

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

#### Amending Rule of Appellate Procedure 120

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 120. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than February 10, 2010 to:

Dean R. Phillips, Chief Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635

fax: (717) 231-9551

e-mail: [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE MAUREEN LALLY-GREEN,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

Rule 120. Entry **and Withdrawal** of Appearance.

*(Editor's Note: The following text within Rule 120 and the Official Note is new and printed in regular print to enhance readability.)*

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(b) *Withdrawal of Appearance for lack of a legal basis in appeals from a direct criminal conviction or denial of a first Post-Conviction Relief Act petition.* If counsel represents an appellant in the above circumstances, counsel does not have an automatic right to withdraw from the representation. Unless the court appoints or the appellant retains substitute counsel, withdrawal will be allowed only if the requirements of the appropriate section of this rule have been followed, and if the court is satisfied that withdrawal is warranted.

(1) *Petition to withdraw as counsel on direct appeal of a criminal conviction.* Counsel who seeks to withdraw from representation on direct appeal of a criminal conviction because counsel has concluded that all issues that could be raised on appeal are frivolous, may withdraw only if the court concludes that there are no non-frivolous issues to be raised based upon the court's review of the issues identified by counsel and the appellant and its independent review of the record.

(A) To facilitate this review, counsel must file a petition seeking withdrawal with the appellate court. Counsel shall attach to the petition a statement that contains a certification that counsel has reviewed the record diligently and a thorough explanation of the law and facts pertinent to the appeal, including:

(i) a summary of the procedural history and facts, with citations to the pertinent sections of the record;

(ii) an identification of all issues that might arguably be raised on the appeal with references to anything in the record and any legal authority that could arguably support the appeal; and

(iii) the reasons for counsel's conclusion that each of the issues that could be raised would be frivolous.

(B) Counsel must provide a copy of both the petition and the attached statement to the appellant, accompanied by a letter warning the appellant that if the court permits counsel to withdraw, it will make a finding that the appeal is wholly frivolous and will affirm the conviction. In addition, counsel must set forth in the letter that appellant has the right:

(i) to address the matters raised in the petition and statement and to bring any additional points to the court's attention by filing a response with the appellate court within twenty-one (21) days of either: (a) the date the letter has been marked as received by the institution with custody of the appellant; or (b) the date of the postmark of the letter if the appellant is not in custody; and

(ii) to proceed *pro se* or by retaining private counsel.

(C) Within twenty-one (21) days of the date appellant's response was filed or due to be filed, the Commonwealth may file a brief addressing the petition and statement and the appellant's response, if any.

(D) After the court has received the record, it shall conduct an independent review of the record and the submissions of counsel and of the appellant and the Commonwealth, if any. After that review,

(i) if the court determines that the appeal is wholly frivolous, the court shall grant counsel's petition to withdraw and shall affirm the judgment of sentence; or

(ii) if the court determines that there are non-frivolous claims, the court shall either deny the petition to withdraw or direct the trial court to appoint replacement counsel. In such cases, the appellate court will identify non-frivolous issues that must be briefed by counsel on their merits. The issues identified by the court are not exclusive, and counsel may raise and brief any additional issues counsel identifies as potentially non-frivolous.

(2) *Petition to withdraw as counsel on appeal after denial of the first petition for post-conviction relief from a criminal conviction.* Counsel who seeks to withdraw from

representation after denial of a first petition for post-conviction relief of a criminal conviction may withdraw if the court concludes that there are no meritorious issues to be raised upon its review of the issues identified by counsel and the appellant and its independent review of the record.

(A) To facilitate this review, counsel must file a petition seeking withdrawal with the appellate court. Counsel shall attach to the petition a brief containing a certification that counsel has reviewed the record diligently and argument setting forth why none of the claims asserted by the appellant is meritorious. As to each claim, the brief must contain:

- (i) a summary of the procedural history and facts with citations to the pertinent sections of the record;
- (ii) a list of all issues that could be raised in the appeal;
- (iii) a review of the facts and law that have led counsel to the conclusion that all issues that could be raised on appeal would be without merit.

(B) Counsel must provide a copy of both the petition and the attached brief to the appellant, accompanied by a letter warning the appellant that if the court permits counsel to withdraw, it will make a finding that the appeal has no merit and will affirm the denial of the petition for post-conviction relief. In addition, counsel must set forth in the letter that appellant has the right:

- (i) to address the matters raised in the petition and brief and to bring any additional points to the court's attention by filing a response with the appellate court within twenty-one (21) days of either: (a) the date the letter has been marked as received by the institution with custody of the appellant; or (b) the postmark of the letter if the appellant is not in custody; and

- (ii) to proceed *pro se* or by retaining private counsel.

(C) Within twenty-one (21) days of the date appellant's response was filed or due to be filed, the Commonwealth may file a brief addressing the petition and statement and the appellant's response, if any.

(D) After the court has received the record, it shall examine the petition and other submissions of counsel, appellant's response, if any, and the Commonwealth's brief, if any. In addition, the court will conduct an independent review of the record. After that review:

- (i) If the appellate court determines that the appellant has not raised any meritorious claims, the appellate court shall grant counsel's petition to withdraw and shall affirm the denial of the petition for post-conviction relief; or

- (ii) If the appellate court determines that there are potentially meritorious claims, the court shall either deny the request to withdraw or direct the trial court to appoint replacement counsel. In such cases, the court will identify potentially meritorious issues for counsel to brief on their merits. The issues identified by the court are not exclusive, and counsel may raise and brief any additional issues counsel identifies as potentially meritorious.

**Official Note:**

\* \* \* \* \*

On direct appeal, a criminal defendant is constitutionally entitled to zealous and effective representation, because the Sixth Amendment is binding on the states

through the Fourteenth Amendment. *See Strickland v. Washington*, 466 U.S. 688 (1973) (describing counsel's "overarching duty to advocate the defendant's cause."). An appellant on direct appeal from a criminal conviction thus has "the right to have an attorney, zealous for the indigent's interests, evaluate his case and attempt to discern non-frivolous arguments." *Smith v. Robbins*, 528 U.S. 259, 278 n.10 (2000). That right does not however extend to having counsel pursue an appeal that the lawyer concludes after review is wholly frivolous. *Id.* at 277-78.

Accordingly, a petition to withdraw on direct appeal should not be submitted until counsel has conducted a thorough review of the record and law, searching diligently for any non-frivolous issues. Compare Pennsylvania Rules of Professional Conduct Preamble and Scope (counsel's duty is to "assert the client's position" zealously) with Rules 3.1, 3.3 (obligation not to pursue a frivolous appeal; obligation to be candid with the tribunal). As the Supreme Court has explained, a lawyer seeking to withdraw must explain to the tribunal which issues could be raised, where in the record and the law such issues might be supported, and why the lawyer has concluded the issues are wholly frivolous. *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009).

While "frivolous" escapes ready characterization, certain principles are clear. In *Commonwealth v. Greer*, 455 Pa. 106, 108-09, 4 A.2d 513, 514 (1974), the Supreme Court explained that "frivolous" was more than a lack of merit, and the fact that the prospects of success were "dim" did not make an appeal frivolous. *Id.* A frivolous argument is one that counsel concludes cannot be raised "without compromising professional standards." *Id.* By way of example, an argument to reevaluate existing case law may be non-frivolous if the Supreme Court has not considered the precise issue and if the argument is "supported by a reasonable belief" that the Supreme Court might disagree with the conclusions of the lower courts. *Smith v. Commonwealth Bd. of Probation and Parole*, 524 Pa. 500, 507-08, 574 A.2d 558, 562 (1990). Likewise, issues that might have been waived could be non-frivolous. *See Commonwealth v. Lilley*, 978 A.2d 995 (Pa. Super. 2009).

Counsel's explanation allows the appellate court to review the record to assure itself that there are no potentially non-frivolous issues. Case law commonly refers to the petition and/or the accompanying documents as an "Anders brief." The term "brief" can create confusion, however, because it suggests zealous argument (either for or against the client). Instead, as *Santiago* explains, counsel is fulfilling duties both to the client (to conduct a diligent review) and to the tribunal (to report the results of that review candidly).

Under the Post-Conviction Relief Act, the right to counsel on a first post-conviction petition is statutory or by rule and the petitioner is not entitled to as much protection as an appellant directly appealing a criminal conviction. *See* 42 Pa.C.S. §§ 9541—9546; *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). The appellate court must review the record to assure itself only that all issues are non-meritorious before granting permission to withdraw. *Id.* The practice to be followed for withdrawal from representation of a petitioner who is

pursuing a first PCRA petition is accordingly different, and the brief *must contain argument against the client*. See *Commonwealth v. Wrecks*, 931 A.2d 717, 721-22 (Pa. Super. 2007) (characterizing *Anders* and *Turner* as “close cousins” but recognizing that under *Turner/Finley* counsel “must argue” against the client).

Whether on direct appeal or on appeal from the denial of a first PCRA petition, a lawyer has a responsibility to continue to meet all deadlines and to comply with all applicable law, rules, and orders of the trial and appellate court until the appellate court has granted the petition for permission to withdraw.

The rule adds specific time frames for the appellant and the Commonwealth to file responses to the petition with the court.

### Explanatory Comment

In direct appeals of a criminal conviction and in appeals of a denial of a first Post-Conviction Relief Act (PCRA) petition, an appellant is entitled to continued and effective representation. Consequently, counsel may not withdraw without substitute counsel unless the appellate court permits the withdrawal after it has reviewed the record. Because the right to counsel on direct appeal is constitutional and for first PCRA appeals the right arises under statute and rule, the standards for seeking and granting withdrawal differ. To date, the procedures for withdrawal in such circumstances have been created only by case law, and lawyers have frequently conflated the procedures. Accordingly, the Committee concluded that it would assist the bar to have the standards set forth in a rule.

Whether an appellant is appealing directly from a criminal conviction or is appealing from the denial of a first PCRA petition, counsel must continue to represent the appellant and comply with all deadlines for filing and serving any required documents until the appellate court grants permission to withdraw.

Withdrawal in such situations has serious ramifications, because the appellate court will affirm the conviction or denial of the petition without further briefing. Moreover, if the court permits the withdrawal, the appellant will no longer have a right to appointed counsel. See *Commonwealth v. Alberta*, 974 A.2d 1158 (Pa. 2009).

As noted previously, the 2009 amendment is intended to set forth the differing requirements for petitioning to withdraw from representation of an appellant who is: (1) appealing a criminal conviction directly; or (2) appealing a denial of a first PCRA petition. Perhaps because the procedures are very different from typical motion practice, a great deal of confusion has resulted. The amendment has been drafted to set forth the requirements more clearly.

#### 1. Procedures common to both types of withdrawal.

In either case, when seeking to withdraw, counsel must file a petition to withdraw and attach the documents the court will need to complete its review of the record, including a certification that counsel has reviewed the record diligently. Counsel must also send a copy of the filed materials to the appellant, with a letter warning the appellant that if the court permits counsel to withdraw under this rule (and applicable law), the court will affirm the conviction and advising that the appellant has a right to address the court directly and to raise additional issues for the court's consideration, as well as advising that the appellant has 21 days to file any supplemental materials

with the court. One question on which the Committee seeks input is whether the response time for the appellant should be calculated from the date on which the appellant receives the document—with the appellant responsible for demonstrating when he or she received it—or whether counsel should indicate in the certificate of service for the petition the date that the letter was sent, with the time for responding calculated from that date.

The Commonwealth may respond to the petition of counsel or the appellant's supplemental submission.

In either case, in deciding whether to permit the withdrawal, the appellate court will review the entire record.

#### 2. Procedures for withdrawal from representation on direct appeal.

On direct appeal, a criminal defendant has a constitutional right to be represented by counsel. See *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 434 A.2d 1185 (Pa. 1981). But that right does not extend to having counsel pursue an appeal that is wholly frivolous. *Smith v. Robbins*, 528 U.S. 259, 277-78 (2000). Accordingly, counsel may seek to withdraw from representing someone who is directly appealing a criminal conviction only after undertaking a diligent search of the record—which is part of counsel's duty of zealous advocacy that may not be avoided—and only if, after that review, counsel concludes that all issues that could potentially be raised on appeal are wholly frivolous.

Once counsel reaches that conclusion, the duty of candor to the tribunal and the duty not to pursue a frivolous appeal take precedence. As the Supreme Court has recently explained, when counsel seeks to withdraw under *Anders*, the lawyer must identify for the appellate court all places in the record that might arguably give rise to an appeal and all pertinent legal authorities, and must explain why counsel has concluded that the potential arguments would be wholly frivolous. See *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). In this way, the court can assure itself that the appellant has no non-frivolous issues to present.

#### 3. Procedures for withdrawal from representation on appeal of a denial of a first PCRA petition.

In contrast, the appeal of a denial of a first PCRA petition is governed by statute and rule. See 42 Pa.C.S. §§ 9541–9546; *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). Accordingly, counsel must still review the record diligently, but only to determine if there are *meritorious* issues that warrant an appeal. In the explanation that accompanies the petition to withdraw, counsel will not merely explain what could be raised and why it has no merit but will actually *argue against the client*. *Commonwealth v. Wrecks*, 931 A.2d 717, 721-22 (Pa. Super. 2007) (characterizing *Anders* and *Turner* as “close cousins” but recognizing that under *Turner/Finley* counsel “must argue” against the client.). Moreover, because under *Turner/Finley*, the appellate court reviews the record only for *meritorious* issues, the court's review need not be as stringent as on a request to withdraw from a direct appeal; nonetheless, the Court will still require briefing on any issues it sees—whether counsel or the appellant has raised them or not. See, e.g., *Commonwealth v. Young*, 922 A.2d 913 (Pa. Super. 2007) (recognizing that the first time the case was before it on a *Turner/Finley* request, the court's “review of the record . . . revealed an issue of arguable merit that we determined should have been addressed by counsel . . .”).

This Recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court for adoption.

[Pa.B. Doc. No. 09-2233. Filed for public inspection December 4, 2009, 9:00 a.m.]

(12) An automation fee of \$5.00 shall be assessed to each action or legal proceeding initiated in the office of the clerk of court.

[Pa.B. Doc. No. 09-2234. Filed for public inspection December 4, 2009, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## ELK COUNTY

### Setting Clerk of Court Fees for 2010-2012; Civil No. 2009-1186

#### Order of Court

And Now, November 19, 2009, in accordance with Act #36-2000 the fees of the Elk County Clerk of Courts are approved as set forth in the following schedule of fees. The fees shall become effective January 1, 2010.

By the Court

RICHARD A. MASSON,  
President Judge

#### Elk County Clerk of Courts Filing Fees Effective January 1, 2010

(1) A fee of not less than \$69.75 nor more than \$203.00 for all proceedings in all misdemeanor and felony cases disposed of at any time during or after trial.

Fee for 2010 .....	\$155.00
Fee for 2011 .....	\$160.00
Fee for 2012 .....	\$165.00

(2) A fee of not less than \$39.00 nor more than \$152.75 for all proceedings in all misdemeanor and felony cases disposed of before trial.

Fee for 2010 .....	\$105.00
Fee for 2011 .....	\$110.00
Fee for 2012 .....	\$115.00

(3) A fee of \$29.25 for all proceedings in summary matters.

(4) A fee of \$9.25 for all certifications.

(5) Bench Warrants \$18.00.

(6) A fee of \$18.25 for all other matters filed in the office and for all reports prepared by the clerk except that no fee shall be charged for filing township and borough audit reports or transcripts received which indicate a final disposition by the district justice.

(7) A fee of \$49.50 for the filing of an appeal from a summary conviction before a district justice.

(8) A fee of \$54.50 for an appeal from the court of common pleas to an appellate court.

(9) A fee of \$.03 per dollar for the first \$1,000 and \$.01 per dollar for each additional \$1,000 or fraction thereof for the handling of money paid into court.

(10) A fee of \$3.25 for a subpoena.

(11) A fee of \$10.00 for a criminal record search.

## ELK COUNTY

### Setting Prothonotary Fees for 2010 -2012; Civil No. 2009-1185

#### Order of Court

And Now, November 19, 2009, in accordance with Act #98-164 the fees of the Elk County Prothonotary are approved as set forth in the following schedule of fees. The fees shall become effective January 1, 2010.

By the Court

RICHARD A. MASSON,  
President Judge

#### Elk County Prothonotary Filing Fees Effective January 1, 2010

##### ACKNOWLEDGMENTS:

Acknowledgment of sheriff, treasurer or tax claim bureau deeds ..... \$9.00

##### APPEALS:

Appeal from the court of common pleas to an appellate court ..... \$54.50

##### ARBITRATIONS:

Where arbitration proceedings are processed by the prothonotary ..... \$24.00

##### ASSIGNMENTS:

Assignment, filing ..... \$9.00

##### BUILDING AGREEMENTS:

Filing of any building agreement, waiver, stipulation ..... \$16.75

##### CERTIFICATION:

Certifying copy of any paper:  
First page ..... \$5.25  
Additional pages, each ..... \$1.60  
Certification of notary public, justice of peace or similar paper ..... \$3.25

##### COMMENCEMENT OF ACTIONS:

Commencement of any action at law or equity, regardless of procedure, a fee of not less than \$25.00 or more than \$88.50. After an action has been commenced, no other fees shall be payable except as herein otherwise specifically provided. The fee fixed shall be the same and apply to all actions without variation except with respect to divorce actions where an additional fee not to exceed \$25.00 may be charged for each count in the complaint in excess of the count requesting the divorce.

##### EXECUTIONS:

Filing of any praecipe for writ of execution, including attachment, possession or any other writ of execution not herein specifically provided for and all services incident thereto ..... \$24.00

##### EXEMPLIFICATION:

Exemplification of records ..... \$18.00

##### JUDGMENTS:

Entry of any judgment or decree, which is final, whether by agreement, confession, demurrer, non pros, or preliminary objection or motion on verdict or award, by

court order, finding, opinion, default, transcript, copy of docket entries, ex-record, certified copy of non-payment of inheritance tax, certified copy from criminal court or domestic relations including all services ..... \$16.75

LIENS:

Filing any lien: municipal, mechanics, Federal, Commonwealth, certified copy of lien ..... \$16.75

NOTARY PUBLIC:

Registration of signature of notary public ..... \$3.25

POUNDAGE:

For the handling of money paid into court for each dollar of the first \$1,000 ..... \$0.03

For each dollar of each additional \$1,000 or fraction thereof ..... \$0.01

REVIVALS:

Including in every instance any entry of judgment:

(1) Continuing any lien not reduced to judgment ..... \$16.75

(2) Reviving the lien of any judgment by amicable proceedings ..... \$16.75

(3) Reviving the lien of any judgment by adverse proceedings ..... \$24.00

SATISFACTIONS:

Entering satisfactions, releases, postponements, assignments, subordinations, of all encumbrances or liens by power of attorney or otherwise; or settlement, discontinued, ending or termination of any civil action at law or equity ..... \$9.00

SEARCHES:

Search of any record or index, including certification:

Five years ..... \$9.00

Each reference ..... \$1.60

Naturalization search ..... \$9.00

SUBPOENA:

Each ..... \$3.25

MAXIMUM CHARGE TO POLITICAL SUBDIVISIONS:

The maximum fee to be charged a political subdivision for any one of the services provided for herein shall be \$16.50.

PAYMENT IN ADVANCE:

The prothonotary shall not be required to enter on docket any suit or action order of court or enter any judgment thereon or perform any services whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.

PROTHONOTARY AUTOMATION FEE:

An automation fee shall be assessed for the initiation of any action or legal proceeding including, but not limited to: summons, complaint, petition, agreement, judgment, stipulation, lien ..... \$5.00

SIMILAR SERVICES:

The fees for services not herein specifically provided for or included in any other services shall be the same as for similar services.

STATE TAX:

The fees hereinbefore enumerated shall be exclusive of any State tax, surcharge or fee now levied or that may hereafter be levied.

[Pa.B. Doc. No. 09-2235. Filed for public inspection December 4, 2009, 9:00 a.m.]

YORK COUNTY

In the Matter of: Setting Various Fees and Compensation for Court Officers and Other Individuals; No: 2009-MI-000170-55; Doc. No. CP-67-AD-0000029-2009

Administrative Order Setting Fees and Compensation for Court Officers and Other Individuals

And Now, this 18th day of November, 2009, the Court hereby establishes fees for various matters and compensation for the following officers and personnel of the Court. The fees and compensation established by this Order shall become effective January 1, 2010, and shall apply to all proceedings pending on that date, unless otherwise specified in this Order. The fees and compensation shall remain in effect until further order of court.

Juvenile Court Masters:

Compensation for Juvenile Court Masters is established at the rate of \$75.00 per hour of time spent in the performance of their duties. Compensation for Juvenile Masters shall be paid from account No. 5200339.

Criminal Matters:

1. The Clerk of Courts is directed to assess a central booking fund fee in the amount of \$300 pursuant to 42 Pa.C.S. § 1725.5, against any person who is processed in the Central Booking facility at the York County Judicial Center, if the person is placed on probation without verdict pursuant to Section 17 of The Controlled Substance, Drug, Device and Cosmetic Act, or receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of any offense referred to in 42 Pa.C.S. § 1725.5. The fee shall be assessed as a cost associated with prosecution and when collected, shall then be disbursed as provided in the County's Central Booking Center Plan.

2. Magisterial District Judges may assess a miscellaneous issuance fee (C-17 cost) in the amount of \$15.50, or such other amount as may be approved by the Supreme Court from time to time, pursuant to 42 Pa.C.S. § 1725.1(c)(5), in the following circumstances:

(a) When, pursuant to Pa.R.Crim.P. 409(C)(5), 414(C)(5), 424(C)(5), 454(F)(1) and 456(C)(3)(a), an installment payment plan which is in excess of thirty (30) days in duration is issued;

(b) When an installment payment plan issued as previously listed, is re-negotiated and reissued;

(c) When an arrest warrant is issued, provided the defendant has a history of failing to respond, which history is documented in the case file;

(d) When a bench warrant is issued;

(e) In the case of payment plans, the fee shall only be imposed in one case if the payment plan involves payments in multiple cases;

(f) A Magisterial District Judge shall have the discretion to waive imposition of these fees on good cause shown;

(g) The Treasurer of York County is requested to established a separate account or method of accounting for receipt of the "C-17" costs collected pursuant to this Order.

3. A fee, pursuant to Pa.R.Crim.P. 316(A), shall be imposed upon any individual admitted to the ARD program, as follows:

Non-DUI cases:	\$300.00
DUI cases (including Victim Impact Panel Fee)	\$350.00

4. The community service wage equivalent for adults doing community service work shall be: \$8.00

*Civil Matters:*

1. Costs of appealing an award of arbitrators shall be imposed as follows, and shall take effect for all arbitrations heard by the new arbitration panels during and after April, 2010:

Less than \$10,000 in controversy:	\$400.00
\$10,000 to and including \$25,000 in controversy:	\$500.00
Greater than \$25,000 in controversy:	\$700.00

2. Attorneys sitting on an arbitration panel pursuant to YCCiv. 1301 *et seq.* shall be compensated at the rate of \$1,000.00 per week. The chairperson of a panel of arbitrators shall be compensated at the rate of \$1,500.00 per week. These rates of compensation shall be effective for all arbitrators serving on the new arbitration panels during and after April, 2010.

3. Members of Boards of View appointed pursuant to 42 Pa.C.S.A. §§ 2141—2144, shall be compensated at the following rates for time spent in the performance of their duties: \$75 per hour of time spent by the chairperson of a Board of View; \$65 per hour of time spent by other members of the Board of View

*Mental Health Review Officers:*

Compensation for Mental Health Review Officers is established at the rate of \$75.00 per hour of time spent in the performance of their duties.

*Custody Conciliators:*

Compensation for Custody Conciliators is established at the rate of \$140.00 per case, and shall be payable pursuant to the procedure set forth in the local rules of civil procedure.

*Custody Mediators:*

Compensation for custody mediators is established at the rate of \$125.00 per principal participant for an initial session with the mediator. Rates for subsequent sessions are payable as all participants and the mediator may agree.

*Family Law Mediators:*

Compensation for family law mediators is established at the rate of \$150.00 for an initial session with the mediator. Rates for subsequent sessions are payable as all participants and the mediator may agree.

*Court Interpreter Services:*

In any matter in which the Court Administrator is requested, pursuant to YCJA 4800, to provide the services of a Spanish speaking interpreter, payment for which is not provided by the County of York pursuant to law or rule of Court, fees for such services shall be charged to the party requesting the service at the rate of \$100 for the first hour of service and \$50 per hour or portion thereof for each subsequent hour of service. A deposit of \$100 shall be made to the County of York at least one week prior to the date for which services are requested.

*It Is Ordered* that the District Court Administrator of York County, Pennsylvania, shall:

(a) Cause a copy hereof to be published one (1) time in the *York Legal Record* at the expense of the County of York;

(b) File seven (7) certified copies thereof with the Administrative Office of Pennsylvania Courts;

(c) Distribute two (2) certified copies and a diskette hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(d) File one (1) certified copy and transmit one copy by electronic mail to the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Rules Committee of the Supreme Court of Pennsylvania.

(e) Distribute one (1) certified copy to the Prothonotary of York County, and to the Clerk of Courts of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary or Clerk shall furnish to any person a copy.

(f) Supervise the distribution thereof to all Judges, Magisterial District Judges, and all members of the Bar of this Court.

*It Is Further Ordered* that copies of this Order shall be sent, electronically, if possible, to the individuals holding the various positions named in this Order, to the Adult and Juvenile Probation Departments, to the District Attorney and Public Defender of York County, to the Chief Clerk of the County of York, to the Treasurer of the County of York, and to the Controller of the County of York.

*By the Court*

RICHARD K. RENN,  
*President Judge*

[Pa.B. Doc. No. 09-2236. Filed for public inspection December 4, 2009, 9:00 a.m.]