

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Civil Procedure 1018.1 Notice to Defend. Form; No. 11-0084

Administrative Order No. 7-2011

And Now, this 12th day of January, 2011, it is hereby

Ordered and *Decreed* that, effective immediately, Carbon County Rule of Civil Procedure CARB.R.C.P. 1018.1 governing the agency to be designated on the Notice to Defend be and is hereby *Amended* as follows.

1. The Carbon County District Court Administrator is *Ordered* and *Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the Prothonotary's Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1018.1. Notice to Defend. Form.

As required by Pa.R.C.P. 1018.1(c), the following shall be designated in the notice to defend as the person from whom legal referral can be obtained:

North Penn Legal Services
1203 North Street, Route 903
Jim Thorpe, PA 18229
Phone 1-877-515-7628
Fax (570) 325-3105

[Pa.B. Doc. No. 11-130. Filed for public inspection January 28, 2011, 9:00 a.m.]

FAYETTE COUNTY

Administrative Order; Booking Center; Criminal Division; No. 1 AD 2009

Administrative Order

And Now, this 7th day of January, 2011, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is hereby ordered that Administrative Order 1 AD 2009 is hereby amended and adopted to read as follows.

The Clerk of Courts is directed as follows:

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

(2) Two certified copies and diskette of the order and program and one copy of the written notification received from the Criminal Rules Committee and the Juvenile Court Procedural Rules Committee shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

The adoption of the Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

By the Court

GERALD R. SOLOMON,
President Judge

Booking Center Processing Fee; No. 1 AD 2009 Amended Administrative Order

And Now, this 7th day of January 2011, it is Hereby *Ordered*, that the Court of Fayette County adopts a countywide Regional Booking Center (RBC) procedures plan as set forth herein.

1. The Regional Booking Center (RBC) is to be located at the Uniontown Police Department.

2. The purpose of the RBC is to efficiently process defendants charged with criminal actions. The process shall include, but not limited to, fingerprinting, photographing and determining prior records of defendants being processed.

3. In all cases in which the defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police at the Fayette County Regional Booking Center, (RBC), located in the Uniontown Police Department or at such other locations designated, in writing, by the President Judge of Fayette County Court of Common Pleas, for fingerprinting and processing.

4. Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Fayette County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

5. In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the defendant to report to the RBC to be fingerprinted and photographed.

6. In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

7. A booking fee of \$150.00 shall be assessed and collected by the Fayette County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

8. This fee will not apply to those defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

9. Any juvenile with a case that has resulted in a disposition of a Consent Decree or Adjudication of Delinquency shall be fingerprinted and photographed; a fee of \$150.00 shall be assessed for processing. The Juvenile Probation Office shall oversee the collections of said fee.

10. Private Citizens shall be assessed a cost of \$20.00 for all non-criminal electronic printing and/or photos.

11. The RBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, E.T. Seq., commonly known as "Megan's Law," pursuant to 42 Pa.C.S.A. § 9795.21(d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1.

NOTE: Administrative Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 11-131. Filed for public inspection January 28, 2011, 9:00 a.m.]

LACKAWANNA COUNTY

Repeal and Adoption of Rules of Civil Procedure; No. 94 CV 102

Order

And Now, this 14th day of January, 2011, it is hereby *Ordered and Decreed* that the following Lackawanna County Rule of Civil Procedure is amended as follows:

1. Lacka. Co. R.C.P. 212(a) and (c) are amended as reflected in the following Rule. The new language of Local Rule 212(a) and (c) appears in bold for ease of reference;

2. Pursuant to Pa. R.C.P. 239(c)(2)—(6), the following Local Rule shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the following Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the following Local Rule and a computer diskette containing the text of the attached Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the following Local Rule shall be filed with the Civil Procedural Rules Committee;

(d) The following Local Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the attached Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

3. The amendment of Lackawanna County R.C.P. No. 212(a) and (c) shall become effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

By the Court

THOMAS J. MUNLEY,
President Judge

Rule 212. Pre-Trial Procedure and **Settlement** Conference.

It is the intent of this rule that, in all civil actions, a pre-trial proceeding may be instituted at various states for specific purposes.

(a) Prior to Filing of Certificate of Readiness

After a complaint alone has been filed or after a complaint and answer have been filed, all parties may **[jointly praecipe a case for] request** a preliminary pre-trial settlement conference if it is the **[joint]** consensus of the parties that the case may be settled as a result of such a conference, and it is the intention of the parties to avoid ordinary pre-trial procedures leading to the filing of a certificate of readiness. **The parties may request such a settlement conference by submitting a written request to the Court Administrator who shall assign it to the Settlement Master for a settlement conference. In addition, any judge may direct the Court Administrator to assign a particular case to the Settlement Master for a pre-trial settlement conference, or may issue an order directing the parties in a case to participate in a pre-trial settlement conference before the Settlement Master. The Settlement Master may require the parties to submit pre-trial settlement conference statements in advance of the pre-trial settlement conference.**

[At such a conference, the basis for the joint consensus that a settlement may be effected at this preliminary stage shall be stated in a joint presentment entitled: "PLAINTIFF/DEFENDANT PRELIMINARY PRE-TRIAL SETTLEMENT STATEMENT." See Appendix, Form 3.]

(b) After Filing Certificate of Readiness

Upon the filing of a Certificate of Readiness, the Court Administrator shall assign a case to an individual judge to conduct a status conference, schedule a pre-trial conference and establish a date for trial.

(c) If the court determines at the time of the status conference that a party has not fully complied with Lacka. Co. R.C.P. 214(b), the court may strike the original certificate of readiness and remove the case from the judge's individual calendar or may take such other action as it deems appropriate under the circumstances. At the

status conference, the court will [also] schedule the pre-trial conference and trial date. **In addition, the court may direct the parties to participate in a settlement conference before the Settlement Master. The Settlement Master may require the parties to submit pre-trial settlement conference statements in advance of the settlement conference.**

[Pa.B. Doc. No. 11-132. Filed for public inspection January 28, 2011, 9:00 a.m.]

SCHUYLKILL COUNTY

Amended Civil Rule of Procedure 1915.17; S-67 2011

Order of Court

And Now, this 10th day of January, 2011 at 3:00 p.m., Schuylkill County Civil Rule of Procedure No. 1915.17, Custody Conference Continuance is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File seven (7) certified copies of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 1915.17. Custody Conference Continuance.

A request for a continuance of a Custody Conference or Hearing shall be on the Continuance Form established by the Court. The Continuance Form shall be filed in the Prothonotary's Office and immediately transmitted to the Custody Conciliation Office. Continuance forms are available from the Prothonotary or Court Administrator's Office.

The request shall include a statement of the reasons for the request, whether the request is opposed or unopposed, the number of times the case has been previously continued and a certification by counsel that his/her client has been informed about the request for continuance.

Counsel have an ongoing duty to consult their scheduling calendar immediately upon receipt of a notice scheduling a court proceeding. In the event a continuance is necessary because of a prior attachment or emergency situation, counsel shall promptly request a continuance, and failure to do so may subject counsel to the contempt powers of the Court. Continuance requests shall be made as the conflict is, or should be known, or within twenty-four (24) hours after discovery of emergency circumstances. Emergency circumstances must be explained in writing, and requests due to scheduling conflicts must include a copy of the conflict attachment notice.

The Custody Conciliation Officer shall have the authority to approve only one continuance request from each party. If the Custody Conciliation Officer denies the request for a continuance for any reason, the Officer shall state the reasons for the denial on the written request.

A party may appeal the denial of a request for continuance to the President Judge by submission of the denied continuance request to the President Judge. It is that party's responsibility to advise the Custody Conciliation Officer of the appeal and of the President Judge's decision.

[Pa.B. Doc. No. 11-133. Filed for public inspection January 28, 2011, 9:00 a.m.]

WAYNE COUNTY

Local Rule 76.1; No. 2-2011-CIVIL

Order

And Now, to wit, this 3rd day of January, 2011, Wayne County Local Rule 76.1 is *Hereby Adopted*. In accordance with Pa.R.J.A. 103(c) and Pa.R.C.P. 239(c), this Order and the following Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Wayne County is *Ordered* and *Directed* to submit seven (7) certified copies of this Order and the following Rule to the Administrative Office of Pennsylvania Courts, two (2) certified copies and one (1) diskette, to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Wayne County Law Library and keep continuously available for public inspection and copying, one (1) copy in the Office of the Clerk of Courts of Wayne County.

By the Court

RAYMOND L. HAMILL,
President Judge

Local Rule 76.1.

A. This Court hereby designates the *LEGAL JOURNAL OF WAYNE COUNTY* as the legal publication for Wayne County. All notices and special service required to be published in a legal journal of the County as required by Rule or Statute shall be published in the *LEGAL JOURNAL OF WAYNE COUNTY*.

B. The rates to be charged for advertising in the *LEGAL JOURNAL OF WAYNE COUNTY* shall be established from time to time by the Executive Committee of the Wayne County Bar Association, as approved by the President Judge.

[Pa.B. Doc. No. 11-134. Filed for public inspection January 28, 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 December 10, 2010, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective January 9, 2011, for Compliance Group 1.

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.

Aaron, Bryant Kenneth
Switzerland

Alford, Kenneth R.
Washington, DC

Brown, Denise Drialo
Arlington, VA

Donohue, Neal Douglass
Cocoa, FL

Farmer, George Louis
Northfield, NJ

Fleming, Kyra M.
Ann Arbor, MI

Georgopoulos, Jerry P.
Dallas, TX

Hood, Andrew W.
Glen Gardner, NJ

Jones, Normay W.
Camden, NJ

Kane, Kevin T.
Fairfield, CT

Kelly, Barbara Behn Miller
Ashburn, VA

Manganaro, Gabrielle
Wilmington, DE

Mazza, Julie S.
Cinnaminson, NJ

Mendy, Edward Bissau
Nutley, NJ

Miles, Sherman
Campbell, OH

Nunez, Angel De Los Santos
Margate, FL

Oslund, David P.
Arnold, MD

Robinson, Elliott S. A., III
Decatur, GA

Schlyen, Lawrence B.
Montclair, NJ

Sless, Jacob Benjamin
Egg Harbor Township, NJ

Straffi, Daniel E., Jr.
Toms River, NJ

Van Kampen, Evert W. J.
Sparta, NJ

Wells, Michael
Arlington, VA

Woodward, Troy M.
Dunkirk, MD

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

[Pa.B. Doc. No. 11-135. Filed for public inspection January 28, 2011, 9:00 a.m.]