

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 85]

Amendment of Rule 205 of the Rules of Disciplinary Enforcement; No. 97 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 16th day of March, 2011, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205(c) 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 30 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 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

* * * * *

(c) The Board shall have the power and duty:

(1) To consider [**and investigate**] the conduct of any person subject to these rules [**and may initiate any such investigation on its own motion or may undertake the same upon complaint by any person**] after investigation by Disciplinary Counsel pursuant to Enforcement Rule 207(b)(1). Complaints filed directly with the Board shall be forwarded to the Office of Chief Disciplinary Counsel for assignment to a district office.

Official Note: In order to avoid the commingling of prosecutorial and adjudicative functions, which would be a violation of due process, see *Lyness v. Com. of Pa., State Board of Medicine*, 529 Pa. 535, 605 A.2d 1204 (1992), the Office of Disciplinary Counsel is charged with the duty of investigating and prosecuting all disciplinary matters subject to adjudication by the Board. See Enforcement Rule 208(a)(1), (a)(2)(iv). Under Enforcement Rule 208(d)(1), Board Members appointed in a matter to review Disciplinary Counsel's charging decisions or

recommended disposition are precluded from further participation in that matter.

(2) To appoint a Secretary, a Chief Disciplinary Counsel, and such assistant disciplinary counsel and staff as may from time to time be required to properly perform the functions prescribed by these rules.

(3) To appoint not less than 18 hearing committee members within each disciplinary district. Each person appointed as a hearing committee member for a district shall be a member of the bar of this Commonwealth who maintains an office for the practice of law within that district.

(4) To assign as special masters three or more former members of the Board or former or retired justices or judges who are not in senior judge status. The expenses and compensation of the special masters shall be paid as a cost of disciplinary administration and enforcement. See Enforcement Rule 219(a) (relating to periodic assessment of attorneys).

(5) To assign formal charges or the conduct of an investigatory hearing to a hearing committee or special master, **and to assign a reinstatement petition to a hearing committee**. The assignment to a hearing committee of formal charges [**or**], the conduct of an investigatory hearing, **or a reinstatement petition** may be delegated by the Board to its Secretary. A hearing committee **member** who has passed upon Disciplinary Counsel's recommended disposition of the matter shall be ineligible to serve on the hearing committee that considers the matter.

(6) To review the conclusions of hearing committees and special masters with respect to formal charges **or petitions for reinstatement**, and to prepare and forward its own findings and recommendations, together with the record of the proceeding before the hearing committee or special master, to the Supreme Court.

(7) To assign periodically, through its Secretary, senior or experienced hearing committee members within each disciplinary district to:

(i) review and approve or modify recommendations by Disciplinary Counsel for dismissals, informal admonitions, private reprimands and institution of formal charges;

(ii) hear and determine attacks on the validity of subpoenas issued pursuant to **Enforcement** Rule 213(a)(2) (relating to subpoena power, depositions and related matters), as provided in **Enforcement** Rule 213(d)(2); or

(iii) consider a petition for reinstatement to active status from **retired or** inactive status, **or administrative suspension**, under Enforcement Rule 218 (relating to reinstatement) of a formerly admitted attorney who has not been suspended or disbarred.

(8) To review, through a designated panel of three members, and approve or modify a determination by a reviewing hearing committee member that a matter should be concluded by dismissal, private informal admonition, private reprimand or the institution of formal charges before a hearing committee.

(9) **To review, through a designated panel of three members, and approve or reject a joint petition in**

support of discipline on consent filed with the Board pursuant to Enforcement Rule 215(d).

(10) To review, through a single member designated by the Board Chair, and approve or reject a certification filed by Disciplinary Counsel under Enforcement Rule 218(d)(2)(ii) indicating that Disciplinary Counsel has determined that there is no impediment to reinstatement of the petitioner, and to issue the report and recommendation required by subdivision (d) of Enforcement Rule 218.

(11) To administer, by the Board or through a designated panel of three members selected by the Board Chair, private reprimands to attorneys for misconduct.

[(10)] (12) To adopt rules of procedure not inconsistent with these rules. Such rules may provide for the delegation to the [Chairman] Board Chair or the [Vice-Chairman] Vice-Chair of the power to act for the Board on administrative and procedural matters.

[(11)] (13) To cause testimony relating to the conduct of formerly admitted attorneys to be perpetuated.

[(12)] (14) To petition the Court under Enforcement Rule 301(d) (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated) to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental infirmity or illness or because of addiction to drugs or intoxicants, and to retain counsel other than Disciplinary Counsel to represent the Board in such proceedings when the Board considers such separate representation to be appropriate.

[(13)] (15) To recommend the temporary suspension of a respondent-attorney pursuant to Enforcement Rule 208(f)(5) (relating to emergency temporary suspension orders and related relief).

[(14)] (16) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

* * * * *

[Pa.B. Doc. No. 11-549. Filed for public inspection April 1, 2011, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Rescission of the 1996 Explanatory Comment and Adoption of a Note to Rule 1920.55-1 of the Rules of Civil Procedure; No. 542 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 16th day of March, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the 1996 Explanatory

Comment to Rule 1920.55-1 of the Pennsylvania Rules of Civil Procedure is rescinded and a new Note to Rule 1920.55-1 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) Matters referred to a master for hearing shall proceed as prescribed by Rule 1920.55-2 unless the court by local rule adopts the alternative procedure of Rule 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a master in that county are conducted in accordance with either Rule 1920.55-2 or Rule 1920.55-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee and shall be substantially in the following form:

I hereby certify that _____ County conducts its divorce proceedings [which] that are referred to a master in accordance with Rule _____ .

(PRESIDENT JUDGE)
(ADMINISTRATIVE JUDGE)

Official Note: Pursuant to Rule 1920.55-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that divorce proceedings referred to a master are conducted in accordance with the rule specified below.

Adams	1920.55-2
Allegheny	1920.55-2
Armstrong	1920.55-2
Beaver	1920.55-2
Bedford	1920.55-2
Berks	1920.55-2
Blair	1920.55-2
Bradford	1920.55-2
Bucks	Both
Butler	1920.55-2
Cambria	1920.55-2
Cameron	1920.55-2
Carbon	1920.55-2
Centre	1920.55-2
Chester	1920.55-2
Clarion	1920.55-2
Clearfield	1920.55-2
Clinton	no masters
Columbia	1920.55-2
Crawford	1920.55-2
Cumberland	1920.55-2
Dauphin	1920.55-2
Delaware	1920.55-3
Elk	1920.55-2
Erie	1920.55-2
Fayette	1920.55-2
Forest	1920.55-2
Franklin	1920.55-2

Fulton	1920.55-2
Greene	1920.55-2
Huntingdon	no masters
Indiana	1920.55-2
Jefferson	1920.55-2
Juniata	1920.55-2
Lackawanna	1920.55-2
Lancaster	1920.55-2
Lawrence	1920.55-2
Lebanon	1920.55-2
Lehigh	1920.55-2
Luzerne	1920.55-2
Lycoming	1920.55-2
McKean	1920.55-2
Mercer	1920.55-2
Mifflin	no masters
Monroe	1920.55-2
Montgomery	1920.55-3
Montour	1920.55-2
Northampton	1920.55-2
Northumberland	1920.55-2
Perry	1920.55-2
Philadelphia	1920.55-3
Pike	1920.55-2
Potter	no masters
Schuylkill	1920.55-2
Snyder	1920.55-2
Somerset	1920.55-2
Sullivan	1920.55-2
Susquehanna	1920.55-2
Tioga	1920.55-2
Union	1920.55-2
Venango	1920.55-2
Warren	1920.55-2
Washington	1920.55-2
Wayne	1920.55-2
Westmoreland	1920.55-2
Wyoming	1920.55-2
York	1920.55-2

Explanatory Comment—1995

The proposed amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Rule 1920.55-3.

[Pa.B. Doc. No. 11-550. Filed for public inspection April 1, 2011, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 3]

Order Amending Rule 320 of the Rules of Criminal Procedure; No. 400 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 14th day of March, 2011, upon the recommendation of the Criminal Procedural Rules Com-

mittee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 320 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 April 1, 2011.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 3. ACCELERATED REHABILITATIVE DISPOSITION (ARD)

PART B. Court Cases

Rule 320. Expungement Upon Successful Completion of ARD Program.

(A) When the judge orders the dismissal of the charges against the defendant, the judge **also** shall [**also**] order the expungement of the defendant's arrest record, subject to the provisions of paragraph (B). **The expungement order shall contain the same information that is required in Rule 490(C) in summary cases and Rule 790(C) in court cases.**

(B) If the attorney for the Commonwealth objects to the automatic expungement, the objections shall be filed with the judge, together with the objections to dismissal, if any, within 30 days after service of a motion for dismissal under Rule 319, and copies of the objections shall be served on the defendant or the defendant's attorney.

(C) If the objections are filed, the judge shall hold a hearing on the objections, affording all parties an opportunity to be heard.

Comment

The cases have held that a defendant's arrest record shall be expunged upon successful completion of an ARD program, unless the Commonwealth presents compelling reasons why the arrest record should be retained. *See, e.g., Commonwealth v. Armstrong*, 495 Pa. 506, 434 A.2d 1205 ([Pa.] 1981). *Cf., Commonwealth v. Wexler*, 494 Pa. 325, 431 A.2d 877 ([Pa.] 1981). For processes and limitations with regard to expungement generally, see Section 9122 of the Criminal History Record Information Act, 18 Pa.C.S. § 9122 [(1983)]. *See also*, Vehicle Code, §§ [543] 1534(b) and [3731(e)(2)] 3807, added by 75 Pa.C.S. §§ 1534(b) and [3731(e)(2)] 3807.

Official Note: Rule 186 adopted April 10, 1989, effective July 1, 1989; renumbered Rule 320 and amended March 1, 2000, effective April 1, 2001; **amended March 14, 2011, effective April 1, 2011.**

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the March 14, 2011 amendments to paragraph (A) adding the cross reference to Rules 490 and 790 published with the Court's Order at 41 Pa.B. 1760 (April 2, 2011).

FINAL REPORT¹
Amendments to Pa.R.Crim.P.320
Expungement of ARD Cases

On March 14, 2011, effective April 1, 2011, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rule of Criminal Procedure 320 (Expungement Upon Successful Completion of ARD Program). The amendments clarify that the orders for expungement in Accelerated Rehabilitative Disposition (“ARD”) cases must contain the same contents as expungement orders for summary cases set forth in Rule 490 and for court cases set forth in Rule 790.

I. Background

The Court on September 22, 2010 adopted new Rules of Criminal Procedure 490 and 790. The new rules establish the procedures for expunging summary and court case records, and include the information that is required to be in the expungement order. At the same time, the Court rescinded Rule 722 as no longer necessary with the adoption of the new rules. Rule 722 had set forth the contents of all expungement orders.

When the Committee developed the proposal for new Rules 490 and 790, we agreed that the provisions for expungement following completion of ARD should continue to be handled separately under Rule 320. Rule 320 provides, *inter alia*, “[w]hen the judge orders the dismissal of the charges against the defendant, the judge shall also order the expungement of the defendant’s arrest record.” The rule does not include a provision concerning the contents of the expungement order.

Former Rule 722 required that every expungement order include all the information set forth in the rule. The Rule 722 Comment emphasized this requirement stating “[t]his rule sets forth the information that must be included in every expungement order . . .” With the rescission of Rule 722 and the specific exclusion of ARD expungement from new Rules 490 and 790, the rules no longer provide what information is to be included in the ARD expungement order. This oversight on the part of the Committee has caused a good deal of confusion for the bench and bar in the short time period since the new rules and the Rule 722 rescission went into effect. It also is causing delays in the completion of the ARD expungements.

The Committee agreed that the required contents for expungement orders set forth in Rule 490(C) for summary case expungements and in Rule 790(C) for court case expungements also should be required for ARD expungement orders. To accomplish this, references to Rules 490(C) and 790(C) have been added to Rule 320(A). This addition makes it clear that ARD expungement orders must include all the information that is required by Rule 490(C) in summary case ARD expungements and by Rule 790(C) in court case ARD expungements. This change will reduce the confusion being experienced by some common pleas court judges, court administration, the bar, and pro se defendants, and will reduce the delays in completing ARD expungements.

[Pa.B. Doc. No. 11-551. Filed for public inspection April 1, 2011, 9:00 a.m.]

¹ The Committee’s Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee’s Comments or the contents of the Committee’s explanatory Final Reports.

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Objections to Nomination Petitions—Primary Election, May 17, 2011; President Judge Administrative Order No. 2011-01

Order

And Now, this 14th day of March 2011, *It Is Hereby Ordered, Adjudged and Decreed* that as required by 25 P. S. § 2937, any petition raising objections to Nomination Petitions (“petition”) of candidates for the May 17, 2011 Primary Election shall be filed, scheduled and disposed as follows:

(1) the petition and Exhibits shall be electronically filed with the Court, pursuant to Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4, no later than 5:00 PM on March 15, 2011. The petition shall be in the format attached as “Exhibit 1;”

(2) a copy of the petition shall be served on the Philadelphia County Board of Elections and on the candidate-nominee-respondent. A copy of the petition may be served on the Philadelphia County Board of Elections before or after the petition is filed with the Court, at their office, Room 142 City Hall, Philadelphia, PA; and, on March 15, 2011 may also be served on their representative, who has agreed to be available in the Prothonotary’s Office, Room 280 City Hall, Philadelphia, PA from 3:00 PM to 5:00 PM;

(3) On March 15, 2011, the Office of the Prothonotary, Room 280 City Hall, will be open from 8:30 AM to 5:00 PM. Prothonotary staff will assist any party who wishes to electronically file petitions utilizing public access computers located in the Prothonotary’s office. At precisely 5:00 PM, the Prothonotary shall close the office but shall continue to assist any party or counsel who was in line in the Prothonotary’s office before 5:00 PM. Consistent with prior practice, any petition filed by these parties and/or counsel shall be deemed timely filed even if filed after 5:00 PM on March 15, 2011;

(4) Any petition filed electronically by any party after 5:00 PM on March 15, 2011 will be date and time stamped to reflect the actual time of receipt;

(5) Once the petition has been filed with the Prothonotary, an Order to Show Cause shall be issued scheduling a hearing date for March 18, 2011. The Order must be served by the petitioner before the hearing date as provided in the Order. The Order to Show Cause shall be in the format attached as “Exhibit 2;”

(6) The petitioner shall bring at the hearing, or file before the hearing, an Affidavit of Service indicating the date and time of service of the petition and of the Order to Show Cause. The Affidavit of Service shall be in the format attached as “Exhibit 3;” and

(7) The Court may reschedule the hearing for good cause, including inability to serve the petition or Order to Show Cause. The hearing must be concluded and a final order issued no later than March 23, 2011. The final order shall be in the format attached as “Exhibit 4.”

This Administrative Order shall become effective immediately. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Admin-

SCHEDULE OF OBJECTION

NR	Not Registered	BA	Bad Address
REP	Registered Republican	PS	Printed name on petition. Signed name on registration record
N-P	Registered Non-Partisan	S	Signature on petition is not the signature of voter on record
OD	Out of District	IL	Name or address illegible

EXHIBIT 2

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County

In Re : Election Matter
Nomination Petition of :
: MARCH TERM, 2011
:
As Candidate for :
Office of : NO. _____

ORDER TO SHOW CAUSE

AND NOW, this _____ day of March, 2011, upon consideration of the Petition to Set Aside Nomination Petition filed on _____, it is hereby ordered that:

(1) a rule is issued upon the Philadelphia County Board of Elections and the Respondent-Nominee, _____, to show cause why the above-referenced Nomination Petition should not be set aside and/or why the name of the Respondent-Nominee should not be removed from the ballot as a candidate for the _____ Party Nomination

(Democratic/Republican/Other) for _____, in the City of _____ (Office sought by Nominee) Philadelphia;

(2) a hearing shall be held the 18th day of March, 2011, at 9:30 AM at the Riverview Place, 520 North Delaware Avenue, 6th Floor, City Commissioner's Hearing Room, Philadelphia, Pennsylvania;

(3) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the County Board of Elections by personal service on an employee in charge, in Room 142 City Hall, Philadelphia, Pennsylvania, on or before the 15th day of March, 2011, at 5:00 PM. An Affidavit of Service shall be filed on or before the hearing date; and

(4) a copy of this Order and a copy of the Petition (if it has not already been served) shall be served upon the Respondent-Nominee, _____, personally or upon an adult at his/her residence, or upon the person in charge of his/her place of business, on or before the 17th day of March, 2011, at 4:00 PM. An Affidavit of Service shall be filed on or before the hearing date.

BY THE COURT:

PAMELA PRYOR DEMBE, P.J.

EXHIBIT 3

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County

In Re : Election Matter
Nomination Petition of :
: MARCH TERM, 2011
:
As Candidate for :
Office of : NO. _____

AFFIDAVIT OF SERVICE

I, _____, hereby certify that I have served a copy of the pleadings as follows:

Petition to Set Aside Nomination Petition on _____, an employee of the County Board of Elections on March _____, 2011 at _____ AM/PM at the following location:

Order to Show Cause on _____, an employee of the County Board of Elections on March _____, 2011 at _____ AM/PM at the following location:

_____ and
Petition to Set Aside Nomination Petition on Respondent, _____ on March _____, 2011 at _____ Name _____ AM/PM at the following location:

Order to Show Cause on Respondent, _____, on March _____, 2011 at _____ AM/PM at the following location:

I verify that the facts contained herein are true and correct to the best of my knowledge or information and belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

EXHIBIT 4

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County

In Re : Election Matter
Nomination Petition of :
: MARCH TERM, 2011
:
As Candidate for :
Office of : NO. _____

FINAL ORDER

AND NOW, this _____ day of March, 2011, upon consideration of the Petition to Set Aside Nomination Petition filed on March _____, 2011, after a hearing held thereon, and upon consideration of the evidence and/or legal arguments presented, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

- The Court finds that:
- the Nomination Petition is defective; and/or
- the Nomination Petition does not contain a sufficient number of genuine signatures of electors entitled to sign; and/or
- the Nomination Petition was not filed by persons entitled to file the same the objections to the Nominating Petition of Respondent-Nominee _____, are granted, and the Nomination Petition is set aside,

and/or the name of the Respondent-Nominee should be removed from the ballot as a candidate for the above-referenced position.

- The Objections to the Nomination Petition of Respondent-Nominee _____, are denied, and the Nomination Petition shall be accepted by the County Board of Elections.

BY THE COURT:

J.

[Pa.B. Doc. No. 11-552. Filed for public inspection April 1, 2011, 9:00 a.m.]

Title 255—LOCAL COURT RULES

Mercer County

County-Wide Booking Center Fee; No. 56 M.D.
2011

Order

And Now, this 14th day of March 2011, the court hereby Approves, Adopts and Promulgates Mercer County Administrative Order 1 A. D. 2011, effective thirty (30) days after the date of publication of this Rule in the *Pennsylvania Bulletin*, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure.

It is also Ordered and Directed the Court Administrator of Mercer County shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified Copy with the Criminal Procedural Rules Committee.

It is further Ordered and Directed that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this Administrative Order shall be published in the *Mercer County Law Journal*.

By the Court

FRANCIS J. FORNELLI,
President Judge

County-Wide Booking Center Fee; No. 1 A. D. 2011

Administrative Order

And Now, this 28th day of February, 2011, It Is Hereby Ordered and Directed that the Court of Common Pleas of Mercer County, Pennsylvania, adopts a county wide regional booking center fee in accordance with a regional booking center plan adopted by the Mercer County Criminal Justice Advisory Board, and supported by the Mercer County Commissioners, the Mercer County Prison Board, the Mercer County Council of Governments and Mercer County Sheriff, District Attorney and county police chiefs. The plan was approved by the Pennsylvania Commission on Crime and Delinquency on August 31, 2010. This fee is authorized by 42. Pa.C.S.A. Section 1725.5.

1. A booking fee of one hundred dollars (\$100.00) shall be assessed and collected by the Mercer County Clerk of Courts after sentencing upon a conviction of, or a plea to: a misdemeanor offense, felony offense, or acceptance into the Accelerated Rehabilitative Disposition Program. The Administrative Office of Pennsylvania Courts is authorized to add a collections entry process on the appropriate computers to facilitate the collection of this fee.

2. The fee will not apply to those Defendants whose cases were dismissed by a Magisterial District Judge; withdrawn or nolle prossed by the Commonwealth; who enter a guilty plea to a summary offense, or a Rule of Criminal Procedure 586 disposition.

[Pa.B. Doc. No. 11-553. Filed for public inspection April 1, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that James Steven Weiss having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated April 29, 2010, the Supreme Court of Pennsylvania issued an Order on March 17, 2011, disbaring James Steven Weiss from the Bar of this Commonwealth, effective April 16, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-554. Filed for public inspection April 1, 2011, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that James Rudolph Boykins having been suspended from the practice of law in the District of Columbia for a period of 2 years by Order of the District of Columbia Court of Appeals decided July 29, 2010, the Supreme Court of Pennsylvania issued an Order dated March 17, 2011, suspending James Rudolph Boykins from the practice of law in this Commonwealth for a period of 2 years. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-555. Filed for public inspection April 1, 2011, 9:00 a.m.]