

# THE COURTS

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

Administrative Order; No. CP-03-AD-0000012-2011

#### Order of Court

*And Now*, this 21st day of November, 2011, it is hereby *Ordered* as follows:

1. There is hereby promulgated a new Local Rule of Civil Procedure numbered 1901.5, to read as follows:

#### **Rule 1901.5. Service of Indirect Criminal Contempt Complaint.**

(a) A defendant in a Protection from Abuse proceeding who has been arrested for an alleged violation of an order shall be served with a certified copy of the Indirect Criminal Contempt Complaint by the Court or the Magisterial District Judge at the preliminary arraignment. If a Magisterial District Judge conducts the preliminary arraignment, the original copy of the complaint shall forthwith be forwarded to the Clerk of Courts.

(b) If an arrest of the defendant has not been effected, the Court Administrator shall serve a certified copy of the Indirect Criminal Contempt Complaint upon the defendant by first class mail simultaneously with service of the notice of non-jury trial.

2. Local Rule of Civil Procedure 205.4 pertaining to Limited Electronic Filing and Services of Legal Papers is hereby rescinded.

3. This Order shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 11-2101. Filed for public inspection December 9, 2011, 9:00 a.m.]

### ARMSTRONG COUNTY

Administrative Order; No. CP-03-AD-0000013-2011

#### Order of Court

*And Now*, this 21st day of November, 2011, it is hereby *Ordered* as follows:

1. There is hereby promulgated a new Local Rule of Civil Procedure numbered 1915.4-3, to read as follows:

#### **Rule 1915.4-3. Pretrial Conference.**

(a) If at the conciliation conference, the parties cannot agree upon a resolution of all the issues and a trial before a judge becomes necessary, the Court Administrator shall cause a pretrial conference to be scheduled to occur within ninety (90) days after the date the conciliation conference was held.

(b) The Court will schedule a trial date at the pretrial conference, and a date for an additional pretrial conference when appropriate. The parties must attend each pre-trial conference.

2. Current Local Rule of Civil Procedure 1920.51 is hereby rescinded and there is hereby promulgated a new Local Rule of Civil Procedure numbered 1920.51, to read as follows:

#### **Rule 1920.51. Hearing by Court. Appointment of Master. Preliminary Conference. Security for Payment of Master's Fees and Costs. Allocation.**

(a) Upon motion filed by either party, when there are no claims other than for divorce or when leave to bifurcate has been granted, the Court will conduct a hearing to determine if grounds for divorce exist under 23 Pa.C.S. § 3301(e)(1)(ii).

(b) In all divorce or annulment actions where there are unresolved issues properly referable to a master under applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by Pa.R.C.P. No. 1920.51(a)(3). The moving party shall pay a sum of money to the Prothonotary at the time the motion is filed, which sum shall be determined from time to time by order of Court, as security for payment of master's fees and costs.

(c) The master shall schedule a preliminary conference immediately after the order of appointment has been entered. The preliminary conference shall occur within sixty (60) days of the date of appointment, and it shall be attended by the parties and their counsel. At the preliminary conference, those present shall explore the possibility of resolving the issues in dispute without further litigation. At least three (3) days in advance of the preliminary conference, the parties shall exchange memoranda expressing their perceptions of and position on the issues, providing the master with a copy of the same. If a party fails to appear either personally or through counsel at a preliminary conference, the costs of the conference shall be assessed against such party in any ultimate equitable distribution award recommended by the master.

(d) After payment to the Prothonotary of an additional sum of money as security for payment of the master's fees and costs, the master shall schedule an evidentiary hearing to receive evidence on all issues which were not resolved at the preliminary conference. The master shall schedule the evidentiary hearing only after a party has presented satisfactory proof to him that the additional security for costs have been paid. The amount of the additional security shall be determined from time to time by order of Court.

(e) The Court may, upon motion of the master presented at Motions Court, require a party to enter security for the master's fees and costs in addition to that required under subsections (a) and (c) of this rule.

(f) The master's fees and costs shall be regarded as costs of the case, and the master may recommend and the Court may order an equitable allocation of the same as part of the final adjudication and order, even if the security already paid is sufficient to pay them in full.

(g) The provisions of this rule shall apply to instances where the Court appoints a master pursuant to its own motion.

(h) The master's fee and costs incurred as a result of the scheduling or conducting of a preliminary conference or a hearing shall be paid by the Prothonotary upon approval of the court.

*Comment*

See L.R.C.P. No. 1920.31 for the procedure to be followed in claims for alimony pendente lite asserted in a divorce proceeding.

3. The comment to Local Rule of Civil Procedure 1915.3 is hereby deleted.

4. This Order shall become effective thirty (30) days after its publication in the *Pennsylvania Bulletin*.

*By the Court*

KENNETH G. VALASEK,  
*President Judge*

[Pa.B. Doc. No. 11-2102. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 201; No. 2605 of 2011 GD****Order**

*And Now*, this 18th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule of Civil Procedure 201 is hereby amended to read as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

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

The amendment of the previously listed rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

**Rule 201. Case Assignment.**

(a) All civil cases, not including family court matters, filed in the Prothonotary's Office shall be assigned to a Judge as set forth in FCR 201.1. The Prothonotary shall notify the assigned Judge of the assignment upon the filing of the initial responsive pleading of any defendant. The assigned Judge's name shall be placed on all subsequent pleadings by counsel under the number and term of the case. The party's or counsel's facsimile number and email address, along with the party's or counsel's address, phone number and counsel's Supreme Court identification number, shall be listed on all civil case pleadings.

(b) If pending cases which arise from the same transaction or occurrence are assigned to different Judges, the Court, on its own motion or the motion of any party, may order the cases consolidated before the Judge assigned to the first case filed.

[Pa.B. Doc. No. 11-2103. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 202; No. 2604 of 2011 GD****Order**

*And Now*, this 18th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule of Civil Procedure 202 is hereby adopted to read as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

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

The adoption of the previously listed rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

**Rule 202. Papers and Records.**

(a) The court administrator and members of a judge's staff may remove records from the prothonotary's office for official Court business. In addition, the following, if appointed by the Court, shall have authority to remove records from the office of the prothonotary:

1. Referees;
2. Auditors;
3. Masters;
4. Attorneys; and
5. other similar officers.

All such records shall be returned within three months after their taking unless the Court authorizes a longer retention.

(b) Except as provided in section (a), no record shall be removed from the prothonotary's office except upon subpoena duces tecum or order of Court.

(c) Any original record filed may be reviewed in the prothonotary's office and copied by paying the prescribed fee charged by the prothonotary's office for such copying.

[Pa.B. Doc. No. 11-2104. Filed for public inspection December 9, 2011, 9:00 a.m.]

**FAYETTE COUNTY****Local Rule 205.2(b); No. 2603 of 2011 GD****Order**

*And Now*, this 17th day of November, 2011, pursuant to Pennsylvania Rule of Civil Procedure 239, it is Hereby Ordered and Decreed that Fayette County Local Rule 205.2(b) is rescinded.

The Prothonotary is directed as follows:

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

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

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

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

*By the Court*

GERALD R. SOLOMON,  
*President Judge*

[Pa.B. Doc. No. 11-2105. Filed for public inspection December 9, 2011, 9:00 a.m.]

### LEHIGH COUNTY

#### **Promulgation of Rule of Juvenile Procedure 167 (Service of Orders and Court Notices); Rescinding Juvenile Rule 121; and Approving Protocol for Community Justice Panels and School Justice Panels; No. AD-12-2011**

##### **Administrative Order**

*And Now*, this 15th day of November, 2011, *It Is Hereby Ordered That*:

I. The following Lehigh County Rule of Juvenile Procedure be and the same is hereby *Adopted*:

##### **Leh.R.J.C.P.167. Service of Orders and Court Notices.**

(a) Except as otherwise provided in Paragraph (B) of this local rule, the Clerk of Courts-Criminal shall serve copies of all orders and court notices filed with the Clerk.

(b) Copies of orders and court notices generated by the Court Administrator shall be served by the Court Administrator, who shall indicate on the original transmitted to the Clerk for filing, each attorney or party served, including their names, as well as addresses, dates, and methods of service.

II. The following Lehigh County Rule of Juvenile Procedure be and the same is formally *Rescinded*:

Leh.R.J.C.P. 121 (Effective Dates of Rules) is *Rescinded*.

*Comment*: This Rule was allowed to lapse pursuant to the January 11, 2010, amendment to Pa.R.J.C.P. 121B, as being superfluous and, to an extent, inconsistent with the statewide rule. This explicit rescission of the Rule is adopted to insure notice that the local rule is no longer in existence.

III. The following protocol for Community Justice Panels and School Justice Panels, approved by the District

Attorney of Lehigh County and the Chief Juvenile Probation Officer of Lehigh County in conjunction with the Lehigh County Juvenile Court Working Group:

1. Programs for alternative "prosecution" of certain cases involving offenders under the age of 18 have been established by the Court of Common Pleas of Lehigh County in conjunction with the Juvenile Probation Office, the Office of the District Attorney, local school authorities and police agencies serving Lehigh County. The program provides for Community Justice Panels and School Justice Panels throughout the County.

2. Cases, other than felonies, may be referred to those panels by police agencies, the District Attorney, Magisterial District Judges and juvenile probation officers prior to and in lieu of formal institution of charges. The Community Justice Panels hear cases which occur in the community and the School Justice Panels, cases which occur on school property.

3. Persons accused of offenses referred to these panels must agree to the referral and must waive any otherwise applicable statute of limitations or speedy trial rule or statute. If the panel is unable to successfully resolve a case, it will be returned to the referring authority for prosecution.

4. Referral to these panels of cases pending before the Minor Judiciary are permitted under the standards set forth in Pa.R.Crim.P. 458 (Dismissal of Summary Cases Upon Satisfaction or Agreement) or Pa.R.Crim.P. 546 (Dismissal Upon Satisfaction or Agreement); or Pa.R.J.C.P. 335 (Withdrawal of Petition).

5. This Protocol may be modified upon the joint recommendation of the District Attorney of Lehigh County, the Chief Juvenile Probation Officer of Lehigh County and the Lehigh County Juvenile Court Working Group subject to the approval of the President Judge.

This Order shall take effect thirty (30) days after its publication in the *Pennsylvania Bulletin* and on the UJS Portal.

*It Is Further Ordered* that one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Juvenile Procedural Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 11-2106. Filed for public inspection December 9, 2011, 9:00 a.m.]