

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 214 of the Rules of Disciplinary Enforcement; No. 91 Disciplinary Rules

Per Curiam

And Now, this 1st day of September, 2010, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the *Pennsylvania Bulletin*, 40 Pa.B. 1066 (February 27, 2010):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 214 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 214. Attorneys convicted of crimes.

(a) An attorney convicted of a serious crime shall report the fact of such conviction **within 20 days** to the Secretary of the Board [**within 20 days after the date of sentencing**]. The responsibility of the attorney to make such report shall not be abated because the conviction is under appeal or the clerk of the court has transmitted a certificate to Disciplinary Counsel pursuant to subdivision (b).

* * * * *

(f) (1) Upon the receipt of a certificate of conviction of an attorney for a serious crime, the Court shall, in addition to any order of suspension it may enter in accordance with the provisions of subdivision (d), also refer the matter to the Board for the institution of a formal proceeding before a hearing committee in the appropriate disciplinary district in which the sole issue to be determined shall be the extent of the final discipline to be imposed, except that a disciplinary proceeding so instituted shall not be brought to hearing until **sentencing and all appeals** from the conviction are concluded.

(2) Notwithstanding the provision of paragraph (1) that a hearing shall not be held until **sentencing and all appeals** from a conviction have been concluded, a respondent-attorney who has been temporarily suspended pursuant to this rule shall have the right to request an accelerated disposition of the charges which form the basis for the temporary suspension by filing a notice with the Secretary of the Board and Disciplinary Counsel requesting accelerated disposition. Within 30 days after filing of such a notice, Disciplinary Counsel shall file a petition for discipline, if such a petition has not already been filed, and the matter shall be assigned to a hearing committee for accelerated disposition. The assignment to a hearing committee shall take place within seven (7) days after the filing of such a notice or the filing of a petition for discipline, whichever occurs later. Thereafter the matter shall proceed and be concluded by the hearing committee, the Board and the Court without appreciable delay. If a petition for discipline is not timely filed or assigned to a hearing committee for accelerated disposition under this paragraph, the order of temporary suspension shall be automatically dissolved, but without prejudice to any pending or further proceedings under this rule.

Official Note: The “without appreciable delay” standard of subdivision (f)(2) **of the rule** is derived from *Barry v. Barchi*, 443 U.S. 55, 66 (1979). Appropriate steps should be taken to satisfy this requirement, such as continuous hearing sessions, procurement of daily transcript, [**filing**] **fixing** of truncated briefing schedules, conducting special sessions of the Board, etc.

(g) Upon receipt of a certificate of a conviction of any attorney for a crime other than a serious crime, the Court shall take such action as it deems warranted. The Court may in its discretion take no action with respect to convictions for minor offenses.

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

(h) An attorney suspended under the provisions of subdivision (d) may be reinstated immediately upon the filing by the Board with the Court of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any formal proceeding then pending against the attorney.

(i) As used in this rule, the term “serious crime” means a crime that is punishable by imprisonment for one year or upward in this or any other jurisdiction.

(j) For the purposes of this rule, Rule 203(b)(1) and Rule 402, “conviction” means any guilty verdict, whether after trial by judge or jury, or finding of guilt, and any plea of guilty or *nolo contendere* that has been accepted by the court, whether or not sentence has been imposed.

[Pa.B. Doc. No. 10-1748. Filed for public inspection September 17, 2010, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ARMSTRONG COUNTY

Order Directing Increase in Monthly Supervision Fee; No. CP-03-AD-000009-2010

Order of Court

And Now, this 13th day of August, 2010, it is hereby *Ordered* that the monthly supervision fee required by Act. No. 35 of 1991 be increased from \$25.00 to \$50.00, effective November 1, 2010.

The Court Administrator is hereby *Directed* to

(1) file seven certified copies of the rule with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of the rule and a computer diskette containing the text of the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of the rule with the Criminal Procedural Rules Committee; and

(4) keep the rule continuously available in the Office of the Prothonotary for public inspection and copying.

By the Court

KENNETH G. VALASEK,
President Judge

[Pa.B. Doc. No. 10-1749. Filed for public inspection September 17, 2010, 9:00 a.m.]

FAYETTE COUNTY

Administrative Order; No. 2333 of 2010 GD

Administrative Order

And Now, this 30th day of August, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010 it is hereby *Ordered* that the Public Access Fee Schedule is adopted as follows.

The Prothonotary is directed as follows:

(1) Seven certified copies of the order and program shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and CD of the order and program shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Public Access Policy shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

GERALD R. SOLOMON,
President Judge

Public Access Fee Schedule

Fees:

\$.25 per page copied

\$8.00 for each quarter (1/4) hour associated with preparation, copying and re-filing of requested court documents that are voluminous in nature, only to be charged to requests of 10 or more case files per request.

Pre-payment of estimated costs are required for voluminous orders.

Fees paid for services are non-refundable.

All monies generated from the above are to be transferred monthly to the County of Fayette General Fund.

[Pa.B. Doc. No. 10-1750. Filed for public inspection September 17, 2010, 9:00 a.m.]

MONTGOMERY COUNTY

Public Access Policy—Official Case Records of the Magisterial District Courts of Montgomery County—Fees; No. A.D. 266-10

Administrative Order

And Now, this 30th day of August, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010, the following fee schedule is hereby adopted, effective immediately:

Fees:

(1) \$0.25 per page copied;

(2) \$8.00 for each quarter (1/4) hour associated with the preparation, copying and re-filing of court dockets involving complex or voluminous requests;

(3) Pre-payment of estimated costs for services may be required at the discretion of the Magisterial District Judge;

(4) Fees paid for services are non-refundable;

(5) Fees may be waived if the Magisterial District Judge determines that the requestor is indigent;

(6) All monies generated from the above are to be transferred monthly to the County of Montgomery General Fund.

By the Court

RICHARD J. HODGSON,
President Judge

[Pa.B. Doc. No. 10-1751. Filed for public inspection September 17, 2010, 9:00 a.m.]