

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[ 204 PA. CODE CH. 82 ]

### Order Amending Rule 111 of the Pennsylvania Rules of Continuing Legal Education; No. 478; Supreme Court Rules

#### Order

*Per Curiam:*

*And Now*, this 31st day of August, 2009, upon the recommendation of the Pennsylvania Continuing Legal Education Board; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(b):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 111 of the Pennsylvania Rules for Continuing Legal Education is amended as follows.

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

PATRICIA NICOLA,  
*Chief Clerk*  
*Supreme Court of Pennsylvania*

#### Annex A

### TITEL 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 82. CONTINUING LEGAL EDUCATION

##### Subchapter A. PROFESSIONAL RESPONSIBILITY

#### Rule 111. Lawyer Noncompliance.

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(b) *Sanctions.* If the Board finds the lawyer not in compliance with these rules or the regulations of the Board, it shall so report to the Supreme Court and recommend that the lawyer be placed on [ **inactive status** ] **administrative suspension.**

[Pa.B. Doc. No. 09-1712. Filed for public inspection September 18, 2009, 9:00 a.m.]

## Title 207—JUDICIAL CONDUCT

### PART IV. COURT OF JUDICIAL DISCIPLINE

[ 207 PA. CODE CH. 5 ]

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

#### Order

*Per Curiam:*

*And Now*, this 1st day of September, 2009, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution

of Pennsylvania, having adopted the amendment to Rule of Procedure No. 504(B), as more specifically hereinafter set forth, *It Is Hereby Ordered:*

*That* Rule 504(B) shall become effective immediately.

STEWART L. KURTZ,  
*President Judge*

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART IV. COURT OF JUDICIAL DISCIPLINE

#### ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

#### CHAPTER 5. TRIAL PROCEDURES

#### Rule 504. Sanctions.

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(B) Following the sanction hearing, the Court shall enter an order in writing on the issue of sanctions. This order shall constitute a final order of discipline pursuant to Article V, § 18 of the Pennsylvania Constitution.

[Pa.B. Doc. No. 09-1713. Filed for public inspection September 18, 2009, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1000 ]

### Proposed Amendment of Rule 1006(a.1) Governing Venue in Medical Professional Liability Actions; Proposed Recommendation No. 242

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1006(a.1) governing venue in medical professional liability actions be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than October 30, 2009 to:

Karla M. Shultz, Esquire  
Counsel  
Civil Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or E-mail to  
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 1000. ACTIONS

## Subchapter A. CIVIL ACTION

## VENUE AND PROCESS

**Rule 1006. Venue. Change of Venue.**

(a) Except as otherwise provided by subdivisions (a.1), (b) and (c) of this rule, an action against an individual may be brought in and only in a county in which

(1) the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or

**Official Note:** For a definition of transaction or occurrence see *Craig v. W. J. Thiele & Sons, Inc.*, 395 Pa. 129, 149 A.2d 35 (1959).

(2) the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.

(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county in which the cause of action arose. **This provision does not apply to causes of action that arise outside Pennsylvania for which jurisdiction properly exists in Pennsylvania.**

**Official Note:** See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c) for the definitions of "health care provider," "medical professional liability action" and "medical professional liability claim."

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

**Official Note:** Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. See Rules 2130, 2156 and 2179.

(c)(1) Except as otherwise provided by paragraph (2), an action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1).

(d)(1) For the convenience of parties and witnesses the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) Where, upon petition and hearing thereon, the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing

venue shall be certified forthwith to the Supreme Court, which shall designate the county to which the case is to be transferred.

**Official Note:** For the recusal of the judge for interest or prejudice, see Canon 3C of the Code of Judicial Conduct.

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained and there is a county of proper venue within the State the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f)(1) Except as provided by paragraph (2), if the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).

**Explanatory Comment**

Currently, a lawsuit based on medical treatment furnished in another state cannot be brought in Pennsylvania even if the defendants have substantial contacts with the state whereas Pennsylvania defendants can be sued in any state in which they have at least minimum contacts. The amendment to subdivision (a.1) would eliminate this discrepancy.

*By the Civil Procedural Rules Committee*

STEWART L. KURTZ,  
*Chair*

[Pa.B. Doc. No. 09-1714. Filed for public inspection September 18, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Suspension**

Notice is hereby given that Stephen Russell Kasmar, having been suspended from the practice of law in the State of New Hampshire for a period of 6 months by Order of the Professional Conduct Committee of the New Hampshire Supreme Court dated April 15, 2009, the Supreme Court of Pennsylvania issued an Order dated August 31, 2009, suspending Stephen Russell Kasmar from the practice of law in this Commonwealth for a period of 6 months, effective September 30, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this for-

merly 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. 09-1715. Filed for public inspection September 18, 2009, 9:00 a.m.]

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