall immediately contact the on-call District Judge in order that bail may be posted without undue delay.

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

Certification

I hereby certify that this is a true and correct copy of McKean County Local Rule of Criminal Procedure L 117.

[Pa.B. Doc. No. 08-2142. Filed for public inspection November 28, 2008, 9:00 a.m.]