

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 9, 11 AND 15]

Order Amending Rules 121, 903, 1113 and 1512 of the Rules of Appellate Procedure; No. 218 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of April, 2012, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 40 Pa.B. 7207 (December 18, 2010):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 121, 903, 1113 and 1512 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective in 30 days.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 121. Filing and Service.

* * * * *

Official Note:

Subdivision (a)—The term “related papers” in [**Subdivision**] **subdivision** (a) of this rule includes any appeal papers required under Rule 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in subdivision (a) is now found in [**Pa.R.A.P.**] **Rule** 2185 regarding filing briefs and in [**Pa.R.A.P.**] **Rule** 2186 regarding filing reproduced records.

As to pro se filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, 549 Pa. 58, 700 A.2d 423 (1997); *Smith v. Pa. Bd. of Prob. & Parole*, 546 Pa. 115, 683 A.2d 278 (1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa. Super. 2004).

Subdivision (c)—An acknowledgement of service may be executed by an individual other than the person served, e.g., by a clerk or other responsible person.

Subdivision (d)—With respect to appearances by new counsel following the initial docketing of appearances pursuant to [**Subdivision**] **subdivision** (d) of this rule, please note the requirements of Rule 120 (**entry of appearance**).

Subdivision (e)—Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. **The amendments to Rules 903(b), 1113(b) and 1512(a)(2) clarified that subdivision (e) does apply to calculating the deadline for filing cross-appeals, cross-petitions for allowance of appeal and additional petitions for review.**

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 903. Time for Appeal.

* * * * *

(b) *Cross appeals*. Except as otherwise prescribed in [**Subdivision**] **subdivision** (c) of this rule, if a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was [**filed**] **served**, or within the time otherwise prescribed by this rule, whichever period last expires.

(c) *Special provisions*. Notwithstanding any other provision of this rule:

* * * * *

(3) In a criminal case in which no post-sentence motion has been filed, the notice of appeal shall be filed within 30 days of the imposition of the [**judgement**] **judgment** of sentence in open court.

Official Note: 42 Pa.C.S. § 5571(a) (appeals generally) provides that the time for filing an appeal, a petition for allowance of appeal, a petition for permission to appeal or a petition for review or a quasi-judicial order, in the Supreme Court, the Superior Court or the Commonwealth Court shall be governed by general rules and that no other provision of 42 Pa.C.S. Ch. 55D shall be applicable to such matters. In order to prevent inadvertent legislative creation of nonuniform appeal times, 42 Pa.C.S. § 1722(c) (time limitations) expressly authorizes the suspension by general rule of nonuniform statutory appeal times. See also 42 Pa.C.S. § 5501(a) (scope of

chapter), which makes Chapter 55 (limitation of time) of the Judicial Code subordinate to any other statute prescribing a different time in the case of an action or proceeding, but which does not so provide in the case of an appeal.

Thus, on both a statutory and constitutional basis, this rule supersedes all inconsistent statutory provisions prescribing times for appeal.

As to subdivision (b), compare 42 Pa.C.S. § 5571(f) (cross appeals).

A party filing a cross appeal pursuant to [**Subdivision**] **subdivision** (b) should identify it as a cross appeal in the notice of appeal to assure that the prothonotary will process the cross appeal with the initial appeal. See also Rule 511 (cross appeals), Rule 2113 ([**Reply Brief**] **reply brief**), Rule 2136 ([**Briefs in Cases of Cross Appeals**] **briefs in cases involving cross appeals**), Rule 2185 ([**Time for Serving and Filing of Briefs**] **service and filing of briefs**) and Rule 2322 ([**Cross and Separate Appeals**] **cross and separate appeals**).

In Re Petition of the Board of School Directors of the Hampton Township School District, 688 A.2d 279 (Pa. Cmwlth. 1997), the Commonwealth Court panel held that Rule 903(b) does not extend the appeal period for any other party to file an appeal unless the party is “adverse.” Under the 2002 amendment to Rule 511, the requirement that a party be adverse in order to file a cross appeal is eliminated. Once a notice of appeal is filed by one party, any other party may file a cross appeal within fourteen days.

Rule of Appellate Procedure 107 incorporates by reference the rules of construction of the Statutory Construction Act of 1972, 1 Pa.C.S. §§ [**1901 through 1991**] **1901—1991**. See 1 Pa.C.S. § 1908 relating to computation of time for the rule of construction relating to (1) the exclusion of the first day and inclusion of the last day of a time period and (2) the omission of the last day of a time period which falls on Saturday, Sunday or legal holiday.

See [**Pa.R.A.P.**] **Rule 108 (date of entry of orders)** and Explanatory Comment—2007 thereto, [**Pa.R.A.P.**] **Rule 301(a)(1) and (2) (entry upon docket below)**, and Pa.R.Crim.P. 462, 720, and 721 governing criminal appeals.

* * * * *

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1113. Time for Petitioning for Allowance of Appeal.

* * * * *

(b) *Cross petitions*.—Except as otherwise prescribed in [**Subdivision**] **subdivision** (c) of this rule, if a timely petition for allowance of appeal is filed by a party, any other party may file a petition for allowance of appeal

within 14 days of the date on which the first petition for allowance of appeal was [**filed**] **served**, or within the time otherwise prescribed by this rule, whichever period last expires.

(c) *Special provisions*.—Notwithstanding any other provision of this rule, a petition for allowance of appeal from an order in any matter arising under any of the following shall be filed within ten days after the entry of the order sought to be reviewed:

- (1) Pennsylvania Election Code.
- (2) Local Government Unit Debt Act or any similar statute relating to the authorization of public debt.

Official Note: See note to Rule 903 (time for appeal).

A party filing a cross petition for allowance of appeal pursuant to [**Subdivision**] **subdivision** (b) should identify it as a cross petition to assure that the prothonotary will process the cross petition with the initial petition. See also Rule 511 (cross appeals), Rule 2136 ([**Briefs in Cases Involving Cross Appeals**] **briefs in cases involving cross appeals**) and Rule 2322 ([**Cross and Separate Appeals**] **cross and separate appeals**).

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1512. Time for Petitioning for Review.

(a) *Appeals authorized by law*.—Except as otherwise prescribed by [**Subdivision**] **subdivision** (b) of this rule:

(1) A petition for review of a quasijudicial order, or an order appealable under 42 Pa.C.S. § 763(b) (awards of arbitrators) or under any other provision of law, shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order.

(2) If a timely petition for review of such an order is filed by a party, any other party may file a petition for review within 14 days of the date on which the first petition for review was [**filed**] **served**, or within the time otherwise prescribed by [**Subdivision**] **subdivision** (a)(1) of this rule, whichever period last expires.

* * * * *

[Pa.B. Doc. No. 12-758. Filed for public inspection April 27, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Criminal Procedure; No. 262 Misc. 2012

Administrative Order

The Amendments to Beaver County L.R. Crim. P. 117 are adopted effective June 1, 2012. The Court Administrator shall:

(1) file seven certified copies of this Order and the attached Rule with the Administrative Office of Pennsylvania Courts;

(2) distribute two certified copies of this Order and the attached Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(3) file one certified copy of this Order and the attached Rule with the Criminal Procedural Rules Committee of the Pennsylvania Supreme Court.

The Clerk of Courts shall keep a copy of the attached proposed Amendments to Local Rule 117 available for public inspection and copying pursuant to Pa. R.Crim.P. 105 (c)(5).

By the Court

JOHN D. MCBRIDE,
President Judge

**Proposed Amendment to L.R. 117 of
Criminal Procedure**

L.R. 117. Coverage Magisterial District Judges.

(1) All Magisterial District Judge Offices shall be open for regular business on Mondays through Fridays from 9:00 A.M. to 5:00 P.M. prevailing time.

(2) Magisterial District Judges shall be available 24 hours per day, every day of the calendar year to provide continuous coverage for the issuance of warrants, pursuant to Pa. R.Crim.P. 203; arrest warrants pursuant to Pa. R.Crim.P. 513; requests to accept bail and to issue emergency orders under the Protection from Abuse Act.

The Magisterial District Judges shall satisfy this rule by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court Administrator. The schedule shall be distributed and publicized pursuant to past practice.

(3) Magisterial District Judges shall be available during non-regular business hours each day at 7:30 A.M., 2:00 P.M. and 10:00 P.M. for the purpose of providing the services set forth in Pa. R.Crim.P. 117(A)(2)(a), (b), (c) and (d). The availability of each Magisterial District Judge shall be on a rotating basis pursuant to the same schedule proposed pursuant to subdivision (2) and shall be publicized pursuant to past practice.

(4) Magisterial District Judges shall be available during regular business hours for all other business.

(5) Each Magisterial District Judge shall be available to preside over preliminary hearings at the Beaver County Courthouse, or such other location that may be established for "Central Court," on a rotating basis pursuant to a schedule prepared by the Court Administrator.

[Pa.B. Doc. No. 12-759. Filed for public inspection April 27, 2012, 9:00 a.m.]

BUTLER COUNTY

**Clerk of Courts' Schedule of Fees and Costs;
Misc.; Administrative Doc. No. 1-2012**

Order of Court

And Now, this 3rd day of April, 2012, upon consideration of the Clerk of Courts' Petition to Increase Fees and Costs Pursuant to 42 Pa.C.S.A. § 1725.4 *It Is Hereby Ordered, Adjudged and Decreed*, that:

1. The revised fee schedule submitted by the Clerk of Courts of Butler County, Pennsylvania, a copy of which follows and is incorporated herein, is approved.

2. The revised fee schedule approved by this Order of Court shall be effective on May 1, 2012.

3. The Clerk of Courts is hereby directed to immediately cause the publication of the revised fee schedule in the *Butler County Legal Journal* once a week for two (2) successive weeks, and to file a copy of the Proof of Publication of the advertisement at the previous term and docket number.

4. The Clerk of Courts shall file seven (7) copies hereof with AOPC and distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *PA Bulletin*.

5. The Clerk of Courts is to distribute a copy of the fee schedule to each of the Judges of the Court of Common Pleas of Butler County and to the Butler County Bar Association.

6. Nothing contained herein shall prevent this Court to further revise the fee schedule approved by this Order of Court upon proper application made in accordance with law.

By the Court

THOMAS J. DOERR,
President Judge

Butler County Clerk of Courts' Fee Bill (Effective 5/1/12)

Criminal Filings

Misdemeanor and Felony Case During or After Trial	\$203.00
Misdemeanor and Felony Case Before Trial (Plea or ARD)	\$152.00
Summary Case	\$31.00
Juvenile Case	\$20.00

Appeal Fees

Summary Appeal Filing Fee (Non-Refundable)	\$56.50
Appellate Court Appeal (Payable to Clerk of Courts).....	\$61.00
Appellate Court Appeal (Check Payable to Superior/Supreme/Cw. Court).....	\$73.50
Liquor Control Board Appeals	\$20.00

Bench Warrant/Bail Related Fees

Processing all types	\$20.00
Fee per dollar, for the first \$1,000 .05	\$50.00
Fee per dollar, for each additional \$1,000 .017	\$17.00
Bail Forfeiture.....	\$20.00
Bail Piece (Includes Certified Copy to Bondsman)	\$31.00
Bench Warrant (Includes Certified Copy to Sheriff).....	\$31.00

Miscellaneous Filings/Fees

Automation Fee for Clerk of Courts' Office (All initiations—42 Pa.C.S.A. 1725.4(b))	\$5.00
Certified Copy	\$10.00
Constable—Bond/Oath/I.D. Card	\$20.00
Copies (per page)	\$0.25
Criminal Search (per name)	\$20.00
Exemplifications	\$20.00
Expungement (per case)	\$68.00
Facsimile (fax) Fee.....	\$5.00
NSF Check	\$25.00
Private Detective (Individual) Bond/Oath per year.....	\$123.00
Private Detective (Corporate) Bond/Oath per year	\$186.00
Miscellaneous Case	\$20.00
Road Docket.....	\$20.00
Subpoenas.....	\$3.75
File Retrieval From Iron Mountain.....	Current Rate

[Pa.B. Doc. No. 12-760. Filed for public inspection April 27, 2012, 9:00 a.m.]