

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement; No. 85; Disciplinary Rules

Order

Per Curiam:

And Now, this 6th day of January, 2010, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

To the extent that prior distribution and publication of these amendments would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interests of justice and efficient administration, pursuant to Pa.R.J.A. No. 103(a)(3).

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

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 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

(a) The Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of [**twelve**] **eleven** members of the Bar of this Commonwealth and two non-lawyer electors. One of the members shall be designated by the Court as Chair and another as Vice-Chair.

(b) The regular terms of members of the Board shall be for three years, and no member shall serve for more than two consecutive three-year terms. Except when acting under paragraph (c)(5), (7), (8) and (9) of this rule, the Board shall act only with the concurrence of not less than the lesser of:

- (i) seven members, or
- (ii) a majority of the members in office who are not disqualified from participating in the matter or proceeding.

Seven members shall constitute a quorum. The presence of members who are disqualified from participating

in one or more matters to be considered at a meeting shall nonetheless be counted for purposes of determining the existence of a quorum for the consideration of all matters on the agenda.

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[Pa.B. Doc. No. 10-138. Filed for public inspection January 22, 2010, 9:00 a.m.]

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS [204 PA. CODE CH. 213]

Public Access Policy of the Unified Judicial Sys- tem of Pennsylvania: Official Case Records of the Magisterial District Courts

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the following policy has been approved by the Supreme Court and shall be effective July 1, 2010.

The policy and other related information can be found on the Unified Judicial System's public access web page located at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>. Additionally, the forms pertaining to requests for official case records and confidential information that are referenced in the policy will be available on the public access web page and at the magisterial district courts no later than July 1, 2010.

Note that this policy supplants the existing *Public Access Policy of the Unified Judicial System of Pennsylvania: Magisterial District Courts*, found at 204 Pa. Code §§ 213.1 and 213.11.

Filed in the Administrative Office of Pennsylvania Courts on January 8, 2010.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts

Introduction

Article V, Section 10(c) of the Pennsylvania Constitution vests the Supreme Court with the authority to prescribe practices and procedures for public access to the records of the Unified Judicial System (UJS) including magisterial district courts. Guided by constitutional and common law principles, the policies governing access to UJS records begin with the presumption of openness.

This presumption in the Judiciary is long-standing, both in policy and practice. In 1994, the Supreme Court established standards and protocols for public access to court records, beginning with the policy on access to magisterial district court (formerly district justice) records, whether stored electronically or in hard copy. With the advancements in the Court's automation efforts, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* (Electronic Record Policy) was adopted by the Court effective January 1, 2007. The Electronic Record Policy covers access to the case record information maintained in the UJS' three automated Statewide case management systems—the

Pennsylvania Appellate Court Management System (PACMS), the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Judge System (MDJS). Specifically, the Electronic Record Policy addresses what electronic case record information is available to the public; how requests for access are handled; applicable fees; and other related issues. In addition to the Electronic Record Policy, the Supreme Court also promulgated Rule of Judicial Administration 509 in 2007, subsequently amended in 2008, which sets forth procedures for access to the financial records of the Unified Judicial System.

The promulgation of the aforementioned policies and rule affirms that the endeavor to ensure that UJS records are publicly accessible has been methodical and focused. The next logical step in such work was a review of the standards governing access to magisterial district court paper records that are maintained in the case files.

In the spring of 2007, the Court Administrator of Pennsylvania convened a working group to formulate a Statewide public access policy for official case records of magisterial district courts. The working group was comprised of magisterial district judges, district court administrators, representatives of the clerks of court and prothonotaries, counsel from the Supreme Court's rules committees, and staff of the Administrative Office of Pennsylvania Courts (AOPC). Its mission was to precisely define which official case records of the magisterial district courts are accessible and how requests should be facilitated in light of current UJS access policies, statutory provisions governing access to records (including the recently enacted Right-to-Know Law (RTKL), Act 3 of 2008, found at 65 P.S. §§ 67.101—67.3104) and other jurisdictions' access rules and policies related to limited jurisdiction courts. The working group was asked to specifically address release of sensitive information, such as social security numbers.

Court records, including those maintained in the magisterial district courts, often contain sensitive and private information, particularly related to litigants' personal identifiers (for example, social security numbers). Any objective to uniformly protect that information residing in existing and future court records would necessarily involve careful scrutiny of each case record and redaction of pertinent information in accord with applicable policy provisions prior to permitting access by the public.

Redaction of sensitive information was considered, but this approach was ultimately rejected for the following reasons. Depending on individual court resources, this approach could cause delays in fulfilling public access requests to official case records of the magisterial district courts, result in the inadvertent release of nonpublic information, and/or impede the business of the court. Hence, redaction and retroactive application of this policy is not viewed as a viable solution.

The procedures set forth in the policy are intended to further the UJS' open records principles, protect individual privacy and personal security, assure uniform response by UJS court staff, and eliminate any artificial barriers that may delay or complicate access by the public.

Lastly, it is important to note that AOPC in collaboration with its criminal justice partners has significantly advanced the development of the technological protocols necessary to allow electronic filing of criminal complaints and citations into the MDJS on a Statewide basis. Statewide electronic filing promises to ensure that sensi-

tive and personal information filed with a court is adequately protected without placing additional burdens upon litigants or court staff.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. COURT RECORDS POLICIES

Subchapter A. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: OFFICIAL CASE RECORDS OF THE MAGISTERIAL DISTRICT COURTS

- § 213.1. Definitions.
- § 213.2. Statement of General Policy.
- § 213.3. Requesting Access to Official Case Records of the Magisterial District Courts.
- § 213.4. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.
- § 213.5. Fees.
- § 213.6. Official Case Records of the Magisterial District Courts Not Accessible by the Public.
- § 213.7. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

§ 213.1. Definitions.

(a) "Access" means that the public may inspect and photocopy the official case records of the magisterial district courts, except as provided by law or set forth in this policy.

(b) "Financial information" means financial institution account numbers, credit card account numbers, debit card numbers, PINS or passwords to secure accounts.

(c) "Official case records of the magisterial district courts" means the records filed with the magisterial district courts and maintained in the paper case files pursuant to specific legal authority.

(d) "Public" means any person, business, non-profit entity, organization or association. "Public" does not include Unified Judicial System officials or employees, or any Federal, State, or local government agency, or employees or officials of such an agency if acting in their official capacity.

Commentary

This policy does not govern access to the official case records of the magisterial district courts by Unified Judicial System officials or employees, or any Federal, State, or local governmental agency, or employees or officials of such an agency if acting in their official capacity. The term "Unified Judicial System officials or employees" includes, but is not limited to, magisterial district judges and staff, clerks of court, prothonotaries, and any other office performing similar functions.

§ 213.2. Statement of General Policy.

(a) It is the policy of the Unified Judicial System to facilitate access by the public to the official case records of the magisterial district courts consistent with all relevant legal authority.

(b) This policy shall govern access by the public to the official case records of the magisterial district courts.

(c) Security, possession, custody and control of the official case records of the magisterial district courts are generally the responsibility of the magisterial district judge and his or her designated staff.

(d) Facilitating access by the public shall not substantially impede the orderly conduct of magisterial district court business.

Commentary

Subsection (a) recognizes that public access to the official case records of the magisterial district courts is grounded in constitutional and common law principles. The Pennsylvania Supreme Court summarized the interests protected in providing public access as:

“generally, to assure the public that justice is done even-handedly and fairly; to discourage perjury and the misconduct of participants; to prevent decisions based on secret bias or partiality; to prevent individuals from feeling that the law should be taken into the hands of private citizens; to satisfy the natural desire to see justice done; to provide for community catharsis; to promote public confidence in government and assurance that the system of judicial remedy does in fact work; to promote the stability of government by allowing access to its workings, thus assuring citizens that government and the courts are worthy of their continued loyalty and support; to promote an understanding of our system of government and courts.” *Commonwealth v. Fenstermaker*, 530 A.2d 414, 417 (1987).

Subsection (b) provides consistency and predictability across courts and furthers equal access to the official case records of the magisterial district courts. The intent of this provision is to preclude the adoption of different policies or local rules by judicial districts and/or courts that may be inconsistent with Unified Judicial System policy.

Subsection (c) acknowledges the responsibility of the magisterial district judges and their designated staff to maintain the integrity of the official case records. *See also* Rule 17 of the Rules Governing Standards of Conduct of Magisterial District Judges relating to supervision of magisterial district courts by president judges.

Subsection (d) recognizes that implementing the provisions of this policy should not unduly burden or impinge upon the courts’ business. Specifically, any requirements imposed upon courts to facilitate public access must not interfere with the courts’ ability to conduct their day-to-day operations, especially in light of the limited resources with which many courts have to function. Flexibility in implementing the provisions of this policy is necessary to accommodate the differences in resources and caseloads among the more than 500 magisterial district courts.

Requests for case record information that cannot be satisfied without substantially impeding the orderly conduct of court business in a magisterial district court may be referred to the AOPC, provided that the requestor is not requesting access to the official case records of the magisterial district court but is merely interested in obtaining electronic case record information that is maintained in the MDJS. Because the AOPC does not have access to the official case records of the magisterial district courts, any requests to inspect or copy the paper records should be handled by the appropriate magisterial district court. However, if the requestor is willing to accept access to the electronic case record information in lieu of the official case records, the request can be handled by the AOPC. Access to information maintained in the MDJS is governed by the Electronic Record Policy, which along with pertinent request forms can be found at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

In addition, the AOPC publishes web docket sheets on the Internet for all magisterial district court cases that

are filed on the criminal, non-traffic and traffic dockets in the MDJS. Web docket sheets are intended to provide anyone who has access to the Internet with an electronic subset of the case information that resides in the court’s paper file. There is no charge to view or print web docket sheets. The web docket sheets contain a wide range of information including scheduling, charge disposition and sentencing information. Viewing the web docket sheets may be a preferable alternative to traveling to the court location to access the official case records. MDJS web docket sheets can be found at <http://ujportal.pacourts.us/docketsheets/mdj.aspx>.

§ 213.3. Requesting Access to Official Case Records of the Magisterial District Courts.

(a) A request for access by the public to official case records of the magisterial district courts shall be made to the court that maintains the record.

(b) The court may require a requestor to submit a completed request form if the information that is the subject of the request is complex or voluminous. If the requestor does not submit a completed request form when requested by the court, access may be delayed until the form is completed or a time when an individual designated by the court is available to monitor such access to ensure the integrity of the case records is maintained. The Administrative Office of Pennsylvania Courts shall design and publish the request form.

(c) A request shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor’s reason for requesting or intended use of the records.

Commentary

Most requests received by the courts are very straightforward and for a small number of records. Therefore, artificial administrative barriers should not be erected to inhibit the courts from fulfilling these requests in an efficient manner.

Nonetheless, subsection (b) provides a court with the flexibility to require that a more complex request be submitted in writing to avoid misunderstandings and errors that can often result in more time being expended to provide the requested information than is necessary. The AOPC has required requestors to complete a form for access to electronic case record information since 1994.

If a requestor is unable or unwilling to complete the form when requested by the court, access shall not be denied for that reason but may be delayed until an individual designated by the court is available to sit with the requestor and monitor the use of the file to ensure its integrity.

A court may wish to implement a practice whereby persons who regularly request information from the court do not need to complete a request form for each request, but may complete one form noting what information is generally requested.

Subsection (c) does not require a requestor to identify a case by party or case number in order to have access to the files. Nonetheless, the request must identify or describe the records being requested with sufficient specificity to enable the court staff to ascertain which cases are the subject of the request. Such a requirement is embodied in the recently enacted RTKL as well as its predecessor.

§ 213.4. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.

(a) A court shall fulfill a request for access to the official case records of the magisterial district courts as promptly as possible under the circumstances existing at the time of the request.

(b) If a court cannot fulfill the request promptly or at all, the court shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied.

(c) If a court denies a request for access, the denial shall be in writing on a form designed and published by the Administrative Office of Pennsylvania Courts. A denial may be appealed in writing to the president judge of the judicial district or president judge's designee within 15 business days of service of the written notification by the magisterial district court. Within 20 business days of receipt of the appeal, the president judge or designee shall make a determination and forward it in writing to the requestor. This remedy is not exclusive and need not be exhausted before other relief is sought.

Commentary

Requests for access shall be fulfilled as promptly as possible under the circumstances existing at the time of the request. Given that most requests received by the courts are very straightforward and for a small number of records, courts should process the same in an expeditious fashion. This has been and should continue to be the manner in which magisterial district courts respond to requests. There are a number of factors that can affect how quickly a court may respond to a request. For example, the court's response may be slowed if the request is vague, requires compilation of a large amount of information or information that is stored off-site. Ultimately, the goal is to have a prompt and timely response to a request for information. This standard is consistent with the RTKL.

In those unusual instances in which access to the case records cannot be granted in an expeditious fashion, the court shall inform the requestor of the specific reason(s) why access to the information is being delayed or denied which may include:

- the request involves such voluminous amounts of information that the court is unable to fulfill the same without substantially impeding the orderly conduct of the court;
- records in closed cases are located at an off-site facility;
- a particular file is in use by the judge or court staff. If the judge or court staff needs the file for an extended period of time, special procedures should be considered, such as making a duplicate file that is always available for public inspection;
- the requestor failed to pay the appropriate fees, as established pursuant to § 213.5 of this policy, associated with the request;
- the requested information is restricted from access pursuant to legal authority (for example, statute, court rule).

The protocols for addressing appeals set forth in subsection (c) are consistent with the appeal provision found in Rule 509(c)(5) of the Pennsylvania Rules of Judicial Administration concerning access to financial records.

§ 213.5. Fees.

(a) Reasonable fees incurred in providing public access to the official case records of the magisterial district courts may be charged. Such fees may include, but are not limited to, postage, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication.

(b) Fees for photocopying shall not exceed \$.25 per page.

(c) The president judge of each judicial district shall establish a fee schedule by local rule pursuant to Pa.R.J.A. No. 103. The fee schedule shall be publicly posted.

Commentary

The objective of courts in responding to public access requests is to foster the values of open court records without unduly burdening court resources. Put simply, fees should not be financial barriers to accessing case record information. Fees assessed by courts in satisfying public access requests must be reasonable, fair and affordable.

The charging of fees in responding to public access requests is not novel. Subsection (a) is consistent with the fee provisions of Rule 509(d) of the Rules of Judicial Administration concerning access to financial records. Moreover, the RTKL provides that fees may be charged by agencies in fulfilling RTKL requests. In general, the fees must be reasonable and based on the prevailing fees for comparable services provided by local business entities, except for postage fees which must be the actual cost of postage.

A public access request may be for information that is not readily available. Costs incurred by magisterial district courts in fulfilling a request should be passed on to the requestor. Clearly, absent the request, the court would not incur these costs.

With regard to photocopying fees, the prior public access policy for magisterial district court records that was implemented in 1994 provided "[f]ee[s] for photocopying shall not exceed \$.50 per page." Given that the cost of producing a photocopy has decreased since 1994, it is appropriate to adjust the maximum fee that can be charged to \$.25 per page. One "page" is either a single-sided copy or one side of a double-sided copy. The Commonwealth's Office of Open Records similarly set the maximum fee for photocopying at the same rate.

Except for the establishment of a maximum fee for photocopying, the great regional diversities in the Commonwealth counseled against any attempt to set State-wide fees that should be charged in fulfilling requests. It is important to note that the RTKL also provides that "[f]ees for local agencies may reflect regional price differences." Thus, it is envisioned that access fees will be uniform, to every extent possible, across the judicial districts if only on a regional basis.

Subsection (c) requires the president judge of each judicial district to establish a fee schedule by local rule which would necessitate providing a copy of the same to the AOPC. See Pa.R.J.A. No. 103 regarding the procedure for adoption, filing and publishing a local rule.

§ 213.6. Official Case Records of the Magisterial District Courts Not Accessible by the Public.

(a) The following items or information residing in the official case records of the magisterial district courts are not accessible to the public:

1. Forms filed pursuant to § 213.7 of this policy;
2. Information sealed pursuant to a court order;
3. Information to which access is restricted by Federal law, State law, or State court rule; and
4. Notes, drafts, and work product of the magisterial district court.

(b) With the approval of the Chief Justice of Pennsylvania, the Court Administrator of Pennsylvania may determine that additional information in the official case records of the magisterial district courts is not accessible by the public because it presents a risk to personal security, personal privacy, or the orderly administration of the courts. The Court Administrator shall publish notification of such determinations in the *Pennsylvania Bulletin* and on the Unified Judicial System's web site.

Commentary

Examples of information that may be sealed pursuant to a court order include arrest warrants, search warrants and accompanying affidavits of probable cause.

Examples of information for which access is restricted by specific legal authority include identities of child victims of sexual or physical abuse pursuant to 42 Pa.C.S. § 5988 and unexecuted search warrants as provided for in Pa.R.Crim.P. 212.

The provisions of subsection b are consistent with those contained in the Electronic Record Policy and Rule of Judicial Administration 509. The Judiciary's commitment to the principle of open and accessible case records is reflected in the inclusion of a publication requirement.

§ 213.7. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

(a) Except as set forth in subsections (b) and (c), parties and their attorneys are directed to refrain from including social security numbers and financial information in all documents and exhibits filed with the court.

(b) If inclusion of the information set forth in subsection a is required by law or requested by the court, a party shall file the information on a separate form prescribed by the Administrative Office of Pennsylvania Courts. This form shall not be accessible to the public.

(c) If the identity of a financial institution account number, credit card account number or debit card number must be established, only the last four digits of the number may be included in the documents and exhibits filed with the court.

(d) The parties and their attorneys are solely responsible for complying with the provisions in subsection a. The court staff will not review any document for compliance with subsection (a). A party's or attorney's failure to comply with these provisions shall not affect access to official case records of the magisterial district courts that are otherwise accessible.

Commentary

The rise in the occurrence of the crime of identity theft and the availability of sensitive information in the official case records of the magisterial district court records has prompted significant concerns and questions. Should sensitive information be recorded in documents filed with the court? Should sensitive information be accessible to the public? Is this information necessary for the courts to function effectively?

In developing the list of identifiers in Subsection a that must be excluded from documents and exhibits filed with the court, consideration was given to including operator license numbers, dates of birth, and names of minor children. Nonetheless, these identifiers were not included because the benefits of continuing to include such identifiers in court documents in terms of adjudication and administration outweighs any additional privacy protections gained.

Restricting access to social security numbers on non-court documents has been the focus of recently enacted legislation in Pennsylvania. Act 60 of 2006 (codified at 74 P. S. § 201) prohibits *inter alia* the public posting or display of an individual's social security number. In addition, the RTKL exempts social security numbers, financial information and personal identification numbers maintained in government records from public access. 65 P. S. § 67.708(b)(6)(i)(a).

Most of the forms that are found within the official case records of the magisterial district courts are statewide forms that are generated from the MDJS. There are approximately 150 forms generated by the MDJS for use by litigants, the courts, and other governmental entities in Pennsylvania (for example, the Department of Transportation, State Police, Department of Public Welfare, and Department of Health). Approximately 15 MDJS forms and/or citations include fields for the entry of social security numbers, including the non-traffic citation, criminal complaint and those related to the suspension and/or revocation of a defendant's driver's license. In the civil, criminal and landlord-tenant context, some forms provide "narrative" sections where the affiant/litigant may include sensitive information, such as social security numbers.

The protection of social security numbers and financial information captured on current MDJS forms requires a multi-faceted approach that takes into account how each form that contains such information is used. For example, the AOPC has removed or suppressed the social security number field from 15 MDJS forms and citations because the information is extraneous to the court's adjudication of the case or the collection of the information is not otherwise required. Quite simply, if the information is not collected in the first place, concerns regarding personal privacy and security can be avoided.

For other forms, parties or their attorneys shall provide the information to the court on a separate form rather than inserting the same on the pleading(s) or exhibit(s) filed with the court. This separate form shall not be accessible to the public.

Subsection (d) provides that parties and their attorneys are responsible for removing all social security numbers and financial information from the documents before filing the same with the court. Court staff will not review or redact each pleading or other paper for compliance with this section.

Compliance by parties and their attorneys with these provisions is necessary and important. Other court jurisdictions have struggled with achieving compliance, including the Federal courts. Of the other State court systems that have implemented similar measures, there does not appear to be a consistent approach with regard to ensuring compliance, whether it be by sanction, corrective measure, and/or education. It is recommended that the Unified Judicial System take all possible steps to educate and communicate the requirements imposed by § 213.7, including amendment of instructions on pertinent MDJS forms, to court staff, attorneys and parties.

Although courts may incur some additional administrative responsibilities in handling the forms under subsection b, it is not believed the burden of processing the same will be substantial. Rather, the burden of removing the information from the document(s) filed with the court is appropriately placed on the parties and their attorneys, rather than court staff.

§ 213.11. [Reserved].

§ 213.12. [Reserved].

[Pa.B. Doc. No. 10-139. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL [231 PA. CODE CH. 200]

Damages for Delay

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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Addendum to Explanatory Comment (2010)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

Official Note: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 10-140. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1, 5 AND 11]

In Re: Amendment of Rules 121, 520 and 1121 of the Rules of Juvenile Court Procedure; No. 489; Supreme Court Rules

Order

Per Curiam:

And Now, this 11th day of January, 2010, upon the recommendation of the Juvenile Court Procedural Rules Committee; the recommendation having not been previously published as the proposed amendments are required in the interest of efficient administration, pursuant to Pa.R.J.A. No. 103(a)(3); and an *Explanatory Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 121, 520 and 1121 of the Rules of Juvenile Court Procedure are approved as follows.

It Is Further Ordered that all current local rules affecting Juvenile Court Procedure in delinquency or dependency matters shall be published on the Unified Judicial System Portal by June 1, 2010. If the current local rules are not published by this time, they shall be vacated.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 1, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 121. Local Rules.

A. *Definition of Local Rule.* For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile delinquency practice and procedure.

B. *Vacated Local Rules and Repromulgation.*

1) All local rules promulgated before October 1, 2005 were vacated at the time of the adoption of these Rules.

2) **All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.**

3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. *Corresponding Numbers.* Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. *Submission to Committee.*

1) All proposed local delinquency rules and proposed amendments to local delinquency rules shall be submitted

in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or [**amendments**] **amendment** until the adopting court receives written notification from the Committee that the proposed local rule or [**amendments are**] **amendment is** not inconsistent with any general rule of the Supreme Court.

E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. *Publication of Local Rules.* All local rules shall be published **on the UJS Portal maintained by the Administrative Office of Pennsylvania Courts and in the *Pennsylvania Bulletin*** to be effective and enforceable.

1) **The adopting court shall publish every local rule on the UJS Portal.**

a) **Current Rules.** All current local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.

b) **New Rules.** All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).

c) **Vacating Rules.** If local rules are not published by these time requirements, they shall be vacated pursuant to paragraph (B)(2).

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2] 3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3] 4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule **on the UJS Portal and in the *Pennsylvania Bulletin*.**

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; **and**

2) **publish a copy of the local rule on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.**

H. *Public Inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B)(1) vacated all current local rules on October 1, 2005, the original effective date of this rule. **Paragraph (B)(2) vacated all local rules not published on the UJS Portal by June 1, 2010.** The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) and meeting the appropriate filing requirements under paragraphs (F) and (G).

To simplify the use of local rules, local juvenile delinquency procedural rules are required to be given numbers that are keyed to the number of the general juvenile delinquency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile delinquency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local delinquency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of this rule

before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published **on the UJS Portal and** in the *Pennsylvania Bulletin* to be effective.

Pursuant to the 2010 amendments under paragraph (F)(1), all current local rules are to be published on the UJS Portal by June 1, 2010 to be effective and enforceable. If they are not published by this time, they are vacated and may be repromulgated if the procedures of this Rule are followed. All new local rules promulgated after March 1, 2010 are to be published on the UJS Portal no later than ninety days after receiving written notification from the Committee that the proposed rule or amendment is not inconsistent with any general rule of the Supreme Court of Pennsylvania.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

Pursuant to paragraph (F)([2]3), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph (F)([3]4) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule 345 (A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the juvenile if proceeding *pro se*, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 121 adopted April 1, 2005, effective October 1, 2005. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 121 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 121 published with the Court's Order at 38 Pa.B. 7080, 7084 (December 27, 2008).

Final Report explaining the amendments to Rule 121 published with the Court's Order at 40 Pa.B. 518, 522 (January 23, 2010).

CHAPTER 5. DISPOSITIONAL HEARING PART C. POST-DISPOSITIONAL MOTIONS

Rule 520. Post-Dispositional Motions.

* * * * *

Comment

* * * * *

BRIEFS; TRANSCRIPTS; ARGUMENT

Under paragraph (C)(1), the judge should determine, on a case-by-case basis, whether briefs, memoranda of law, or arguments are required for a fair resolution of the post-dispositional motion. If they are not needed, or if a concise summary of the relevant law and facts is sufficient, the judge should so order. Any local rules requiring briefs or oral argument are inconsistent with this rule. *See* Rule 121([C]E).

* * * * *

Official Note: Rule 520 adopted May 17, 2007, effective August 20, 2007. Amended July 28, 2009, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 520 published with the Court's Order at 37 Pa.B. 2506, 2509 (June 2, 2007).

Final Report explaining the amendment to Rule 520 published with the Court's Order at 39 Pa.B. 4743, 4748 (August 8, 2009).

Subpart B. DELINQUENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1121. Local Rules.

A. *Definition of Local Rule.* For the purpose of this rule, the term, "local rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court of common pleas to govern juvenile dependency practice and procedure.

B. *Vacated Local Rules and Repromulgation.*

1) All local rules promulgated before February 1, 2007 were vacated at the time of the adoption of these Rules.

2) **All local rules not published on the Unified Judicial System (UJS) Portal by June 1, 2010 shall be vacated.**

3) Each judicial district may promulgate new local rules that do not conflict with the Rules of Juvenile Court Procedure after submission under paragraph (D).

C. *Corresponding Numbers.* Local rules shall be given numbers that are keyed to the number of the Rules of Juvenile Court Procedure to which the local rules correspond.

D. *Submission to Committee.*

1) All proposed local dependency rules and proposed amendments to local dependency rules shall be submitted in writing to the Juvenile Court Procedural Rules Committee for the Committee to review.

2) The adopting court shall not proceed with the proposed local rule or [**amendments**] **amendment** until the adopting court receives written notification from the Committee that the proposed local rule or [**amendments are**] **amendment is** not inconsistent with any general rule of the Supreme Court.

E. *Vacating and Suspending Local Rules.* Local rules shall not be inconsistent with any rule of the Supreme Court or any Act of Assembly.

1) The Juvenile Court Procedural Rules Committee may at any time recommend that the Supreme Court suspend, vacate, or require amendment of a local rule.

2) The Juvenile Court Procedural Rules Committee may suspend that local rule pending action by the Court on that recommendation.

F. *Publication of Local Rules.* All local rules shall be published on the **UJS Portal maintained by the Administrative Office of Pennsylvania Courts** and in the *Pennsylvania Bulletin* to be effective and enforceable.

1) **The adopting court shall publish every local rule on the UJS Portal.**

a) **Prior Rules. All local rules promulgated before March 1, 2010 shall be published on the UJS Portal by June 1, 2010 to be effective and enforceable.**

b) **New Rules. All new local rules that have been submitted to the Committee pursuant to paragraph (D)(1) shall be published on the UJS Portal no later than ninety days after receiving written notification from the Committee under paragraph (D)(2).**

c) **Vacating Rules. If local rules are not published by these time requirements, they shall be vacated.**

2) The adopting court shall not publish the local rule in the *Pennsylvania Bulletin* until it has received the statement from the Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court.

[2] 3) The adopting court shall submit the following items to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*:

a) two certified copies of the local rule;

b) a copy of the local rule on a computer diskette, CD-ROM, or electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f); and

c) a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that the local rule is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure.

[3] 4) The effective date of the local rule shall not be less than 30 days after the date of publication of the rule **on the UJS Portal and** in the *Pennsylvania Bulletin*.

G. *Filing with AOPC.* Contemporaneously with publishing the local rule in the *Pennsylvania Bulletin*, the adopting court shall:

1) file one certified copy of the local rule with the Administrative Office of Pennsylvania Courts; **and**

2) **publish a copy of the local rule on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.**

H. *Public Inspection.*

1) The local rules shall be kept continuously available for public inspection and copying in the office of the clerk of courts.

2) Upon request and payment of reasonable costs of reproduction and mailing, the clerk shall furnish to any person a copy of any local rule.

I. *Mandatory Acceptance of Filing.*

1) No pleading or other legal paper shall be refused for filing by the clerk of courts based on a requirement of a local rule.

2) No case shall be dismissed nor request for relief granted or denied because of the failure to comply with a local rule.

3) In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

Comment

The purpose of this rule is to further the policy of the Supreme Court to implement the unified judicial system under the Constitution of 1968, to facilitate the statewide practice of law under this Court's general rules, and to promote the further policy that a general rule of juvenile court procedure normally preempts the subject covered. It is intended that local rules should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties.

The caption or other words used as a label or designation is not to determine whether something is or establishes a local rule; if the definition in paragraph (A) of this rule is satisfied, the matter is a local rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a "local rule." Nothing in this rule is intended to apply to case-specific orders.

Paragraph (B)(1) vacated all current local rules on February 1, 2007, the original effective date of this rule. **Paragraph (B)(2) vacated all local rules not published on the UJS Portal by June 1, 2010.** The local rules are to be repromulgated to comply with this rule. This includes rekeying pursuant to paragraph (C) and meeting the appropriate filing requirements under paragraphs (F) and (G).

To simplify the use of local rules, local juvenile dependency procedural rules are required to be given numbers that are keyed to the number of the general juvenile dependency procedural rules to which the local rules correspond pursuant to paragraph (C). This requirement is not intended to apply to local rules that govern the general business of the court and which do not correspond to a general juvenile dependency procedural rule.

Paragraph (D), added in 2008, requires that, before publishing the local rule or proceeding with any of the other requirements in paragraphs (F) and (G), the adopting court must submit all proposed local dependency rules or rule amendments to the Juvenile Court Procedural Rules Committee for review.

The 2008 amendments emphasize that the adopting authority is to comply with all the provisions of this rule before any local rule, or any amendment to local rules, will be effective and enforceable.

Paragraph (F) requires the local rule to be published on the UJS Portal and in the *Pennsylvania Bulletin* to be effective.

Pursuant to the 2010 amendments under paragraph (F)(1), all current local rules are to be published on the UJS Portal by June 1, 2010 to be effective and enforceable. If they are not published by this time, they are vacated and may be repromulgated if the procedures of this Rule are followed. All new local rules promulgated after March 1, 2010 are to be published on the UJS Portal no later than ninety days after receiving written notification from the Committee that the proposed rule or amendment is not inconsistent with any general rule of the Supreme Court of Pennsylvania.

Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect or in lieu of a diskette or CD-ROM, an electronic copy may be submitted to Legislative Reference Bureau at pabsupreme@palrb.us. The diskette, CD-ROM, or email cover sheet must be labeled with the court's name and address and the local rule's computer file name. In addition, a copy of the written notification, received from the Juvenile Court Procedural Rules Committee, that the local rule is not inconsistent with the Rules of Juvenile Court Procedure is to be submitted.

Pursuant to paragraph (F)([2]3), an electronic copy is a document sent via email to the *Pennsylvania Bulletin*.

Although under paragraph (F)([3]4) a local rule is not to be effective until at least thirty days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the local court may act by specific orders governing particular cases in the interim before an applicable local rule becomes effective.

The Administrative Office of Pennsylvania Courts maintains a web-page containing the text of local rules. That web-page is located at: <http://www.pacourts.us/T/SpecialCourts/LocalRules.htm>.

Paragraph (H) requires that a separate consolidated set of local rules be maintained in the clerk's office.

The purpose of paragraph (I) is to: 1) require that all documents presented for filing are accepted by the clerk of court, *also see* Rule [345] 1345(A)(2); and 2) prevent the dismissal of cases, or the granting or denial of requested relief, because a party has failed to comply with a local rule. In addition, paragraph (I) requires that the party be alerted to the local rule, and be given a reasonable amount of time to comply with the local rule.

After the court has alerted the party to the local rule pursuant to paragraph (I), the court may impose a sanction for subsequent noncompliance either on the attorney or the party if unrepresented, but may not dismiss the case, or grant or deny relief because of non-compliance.

Official Note: Rule 1121 adopted August 21, 2006, effective February 1, 2007. Amended December 12, 2008, effective immediately. **Amended January 11, 2010, effective March 1, 2010.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1121 published with the Court's Order at 36 Pa.B. 5571, 5599 (September 2, 2006).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 38 Pa.B. 7080, 7084 (December 27, 2008).

Final Report explaining the amendments to Rule 1121 published with the Court's Order at 40 Pa.B. 518, 522 (January 23, 2010).

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 121, 520, and 1121 with this Recommendation. The changes are effective March 1, 2010.

EXPLANATORY REPORT JANUARY 2010

It was envisioned that all local rules eventually would be placed onto the Unified Judicial System Portal (Portal) in order to provide one location for any practitioner to find any local rule. With this rule change, all local juvenile rules are now required to be placed on the Portal.

All current local rules are required to be placed on the Portal by June 1, 2010. When a future local rule is proposed, the judicial district must place the local rule on the Portal within 90 days from receiving the Committee's approval to proceed in adopting the proposed local rule.

If the time requirements of this Rule are not met, the local rule(s) shall be vacated. *See* Rule 121(B)(2), 1121(B)(2), 121(F)(1)(c), and 1121 (F)(1)(c).

[Pa.B. Doc. No. 10-141. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 500]

Recommendation to Revise Rule 507 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania revise Rule 507 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to eliminate the requirement that a magisterial district judge note on the complaint the date of mailing of the service copy of a complaint in a landlord tenant action, and to make other changes enhancing readability and consistency. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the Committee's considerations in formulating this proposal. The Committee's *Report* should not be confused with the Committee's Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory reports.

We request that interested persons submit written suggestions, comments or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635

fax: (717) 231-9546

e-mail: minorcourt.rules@pacourts.us

no later than February 23, 2010.

By the Minor Court Rules Committee

THOMAS A. PLACEY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 507. [**Notation and**] Return of Service; Waiver of Service.

A. The [**magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant, and the**] sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour and place thereof.

B. The appearance of a defendant in person or by representative or the filing by him of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

Official Note: This rule parallels the provisions of Rule 314A and C [**of the trespass and assumpsit rules**].

Adopted October 15, 1969, effective January 1, 1970. Amended January 29, 1976, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; January 6, 2005, effective January 29, 2005; _____, effective _____.

REPORT

Proposed Amendments to the Pennsylvania Rules of Conduct, Office Standards and Civil Procedure for of Magisterial District Judges

ELIMINATING NOTATION OF MAILING DATE OF SERVICE COPY OF COMPLAINT IN LANDLORD TENANT ACTION

I. Background

The Minor Court Rules Committee (“the Committee”) was contacted by a judicial automation attorney with the Administrative Office of Pennsylvania Courts and a judge of the court of common pleas inquiring about the requirement set forth in Pa.R.C.P.M.D.J. No. 507A (“Rule 507A”), which provides that a “magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant.” Both inquiries observed that, despite the requirement set forth in Rule 507A, the complaint form does not contain a field for such a notation. Moreover, the common pleas judge

inquired whether the failure of the magisterial district judge to note the mailing date on the complaint would constitute a failure in service due to the failure to comply with the rule. Because proceedings in magisterial district courts, much more so than in other courts, rely heavily on the use of preprinted standardized forms, the Committee agreed that there should be consistency between the Rule 507A and the complaint form.

II. Discussion

After reviewing the inquiries, the Committee examined if the notation requirement should be maintained in Rule 507A or, alternatively, if it should recommend modification of the complaint to provide a field for the magisterial district judge to note the date of mailing of the service copy of the complaint. In its discussion, the Committee noted that the magisterial district judge’s handwritten notation is not the most effective means of determining the mailing date, and that better means of demonstrating mailing could be shown via the docketing of the complaint in the automated case management system, the postmark and/or the system generated date that appears on other system generated forms mailed with the service copy of the complaint. The Committee also noted that no other rules require a manual notation of forms mailed via first class mail, and that there should be a presumption of timely mailing of the service copy following case initiation. Finally, the Committee observed that requiring the magisterial district judge to make the manual notation could cause delays in the mailing of the complaint if the magisterial district judge was not immediately available.

Additionally, while reviewing Rule 507A, the Committee discussed the reference to the “trespass and assumpsit rules” in the Note. The Committee agreed that this reference is potentially confusing to litigants and inconsistent with most other internal cross-references in the Pennsylvania Rules of Conduct, Office Standards and Civil procedure for Magisterial District Judges.

III. Proposed Rule Changes

To address the issues discussed above, the Committee proposes deleting from Rule 507A the requirement that the magisterial district judge note on the complaint the mailing date of the service copy of the complaint. Additionally, the Committee proposes deleting the reference to the “trespass and assumpsit rules” from the Note to Rule 507A.

[Pa.B. Doc. No. 10-142. Filed for public inspection January 22, 2010, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LEHIGH COUNTY

In Re: Administrative Order Designating the District Court Administrator Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. AD-1-2010

Order

And Now, this 5th day of January, 2010, *It Is Ordered That* the Court Administrator of Lehigh County be and

hereby is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 63316.1(b).

The District Court Administrator shall: (1) submit two certified copies of the Order along with one copy of the same on a computer diskette, CD-ROM, or an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)—(f), to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; (2) forward one copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that this Order is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, to the Legislative Reference Bureau; and, (3) contemporaneously with the publishing of this Order in the *Pennsylvania Bulletin*, file one certified copy of the Order with the Administrative Office of Pennsylvania Courts.

This Order shall become effective 30 days after the date of publication in the *Pennsylvania Bulletin*. In the interim, the existing local procedure which provided for the filing and proper dissemination of these reports with the Court Administrator of Lehigh County shall remain in full force and effect.

By the Court

WILLIAM H. PLATT,
President Judge

[Pa.B. Doc. No. 10-143. Filed for public inspection January 22, 2010, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated December 1, 2009, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which they are assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective December 31, 2009, for Compliance Group 1 due April 30, 2009.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Abramson, Mark D.
Manahawkin, NJ

Allen, Deborah Bourne
Oak Brook, IL

Allen, Frank E.
Jamaica, NY

Barrera, Gary A.
Fairfield, CA

Budd, Kevin Michael
Morristown, NJ

Carroll, Andrew Michael
Blue Anchor, NJ

Cecil, Bonnie O'Brien
Annapolis, MD

Conroy, Kelly A.
Woodbury, NJ

Demetriou, James Peter
St. Augustine, FL

DiMola, Sandi
Chevy Chase, MD

Froelke, D. Richard
Washington, DC

Grabowski, Jeffrey A.
Voorhees, NJ

Gravatt, Stephen A.
Holmdel, NJ

Graves, Lisa Rachelle
Washington, DC

Gray, Regina E.
Wilmington, DE

Gregory, Paul Thomas
Newark, NJ

Halkowski, Thomas L.
Wilmington, DE

Hender, George S.
Lake Forest, IL

Kell, Kenneth
Cherry Hill, NJ

Kelton, C. Annette
New York, NY

Korb, Thomas F.
Gaithersburg, MD

Kovach, Thomas Henry
Wilmington, DE

Kwasnik, John Francis
Metuchen, NJ

Lambropoulos, David Michael
Voorhees, NJ

Leaman, Scott Alan
Florham Park, NJ

Leo III, John Joseph
Newton, NJ

Maxwell, Nicholas Leigh
Washington, DC

McKenzie Jr., Raymond Thomas
Gaithersburg, MD

McKinney, Shawn Michael
Cherry Hill, NJ

McMillan Jr., Waldo George
Upper Marlboro, MD

Minno, Elizabeth Connell
Palo Alto, CA

Moore, Sharon Denise
Voorhees, NJ

Morrison, Joyce L.
Glendora, CA

Murray, Kathleen Mary
Rehoboth Beach, DE

O'Leary, John M.
Columbus, NJ

Oakley, Annette Maria
Haddon Heights, NJ
Oliver, Yolanda R.
Bowie, MD
Perez, Juan C.
Berlin, NJ
Roessel, Jessica Rhiannon
Hamilton, NJ
Rosenfeld, Maura Ava
Israel
Ruiz, Anita Ahmed
Washington, DC
Santucci, Johanna C.
Sedalia, CO
Sevick, Patricia Jo Steffen
Cherry Hill, NJ
Small, Leonard Jason
Washington, DC
Stevenson, Eric Boardman
Mount Laurel, NJ
Walsh, Thomas More
Marlton, NJ
Waterhouse Jr., Richard Brian
Corpus Christi, TX
Wearing, Handsome L.
Trenton, NJ
Winters Jr., Guy Walt
Wilmington, DE
Zhu, Ning
China
Zuefle, Werner Herbert
Middletown, DE

SUZANNE E. PRICE,
*Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-144. Filed for public inspection January 22, 2010, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2011 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 340; Judicial Administration

Order

Per Curiam:

And Now, this 6th day of January, 2010 it is hereby ordered that the following paid holidays for calendar year 2011 will be observed on the dates specified by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

December 31, 2010	New Year's Day (Observed)
January 17, 2011	Martin Luther King, Jr. Day

February 21, 2011	Presidents' Day
April 22, 2011	Good Friday
May 30, 2011	Memorial Day
July 4, 2011	Independence Day
September 5, 2011	Labor Day
October 10, 2011	Columbus Day (Observed)
November 8, 2011	Election Day
November 11, 2011	Veterans Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Day After Thanksgiving
December 26, 2011	Christmas Day (Observed)

PATRICIA NICOLA,
*Chief Clerk
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-145. Filed for public inspection January 22, 2010, 9:00 a.m.]

Sessions of the Supreme Court of Pennsylvania for the Year 2011; No. 201; Appellate Court Rules

Order

Per Curiam:

And Now, this 6th day of January, 2010 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2011 as follows:

Philadelphia (Administrative Session)	February 3
Philadelphia	March 7—March 11
Harrisburg (Administrative Session)	March 24
Pittsburgh	April 11—April 15
Harrisburg	May 9—May 13
Pittsburgh (Administrative Session)	June 2
Philadelphia	September 12—September 16
Pittsburgh	October 17—October 21
Harrisburg	November 28—December 2

Additional argument/ administrative sessions may be scheduled as the Court deems necessary.

PATRICIA NICOLA,
*Chief Clerk
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-146. Filed for public inspection January 22, 2010, 9:00 a.m.]