

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

#### Proposed Rule of Appellate Procedure 125

The Appellate Court Procedural Rules Committee proposes to recommend adoption of new Pennsylvania Rule of Appellate Procedure 125 authorizing and enabling a pilot electronic filing program for certain legal papers in the Pennsylvania Supreme Court. This proposed new rule is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than December 5, 2011 to:

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

or Fax to (717) 231-9551  
or E-Mail to [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

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

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENÉE COHN JUBELIRER,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

#### Rule 125. Electronic Filing.

The appellate courts may establish and maintain a system for electronic filing of legal papers in the appellate courts. Electronic filing procedures shall be governed by an Administrative Order of the Supreme Court of Pennsylvania and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts.

**Official Note:** This is an interim rule authorizing electronic filing of legal papers in the Pennsylvania appellate courts through the internet. It is anticipated that the appellate courts will implement an electronic filing system in pilot phases governed by an Administrative Order of the Supreme Court and by an Electronic Filing Policies and Procedures Manual prepared by the Administrative Office of Pennsylvania Courts. The initial

pilot phase will include certain legal papers filed in the Supreme Court only. Prior to implementation of the initial pilot phase, the Supreme Court's Administrative Order and an Electronic Filing Policies and Procedures Manual, will be posted on the Unified Judicial System's website at [www.pacourts.us](http://www.pacourts.us). The Administrative Order and an Electronic Filing Policies and Procedures Manual may be subject to frequent amendment, especially during the pilot phases as the system and related procedures evolve and the program is expanded to include filings in the intermediate appellate courts. Following the pilot phase or phases, it is anticipated that the Supreme Court will amend or replace this interim rule based on experience.

#### Explanatory Comment

The Supreme Court and the Administrative Office of Pennsylvania Courts ("AOPC") plan to implement a voluntary pilot electronic filing ("e-filing") program for the filing of certain legal papers in the Supreme Court. The pilot program will permit electronic filing of a petition for allowance of appeal and any legal papers filed after a docket number is issued such as briefs, reproduced records and applications for relief. The petition for allowance of appeal is the only initiating legal paper included in the pilot program and it does not include any other legal paper that begins a matter in the Supreme Court such as a petition for extraordinary relief and a notice of appeal. Users will be permitted to file legal papers electronically in direct appeal and original jurisdiction matters after filing the initiating legal paper with the Supreme Court in the conventional manner as provided in the Rules of Appellate Procedure. The Supreme Court and AOPC anticipate that the pilot program will be expanded later to include legal papers in the Superior and Commonwealth Courts.

The proposed general rule authorizes the implementation of an e-filing program. The Committee expects the Supreme Court to implement the program by adopting an Administrative Order to be posted on the Unified Judicial System ("UJS") website with two manuals: the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual.

The Administrative Order will cover topics including: (a) authorization for AOPC to prepare and post the Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual on the UJS website; (b) identification of the legal papers which may be filed; (c) a description of the electronic format for electronically filed legal papers; (d) details regarding filing, such as the deadline for filing legal papers and acknowledgment of receipt of filing; (e) service of legal papers; and (f) the consequences of a technical failure of the Court's electronic filing system.

The Electronic Filing Administrative Policies and Procedures Manual and the Electronic Filing User's Manual will include the details of registration, payment of filing fees, and access to the system. The Committee reiterates that the pilot program for the electronic filing system will be voluntary. The Committee expects that, before it is expanded or made mandatory, the Rules of Appellate Procedure would codify the policies and procedures in more detail following publication and an opportunity for comment based on experience with the pilot program.

[Pa.B. Doc. No. 11-1867. Filed for public inspection November 4, 2011, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## DAUPHIN COUNTY

### Rescission and Repromulgation of Rule of Criminal Procedure 117 (MDJ Night Court Duty Procedure); No. 1793 S 1989; (Amending M.D. 2006); A.O. 2011

#### Order of Court

*And Now*, this 17th day of October, 2011, Dauphin County Local Rule of Criminal Procedure 117 is rescinded in its entirety and repromulgated as follows:

#### Rule 117. Magisterial District Judge Night Court Duty Procedures.

(1) (a) The standard business hours for all Dauphin County Magisterial District Courts shall be Monday through Friday, 8:00 A.M. to 4:30 P.M. Any magisterial district judge (MDJ) who is unavailable during these times due to vacation, illness, night duty, continuing education, or any other reason, must make arrangements to have his or her district covered by another MDJ.

(b) Any matter presented to an MDJ between 8:00 A.M. and 4:00 P.M. Monday through Friday shall be resolved by that judge, or by the MDJ temporarily covering that district. Any matter presented to an MDJ after 4:00 P.M. Monday through Friday may be handled by the MDJ or may be held for Night Court.

(2) The standard business hours for Dauphin County Night Court shall be as follows:

(a) Monday through Thursday: 5:00 P.M. to midnight. The Night Court Duty Judge ("Duty Judge") shall be available from 9:00 P.M. to midnight, either by presence at Night Court or by video conference, to handle all relevant matters. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court no later than midnight.

(b) Friday through Sunday: 5:00 P.M. Friday until midnight Sunday night. The Duty Judge shall be available Friday night and Saturday night from 9:00 P.M. until all matters are concluded, Saturday and Sunday morning at 8:00 A.M. until all matters are concluded, Saturday and Sunday afternoon at 4:00 P.M. until all matters are concluded, and Sunday night from 9:00 P.M. until midnight. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court during those hours.

The Duty Judge may call in to Night Court one hour prior to the morning and afternoon arraignment times. If no matters are pending, the Duty Judge does not need to be present at Night Court or by video.

(c) Holidays: The Duty Judge shall be available at 8:00 A.M. until all matters are concluded, at 4:00 P.M. until all matters are concluded, and at 9:00 P.M. until midnight. The Duty Judge shall arraign all defendants whose paperwork is received by Night Court during those hours.

The Duty Judge may call Night Court one hour prior to the morning and afternoon arraignment times. If no matters are pending, the judge does not need to be present at Night Court or by video.

(d) Any emergency situations requiring search warrants and arrest warrants arising between midnight - 8:00 A.M. Monday through Friday shall be the responsibility of the Duty Judge.

(3) Morning Arraignments Monday—Friday: Each MDJ shall be responsible to handle his/her own arraignments for those defendants arrested after the close of Dauphin County Night Court the previous night. These arraignments shall be held at 8:30 A.M. each weekday morning, either by having the defendant brought to the district court in person or by video conferencing. If an MDJ is absent from his/her office it is the responsibility of the sitting judge to make sure that another MDJ is available to perform the morning arraignments.

(4) The schedule for Night Court duty shall be the responsibility of the Deputy Court Administrator for Magisterial District Judges.

This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

TODD A. HOOVER,  
*President Judge*

[Pa.B. Doc. No. 11-1868. Filed for public inspection November 4, 2011, 9:00 a.m.]

## LACKAWANNA COUNTY

### Adult Probation Drug Test Fees; 2011-MISC-501

#### Administrative Order

*Now*, this 14th day of October, 2011, effective 30 days following publication in the *Pennsylvania Bulletin*, the Adult Probation and Parole Department will impose a \$50.00 annual fee for those ordered by the courts to undergo one or more Drug Tests. The Clerk of Judicial Records shall collect this fee as part of Court fees levied on defendants and the Lackawanna County Treasurer shall establish and administer a separate Lackawanna County Adult Probation Drug Test Fund, consisting of those funds received from this Drug Test Fee.

It is further ordered that, in accordance with Pa.R.C.P. 239, the District Court Administrator of Lackawanna County, Pennsylvania, shall:

(a) File seven (7) certified copies hereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for Publication on the *Pennsylvania Bulletin*;

(c) File one (1) certified copy hereof with the Criminal Rules Committee;

(d) Cause a copy hereof to be published one (1) time in the *Lackawanna Jurist* at the expense of the County of Lackawanna; and

(e) Supervise and distribute hereof to all Judges of this Court.

It is Further Ordered that copies of this Order are directed to: the Court of Common Pleas; the District Court Administrator; the Lackawanna County District Attorney's Office; the Lackawanna County Public Defender's Office; the Lackawanna County Clerk of Judicial Records Office; the Lackawanna County Adult Probation and Parole Office; and the Lackawanna County Treasurer's Office.

*By the Court*

THOMAS J. MUNLEY,  
*President Judge*

[Pa.B. Doc. No. 11-1869. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Exceptions to Master's Report**

**Rule 1920.55-2. Exceptions to Master's Report.**

A. A party filing exceptions to a master's report shall also file a praecipe in the Prothonotary's office to list the exceptions for argument and shall serve all parties with a copy. The Prothonotary shall list said matter in the Argument Watch Book and assign it to the appropriate judge. The assigned judge shall notify the parties by way of court order of the briefing schedule and of the date and time when argument shall be presented.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1870. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Family Business Court**

**Rule 1931.**

A. Family Court motions and petitions for special relief or other Family Court rulings must be in writing and must be presented in the Family Business Court session of the judge assigned to the case, as indicated in the Court's calendar, or for urgent matters, to the assigned judge by appointment. A copy of the motion or petition with proposed Order, as well as notice of when and where it will be presented, must be provided to all parties at least five (5) days before presentation to the Court. A certificate of service of the proposed Order, notice of presentation, and the motion or petition must be attached.

B. The notice of presentation required by Local Rule 1931 shall be directed to the respondents(s) to the motion or petition and shall be in substantially the following form:

[Caption]

NOTICE OF FAMILY BUSINESS COURT  
PRESENTATION

To: [Name of Respondent]

You are hereby notified that the attached [Petition or motion] and the preceding proposed Order will be presented in Family Business Court before the Honorable Judge [Name of judge] on [Date] at [Time] in Courtroom Number [ ] of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania 17602.

You may appear in person or by a lawyer at the time and place set forth.

Your failure to appear in person or by a lawyer at the time and place set forth may result in the Court granting the relief requested in the attached [Petition or motion] in the form of the preceding proposed Order, or other relief, without further notice to you.

\_\_\_\_\_ [Name of Movant or Petitioner]

\_\_\_\_\_ [Attorney for Movant or Petitioner]

C. The document shall be assembled so that the proposed Order is on top, followed by the notice of presentation, next by the petition or motion with any supporting exhibits, next by the verification, and finally by the certificate of service.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1871. Filed for public inspection November 4, 2011, 9:00 a.m.]

**LANCASTER COUNTY**  
**Physical Characteristics of Legal Papers**

**Rule 205.2(a). Physical Characteristics of Legal Papers.**

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
  1. The case caption.
  2. The case number.
  3. The name of the assigned judge, if applicable.
  4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.
  5. In medical malpractice actions, "Code 96" shall appear beneath the case number.
- B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.
- C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.
- D. All originals shall be marked "ORIGINAL." Copies shall be marked "COPY."
- E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.
- F. Tabs shall be placed at the bottom of all exhibits and appendices.
- G. The name of each person signing a legal paper shall be typed beneath the person's signature.
- H. Briefs and memoranda shall be filed separately and not appended to other documents.
- I. Verifications shall be dated.
- J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:
  - (1) the last four digits of the social security number of the taxpayer identification number;
  - (2) the year of the individual's birth;
  - (3) the last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

JOSEPH C. MADENSPACHER,  
*President Judge*

[Pa.B. Doc. No. 11-1872. Filed for public inspection November 4, 2011, 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 September 20, 2011, under Rule 111(b) Pa.R.C.L.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 20, 2011.

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.

Abreu, Aismara Janet New York, NY	Blythe, Kenneth Alan Greensboro, NC	DePamphilis, Dominic Roman Egg Harbor Township, NJ	Kates, Richard Andrew Metuchen, NJ
Acchione, Thomas John Phoenix, MD	Boler, Megan Denise Charlotte, NC	DeSimone, Mark Anthony Boca Raton, FL	Kelin, Richard Scott West Orange, NJ
Acosta, Rafael Damian Newark, DE	Boyer, John Scott Moorestown, NJ	Dewland, Mark C. Cherry Hill, NJ	Kloecker, Michelle M. Bloomsbury, NJ
Agee, William Paul Newark, NJ	Brady, George Moore, III Washington, DC	Dickens, Lynette C. Suwanee, GA	Krysiak, Susan E. North Cape May, NJ
Aham-Neze, L. Obioma Houston, TX	Brown, Michael T. Capitol Heights, MD	Dodig, Lorrie Matty Cinnaminson, NJ	La Polt, Monica Indianapolis, IN
Alenciewicz, Robert G. Florham Park, NJ	Bucknor, Kevin Bruce Houston, TX	DuBois, Austin Fitzgerald Haddonfield, NJ	Lubin, David S. Beachwood, NJ
Arnett, Jeffrey Lovett Morgantown, WV	Burg, Ivy Barton Columbia, MD	Ellen, Benita Webster Palmyra, VA	Magargee, W. Scott, IV Charlottesville, VA
Bah, Mohamed Sadu Washington, DC	Butler, Cynthia L. Washington, DC	Evans, Leslie S. Brooklyn, NY	Maher, Steven J. Naples, FL
Baldus, Bradford A. Kingshill, Virgin Islands	Butler, David Earl Vestal, NY	Franks, Kimberly Scott Springfield, VA	McCartan, Kathleen Patricia Austin, TX
Bamford, Sean Patrick Laytonsville, MD	Cahill, Susan Lynne Rozet, WY	Gambone, Angela Collingswood, NJ	McGinnis, Mary L. North Cape May, NJ
Bart, Andrew Ian Brooklyn Heights, NY	Carson-Smith, Winifred Y. Washington, DC	Georgino, Damian C. Rancho Santa Fe, CA	McGinty, David Brandon Opelika, AL
Beauvais, Danielle Hillsboro, OR	Cavanaugh, Theresa Z. Washington, DC	Green, Rebecca B. Washington, DC	Merritt, John Milton Oklahoma City, OK
Bennett, Eva Raczkowski Douglas, AK	Chuey-Cosca, Mary Kay Cincinnati, OH	Harmon, Joshua Lee Las Vegas, NV	Millar, Fredrick Lloyd Sacramento, CA
Berman, Eric M. Babylon, NY	Conwell, John Fredrick Riva, MD	Heimbuch, William J. Hackensack, NJ	Mitchell, Charles L. New York, NY
Bileci, Michael Lawrence Woodbury, NJ	Cord, John J., Jr. Glen Burnie, MD	Henderson, Carolyn V. Rockville, MD	Moghaddam, Ali Michael, II Los Angeles, CA
Bilka, Nicholas Joseph Washington, DC	Crabtree, Scott Christopher Saugus, MA	Henley, Angela Cecile McLean, VA	Mollenthiel, Ashley Theresa Collingswood, NJ
Blasko, John Patrick France	deGrouchy, William John Stone Harbor, NJ	Henry, Scott Randall Cape Coral, FL	Moore, Marc Alan, Sr. East Liverpool, OH
		Herdelin, Thomas McGlade Haddonfield, NJ	Mundie, Steven Andrew New York, NY
		Heston, Michael E. Mount Laurel, NJ	Nelson, Keith Barclay Washington, DC
		Hickman, Keith O'Neal Sierra Vista, AZ	Niksa Thomas St. Albans, VT
		High, Elizabeth Carleton Atlanta, GA	Novin, Allison Courtney Voorhees, NJ
		Hoehing, Kimberly A. Wenonah, NJ	O'Connell, Jennifer Lynn Estero, FL
		Holloway, Charlisa M. Middletown, DE	Ogden, Judith Stilz Morrow, GA
		Holmes, Joshua David Pennsville, NJ	Parsard, Keston Orane Brooklyn, NY
		Hughes, Tara Jones Milton, GA	Pauley, Troy A. Kansas City, MO
		Hull, John Daniel, IV San Diego, CA	Peluso, Matthew Angelo Lambertville, NJ
		Jackson, Ronald Douglas Portland, OR	Pike, Kenneth Ronald Medford, NJ
		Jensen, James Clark Morristown, NJ	Pina, Stephen A., II Deptford, NJ
		Johnson, Jared Russell Las Vegas, NV	

Plunk, Jay E., Jr. Hainesport, NJ	Seem, Steven Joseph Arlington, VA
Polin, Richard L. Salisbury, MD	Seiple, Terry Guthrie, Jr. Boulder, CO
Powell, Wayne Mullica Hill, NJ	Smolin, Michele Ann Cleveland, OH
Price, Peter Eyre, Jr. Peoria, IL	Suter, Dana Christine East Brunswick, NJ
Rachuba, Rosina Anna Bridgeton, NJ	Tenny, Nathan Andrew APO, AA
Rainone, Michael C. Binghamton, NY	Thelen, Christine Elizabeth Central Point, OR
Rednor, Howard S. Trenton, NJ	Thomas, Windell Wilfred Hyattsville, MD
Reeves, Elizabeth Anne Solomons, MD	Thornton, Tamika Nicole Trenton, NJ
Riblett, Gail F. Wilmington, DE	Tomei, Kimberly Ann Manalapan, NJ
Richards, Travis J. Mount Holly, NJ	Tong, Kin-Wah Eatontown, NJ
Roberts, Kelly Anne Wilmington, DE	Tumpson, Barry P. Simpsonville, SC
Roberts, Paul Andrew Reston, VA	Tyminski, Patricia Daffodil Los Angeles, CA
Rodriguez, Ruben A. Woodbury, NJ	Vazquez, Joe Alexis New York, NY
Rosenello, Regina North Wildwood, NJ	Waddington, Michael S. Evans, GA
Sanders, Robert Alexander Bowie, MD	Williams, Kevin Theodore Detroit, MI
Scolaro, Richard S. Jamesville, NY	Williams, Shermela Jarmez Atlanta, GA
Scott, Andrea K. Los Angeles, CA	York, Carol M. Wilmington, DE

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

[Pa.B. Doc. No. 11-1873. Filed for public inspection November 4, 2011, 9:00 a.m.]