

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of Rules 1.6 and 1.19 of the Rules of Professional Conduct; No. 110 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 17th day of May, 2012, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice 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 Comment to Rule 1.6 and Rule 1.19 of the Pennsylvania Rules of Professional Conduct are 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 A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.6. Confidentiality of Information.

* * * * *

Comment:

* * * * *

Lobbyists

(26) A lawyer who acts as a lobbyist on behalf of a client may disclose information relating to the representation in order to comply with any legal obligation imposed on the lawyer-lobbyist by the [legislature, the executive branch] Legislature, the Executive Branch or an agency of the Commonwealth, or a local government unit which are consistent with the Rules of Professional Conduct. Such disclosure is explicitly authorized to carry out the representation. The Disciplinary Board of the Supreme Court shall retain jurisdiction over any violation of this Rule.

Rule 1.19. Lawyers Acting as Lobbyists.

(a) A lawyer acting as lobbyist, as defined in any statute, [or in any regulation] resolution passed or adopted by either house of the Legislature, [or in any]

regulation promulgated by the Executive Branch or any agency of the Commonwealth of Pennsylvania, or ordinance enacted by a local government unit, shall comply with all regulation, disclosure, or other requirements of such statute, resolution, [or] regulation or ordinance which are consistent with the Rules of Professional Conduct.

(b) Any disclosure of information relating to representation of a client made by the lawyer-lobbyist in order to comply with such [a] statute, resolution, [or] regulation or ordinance is a disclosure explicitly authorized to carry out the representation and does not violate [RPC] Rule 1.6.

Comment:

(1) A "local government unit" includes county and municipal or local authorities in the Commonwealth.

[Pa.B. Doc. No. 12-1005. Filed for public inspection June 1, 2012, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rules 102, 203, 204, 205, 207, 208, 215 and 402 of the Rules of Disciplinary Enforcement; No. 111 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 17th day of May, 2012, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for public comment in the Pennsylvania Bulletin, 41 Pa.B. 4200 (August 6, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 102, 203, 204, 205, 207, 208, 215 and 402 of the Pennsylvania Rules of Disciplinary Enforcement are 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 A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) General rule. Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

Prothonotary—The Prothonotary of the Supreme Court of Pennsylvania.

Public reprimand—Public reprimand by the Board.

Respondent-attorney—Includes any person subject to these rules.

* * * * *

Subchapter B. MISCONDUCT

Rule 203. Grounds for discipline.

* * * * *

(b) The following shall also be grounds for discipline:

(1) Conviction of a crime.

(2) Wilful failure to appear before the Supreme Court, the Board or Disciplinary Counsel for censure, **public or private reprimand**, or informal admonition.

* * * * *

Rule 204. Types of discipline.

(a) Misconduct shall be grounds for:

* * * * *

(5) **Public reprimand by the Board with or without probation.**

(6) Private reprimand by the Board with or without probation.

[(6)] (7) Private informal admonition by Disciplinary Counsel.

(8) **Revocation of an attorney’s admission or license to practice law in the circumstances provided in Rule 203(b)(6) (relating to grounds for discipline).**

(b) Conditions may be attached to an informal admonition [or], private reprimand, **or public reprimand**. Failure to comply with such conditions shall be grounds for reconsideration of the matter and prosecution of formal charges against the respondent-attorney.

* * * * *

Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

* * * * *

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

* * * * *

(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, **public 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, **public 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 **or public reprimands** to attorneys for misconduct.

* * * * *

Rule 207. Disciplinary [counsel] Counsel.

* * * * *

(b) Disciplinary Counsel shall have the power and duty:

(1) To investigate all matters involving alleged misconduct called to their attention whether by complaint or otherwise.

(2) To dispose of **any matter that is governed by Enforcement Rules 214 (Attorneys convicted of crimes), 215 (Discipline on Consent), and 216 (Reciprocal discipline) in accordance with the substantive and procedural provisions of those rules, and to dispose of all other matters [(subject to review by a member of a hearing committee)]** involving alleged misconduct by dismissal[,] **or (subject to review by a member of a hearing committee) by recommendation for** informal admonition, [**recommendation for**] private **or public** reprimand, or the prosecution of formal charges before a hearing committee or special master. Except in matters requiring dismissal because the complaint is frivolous or falls outside the jurisdiction of the Board, no disposition shall be recommended or undertaken by Disciplinary Counsel until the [**accused attorney**] **respondent-attorney** has been notified of the allegations and the time for response under Enforcement Rule 208(b) (relating to formal hearing), if applicable, has expired.

* * * * *

(c) Disciplinary Counsel:

(1) Shall be a party to all proceedings and other matters before the Board or the Supreme Court under these rules.

(2) May urge in the Supreme Court a position inconsistent with any recommendation of the Board where in the judgment of Disciplinary Counsel a different disposition of the matter is warranted by the law or the facts.

(3) May within the time and in the manner prescribed by the Pennsylvania Rules of Appellate Procedure obtain in the Supreme Court judicial review of any final determination of the Board, except a determination to conclude a matter by dismissal, informal admonition [or], private reprimand, **or public reprimand**.

(4) **May within the time and in the manner prescribed by the Pennsylvania Rules of Appellate Procedure petition the Supreme Court for allowance of an appeal from any final determination of the Board to conclude a matter by dismissal, informal admonition, private reprimand, or public reprimand.**

Rule 208. Procedure.

(a) *Informal proceedings.*

(1) All investigations, whether upon complaint or otherwise, shall be initiated and conducted by Disciplinary Counsel.

(2) Upon the conclusion of an investigation, Disciplinary Counsel may dismiss the complaint as frivolous, as falling outside the jurisdiction of the Board, or on the basis of Board policy or prosecutorial discretion. Disciplinary Counsel may recommend:

(i) Dismissal of the complaint.

(ii) A conditional or unconditional informal admonition of the attorney concerned.

(iii) A conditional or unconditional private reprimand by the Board of the attorney concerned.

(iv) **A conditional or unconditional public reprimand by the Board of the attorney concerned.**

(v) The prosecution of formal charges before a hearing committee or special master.

(3) Except where Disciplinary Counsel dismisses the complaint as frivolous, as falling outside the jurisdiction of the Board, or on the basis of Board policy or prosecutorial discretion, the recommended disposition shall be reviewed by a member of a hearing committee in the appropriate disciplinary district who may approve or modify.

(4) Disciplinary Counsel may appeal the recommended disposition directed by a hearing committee member to a reviewing panel composed of three members of the Board which shall order that the matter be concluded by dismissal, conditional or unconditional informal admonition [or], conditional or unconditional private reprimand, **or conditional or unconditional public reprimand**, or direct that a formal proceeding be instituted before a hearing committee or special master in the appropriate disciplinary district.

(5) A recommendation by a reviewing hearing committee member for a conditional or unconditional private **or public reprimand** shall be reviewed by a panel composed of three members of the Board who may approve or modify.

(6) **[A] In cases where no formal proceeding has been conducted**, a respondent-attorney shall not be entitled to appeal an informal admonition, a private reprimand, **a public reprimand**, or any conditions attached thereto **[in cases where no formal proceeding has been conducted]**, but may demand as of right that a formal proceeding be instituted against such attorney in the appropriate disciplinary district. In the event of such demand, the respondent-attorney need not appear for the administration of the informal admonition [or], private reprimand, **or public reprimand**, and the matter shall be disposed of in the same manner as any other formal proceeding, but any expenses of the proceeding taxed against the respondent-attorney shall be paid as required by paragraph [(q)(2)] **(g)(2)** of this rule.

* * * * *

(d) *Review and action by Board.*

(1) Proceedings before the Board shall be governed by Board rules, except that, unless waived in the manner provided by such rules, the respondent-attorney shall have the right to submit briefs and to present oral argument to a panel of at least three members of the Board. Members of the Board who have participated on a reviewing panel under paragraph (a)(4) or (5) of this rule shall not participate in further consideration of the same matter or decision thereof on the merits under this subdivision (d).

(2) The Board shall either affirm or change in writing the recommendation of the hearing committee or special master by taking the following action, as appropriate, within 60 days after the adjudication of the matter at a meeting of the Board;

(i) *Dismissal.* In the event that the Board determines that a proceeding should be dismissed, it shall so notify the respondent-attorney.

(ii) *Informal admonition [or], private reprimand, or public reprimand.* In the event that the Board determines that the proceeding should be concluded by informal admonition [or], private reprimand, **[it] or public reprimand**, the Board shall arrange to have the respondent-attorney appear before Disciplinary Counsel for the purpose of receiving informal admonition or before a designated panel of three members selected by the Board Chair pursuant to Pa.R.D.E. 205(c)(9), for the purpose of receiving private reprimand **or public reprimand**.

(iii) *Other discipline.* In the event that the Board shall determine that the matter should be concluded by probation, censure, suspension, disbarment, or by informal admonition [or], private reprimand, **or public reprimand** in cases where the respondent-attorney is unwilling to have the matter concluded by informal admonition [or], private reprimand, **[it] or public reprimand**, the Board shall file its findings and recommendations, together with the briefs, if any, before the Board and the entire record, with the Supreme Court. A respondent-attorney who is unwilling to have the matter concluded by an informal admonition [or], private reprimand, **or public reprimand** must file within thirty (30) days after notice of the determination of the Board, a notice of appeal. Review by the Supreme Court shall be de novo and the Court may impose a sanction greater or less than that recommended by the Board.

* * * * *

(g) *Costs.*

(1) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline shall be paid by the respondent-attorney. All expenses taxed under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney.

(2) In the event a proceeding is concluded by informal admonition [or], private reprimand **or public reprimand**, the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the proceeding shall be paid by the respondent-attorney. All expenses taxed by the Board under this paragraph shall be paid by the respondent-attorney on or before the date fixed for the appearance of

the respondent-attorney before Disciplinary Counsel for **informal admonition** or the Board for [**informal admonition or**] private or **public** reprimand. The expenses which shall be taxable under this paragraph shall be prescribed by Board rules.

* * * * *

Rule 215. Discipline on consent.

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(f) *Private discipline.*—If a panel approves a Petition consenting to an informal admonition or private reprimand, with or without probation, the Board shall enter an appropriate order, and [**it**] **the Board** shall arrange to have the attorney appear before Disciplinary Counsel for the purpose of receiving an informal admonition or before a designated panel of three members selected by the Board Chair for the purpose of receiving a private reprimand.

(g) *Public discipline.*—

(1) If a panel approves a Petition consenting to a public reprimand, the Board shall enter an appropriate order, and the Board shall arrange to have the attorney appear before the Board or a designated panel of three members selected by the Board Chair for the purpose of receiving a public reprimand.

(2) If a panel approves a Petition consenting to public censure or suspension, the Board shall file the recommendation of the panel and the Petition with the Supreme Court. If the Court grants the Petition, the Court shall enter an appropriate order disciplining the attorney on consent.

* * * * *

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to [Disciplinary Information and Confidentiality] disciplinary information and confidentiality.

(a) Except as provided in subdivisions (b), (d) and (k), all proceedings under these rules shall be open to the public after:

- (1) the filing of an answer to a petition for discipline;
- (2) the time to file an answer to a petition for discipline has expired without an answer being filed; [**or**]
- (3) the filing and service of a petition for reinstatement[.] **or**;
- (4) **the Board has entered an Order determining a public reprimand.**

(b) Notwithstanding subdivision (a), an informal proceeding under these rules in which it is determined that private discipline should be imposed but that subsequently results in the filing of formal charges shall not be open to the public until or unless the Supreme Court enters its order for the imposition of public discipline.

* * * * *

[Pa.B. Doc. No. 12-1006. Filed for public inspection June 1, 2012, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Philadelphia Traffic Court Local Rule No. 1033; Administrative Order 01 of 2012

Order

And Now, this 18th day of May, 2012, *It Is Hereby Ordered* that Philadelphia Traffic Court Local Rule No. 1033, is amended as follows, effective immediately.

As required by Pa.R.Crim.P. No. 105 (D), the proposed amended rule has been submitted to the Supreme Court’s Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that the proposed amended rule is not inconsistent with any general rule of the Supreme Court. The original Administrative Order and amended local rule shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Administrative Order and amended local rule as well as a copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105 (F) one certified copy of this Administrative Order and amended local rule shall be filed with the Administrative Office of Pennsylvania Courts and the local rule will also be published on the Unified Judicial System’s web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District’s website at <http://courts.phila.gov>. Copies of this Administrative Order and amended local rule shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE GARY S. GLAZER,
Administrative Judge,
Philadelphia Traffic Court

Local Rule 1033. Procedures When Defendant Arrested With Warrant.

(a) *Defendant Arrested During Traffic Court’s Hours of Operation.*

(1) A defendant arrested pursuant to a Traffic Court warrant shall be brought to the Traffic Court as soon as practicable after being processed provided the Traffic Court is open. **If a bench warrant hearing is not held within 72 hours of the arrest, or by the close of the next business day if the 72 hours expire on a non-business day, the bench warrant shall expire by operation of law and the defendant shall be released.**

(2) A warrant hearing shall be conducted promptly by a Traffic Court Judge or hearing officer appointed pursuant to Local Rule 1036 to determine the reasons for the issuance of the warrant, and to determine whether a summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately. At the conclusion of the warrant hearing, all outstanding Traffic Court warrants against the Defendant shall be withdrawn.

(i) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant can be held immediately, the summary trial or hearing will be held immediately.

(ii) If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, **and the defendant does not have a history of failure to appear for Traffic Court hearings**, the Traffic Court Judge or hearing officer shall:

(A) Schedule the summary trial or hearing and determine whether collateral must be posted by the defendant to secure defendant's release pending the hearing or summary trial. The Scheduling Orders shall be substantially in the form which follows this Local Rule.

(B) The defendant shall be released **immediately at the conclusion of the warrant hearing** unless collateral has been ordered and is not posted.

(C) If the defendant is ordered to post collateral and the collateral is not posted, the defendant shall be brought to the county prison and held pending the summary trial or hearing. Provided, however, that the defendant shall be released at any time before the scheduled summary trial or hearing when the collateral is posted.

(iii) **If it appears that the summary trial or hearing on the matter which resulted in the issuance of the warrant cannot be held immediately, and the defendant does have a history of failure to appear for Traffic Court hearings, especially after personal service of a citation or scheduling hearing, the Traffic Court Judge or hearing officer shall schedule the summary trial or hearing without unnecessary delay, but in no event more than 72 hours from the date of the bench warrant hearing or, if the 72 hours expire on a non-business day, no later than the close of the next business day, and the defendant may be held in custody pending the rescheduled hearing. For purposes of this subsection, the term "history of failure to appear" shall mean that the defendant has failed to appear for at least two (2) Traffic Court hearings despite service of a date certain citation or notice personally on the defendant.**

(b) *Defendant Arrested While Traffic Court is Closed.* A defendant arrested pursuant to a Traffic Court warrant while the Traffic Court is closed shall be processed as provided in Philadelphia Municipal Court Rule 540. The Subpoena/Commitment form used by the Municipal Court Bail Commissioner shall be substantially as the form which follows this Local Rule.

Comment: Pa.R.Crim.P. 1033, Philadelphia Municipal Court Rule 540, and this Local Rule are intended to

provide a warrant hearing process which minimizes the time a defendant is held before a warrant hearing is conducted. However, the very nature of an arrest, the need to properly identify the defendant, and the internal protocol the arresting law enforcement officers need to follow incident to an arrest will, per force, take time. Nonetheless, it is expected that, to the extent possible, the time a defendant is held be minimized. The standard form of the Scheduling Orders is set forth below together with documents which will secure defendant's release when collateral has been ordered and is posted either at the Traffic Court of Bail Acceptance Unit at the Criminal Justice Center, which is open around the clock, every day, including holidays.

The standard Scheduling Orders for Summary Trials and Default Hearing clearly inform the defendant that "Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date."

Subsection (2)(iii) was added to clearly set forth the maximum amount of time a defendant who has a history of failure to appear for a traffic court hearing or trial despite personal service of the hearing date can be held pending the rescheduled hearing date in the event a hearing or trial cannot be held on the day the defendant is brought to the Traffic Court for a Warrant Hearing. The time period provided in the new subsection is the same as that provided in Pa.R.Crim.P. 150.

It is anticipated that most of the hearings or trials will be held on the same day the defendant is arrested on a warrant issued due to the defendant's failure to appear and brought to the Traffic Court. Some defendants may have such large number of outstanding traffic citations and citations which are in default of a payment which will require some time to compile the required records and testimony and to obtain the required certified record from the Pennsylvania Department of Transportation. Nonetheless, the Traffic Court can reasonably do so within the requisite 72 hour period or release the defendant pending a future scheduled date if it is unable to do so.

The Scheduling Order/Commitment (FTA after Scheduling Order Issued—BW Issued) has been amended.

Adopted December 21, 2005, published in the *Pennsylvania Bulletin* on December 31, 2005, and effective on February 1, 2006, amended on May 18, 2012, effective immediately.

THE COURTS

SCHEDULING ORDERS

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania vs.		Judge _____
Defendant A/K/A _____		Courtroom _____
PP#		Citation Numbers _____
DOB	OLN#	

SCHEDULING ORDER
(Summary Trial)

AND NOW, this ____ day of _____ A.D. 20__ , IT IS HEREBY ORDERED that a Summary Trial is scheduled in connection with the traffic citations listed above and Defendant is ORDERED to appear on _____, 20____, at ___ AM/PM., in Courtroom _____, Traffic Court, 800 Spring Garden Street, Philadelphia, PA.

- Defendant shall be released on his/her own recognizance pending the above scheduled summary trial.
- The Defendant shall be released prior to the above summary trial upon the posting the sum of \$ _____ as collateral for outstanding traffic citations.
- There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled summary trial. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:

BY THE COURT:

_____	_____	_____
Defendant	Date	TRAFFIC COURT JUDGE
_____	_____	
Attorney	Date	

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania vs.		Judge _____
Defendant A/K/A _____		Courtroom _____
PP#		Citation Numbers _____
DOB	OLN#	

SCHEDULING ORDER
(Default Hearing)

AND NOW, this ____ day of _____ A.D. 20__ , Defendant is ORDERED to appear on _____, 20____, at ___ AM/PM., in Courtroom _____, Traffic Court, 800 Spring Garden Street, Philadelphia, PA, to determine, pursuant to Pa.R.Crim.P. 456, defendant's ability to pay the outstanding fines and costs as previously ordered by the Traffic Court, and to enter any appropriate order, including imposition of any sanctions provided by law. Defendant must provide appropriate documentation of his/her financial status.

- Defendant shall be released on his/her own recognizance pending the above financial determination hearing.
- The Defendant shall be released prior to the above financial determination hearing upon paying the sum of \$ _____ towards the outstanding Traffic Court fines.
- There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled financial determination hearing. In the event Defendant is not represented, Defendant must report within ten (10) days to the First Judicial District's Pretrial Service Division, 5th Floor, 1401 Arch Street, Philadelphia, PA between the hours of 9:00 A.M. to 4:00 P.M. Monday through Friday for a financial interview to determine eligibility to court-appointed counsel. Defendant must bring supporting documentation such as Driver's License, DPW card, pay stubs etc. at the time of the interview.

Defendant's failure to appear on the above date will result in the issuance of a Bench Warrant. Upon arrest, the hearing will be rescheduled and Defendant will be held in custody until the rescheduled hearing date.

I ACKNOWLEDGE RECEIPT OF A
COPY OF THIS ORDER:

BY THE COURT:

Defendant	Date	TRAFFIC COURT JUDGE
Attorney	Date	

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA TRAFFIC COURT

Commonwealth of Pennsylvania <p style="text-align: center;">vs.</p>	Judge _____
Defendant A/K/A _____	Courtroom _____
PP# _____	Citation Numbers _____
DOB _____	OLN# _____

**SCHEDULING ORDER/COMMITMENT
(FTA after Scheduling Order Issued—BW Issued)**

AND NOW, this ____ day of _____ 20__ , due to Defendant's failure to appear for a hearing or trial despite personal service of a Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the rescheduled hearing date which shall not exceed 72 hours from today, or no later than the close of the next business day if the 72 hours expire on a non-business day.

[the] The summary trial or default hearing initially scheduled for _____ is rescheduled for _____ , 20__ , at __ AM/PM., in Courtroom _____ , Traffic Court, 800 Spring Garden Street, Philadelphia, PA. **which the undersigned represents is the most expeditions date in light of the offenses at issue.**

[Due to Defendant's failure to appear on the date noted above, despite personal service of the Scheduling Order, the Defendant will be held in custody in the Philadelphia Prisons System until the re-scheduled hearing date.]

There is a likelihood that imprisonment may be imposed at the conclusion of the above scheduled hearing or trial. Counsel will be made available to Defendant on the re-scheduled hearing date if the defendant is without financial resources or is otherwise unable to employ counsel.

The Bench Warrant issued for Defendant's arrest due to Defendant's failure to appear for the previously scheduled summary trial or hearing is withdrawn.

TO ANY AUTHORIZED PERSON of the above-named County of this Commonwealth: you are hereby commanded to convey and deliver into the custody of the Keeper of the county prison the above-named defendant.

YOU, THE KEEPER, are required to receive the defendant into your custody to be safely kept by you and brought down for the above-scheduled hearing.

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS ORDER:

BY THE COURT:

Defendant Date

TRAFFIC COURT JUDGE

Attorney Date

[Pa.B. Doc. No. 12-1007. Filed for public inspection June 1, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Court of Common Pleas of Residential Mortgage Foreclosure Conciliation Program; No. 10941 Misc. 2012

Administrative Order

And Now, this 15th day of May, 2012, recognizing that the number of residential Mortgage Foreclosure Actions filed in Beaver County has expanded, the Court of Common Pleas of Beaver County hereby establishes a Residential Mortgage Foreclosure Conciliation Program as follows:

1. Complaints in Mortgage Foreclosure presented for filing that seek foreclosure on a mortgage on a Beaver County owner-occupied residence shall be accompanied with an additional Urgent Notice, a copy of which follows as Exhibit "A."

Said Urgent Notice shall be affixed to the Complaint when presented for filing and shall also be affixed to the copy of the Complaint served upon the Defendant(s).

2. If the Defendant(s) call Housing Opportunities of Beaver County, and if the Defendant(s) attend a meeting with a Housing Opportunities Counselor, and if the Housing Opportunities Counselor makes a determination that the Defendant(s) is/are eligible to participate in this Beaver County Mortgage Foreclosure Conciliation Program, the Housing Opportunities Counselor will secure the signature(s) of the Defendant(s) on a "Certificate of Participation" and file the same with the Prothonotary of Beaver County, all within thirty (30) days following service of the Complaint and Urgent Notice upon the Defendant(s).

3. Upon receipt of a completed "Certificate of Participation" from Housing Opportunities of Beaver County to the Prothonotary of the Court of Common Pleas (a copy of which follows as Exhibit "B"), the case will proceed as follows:

The Court will issue the following Order in each case where the Certificate of Participation has been timely filed by Housing Opportunities of Beaver County on behalf of the Defendant(s):

Order

AND NOW, this ____ day of _____, 2012, a Certificate of Participation in the Beaver County Residential Mortgage Conciliation Program having been timely filed by the Defendant(s) in the above-captioned matter, no further action shall be taken in this case for at least sixty (60) days from the date of this Order, except upon Order of this Court.

It is hereby Ordered and Directed that a Court-Supervised Conciliation Conference is scheduled to be held on the ____ day of _____, 2012 at ____ .m. in Courtroom No. ____ of the Beaver County Courthouse, Third Street, Beaver, PA 15009.

It is further Ordered and Directed that unless an agreement in this case has been reached prior to the scheduled Conciliation Conference, a representative of the Plaintiff/Lender/Investor who has actual authority to modify mortgages, enter into alternate payment agreements with the Defendant(s), or otherwise resolve the action, shall be present at the Conciliation Conference or shall be available telephonically. Failure of the Plaintiff, or of a representative of the Plaintiff with such authority to appear for the Conciliation Conference, may result in the re-scheduling of the Conciliation Conference and further postponement of any action in this matter, including timely filing of an Answer, filing of Preliminary Objections, filing of Motions for Summary Judgment and/or Judgment on the Pleadings and taking of final Judgment in the action.

Failure of the Defendant(s) to attend the Conciliation Conference shall result in the lifting of any stay.

This Order is to be docketed by the Prothonotary of Beaver County and served upon the Defendant(s) at their address(es) as reflected on the Certificate of Participation, any attorney of record for any party at the address included on any pleading and/or Appearance, and upon Housing Opportunities of Beaver County at 282 East End Avenue, Beaver, PA 15009, all by First-Class Mail.

BY THE COURT,

J.

4. Limited Appearance and Withdrawal forms for Pro Bono Counsel/ Reduced-Fee Counsel follows as Exhibit "C" and Exhibit "D."

5. Failure of Defendant(s) to fully participate in conciliation or failure of the parties to reach an alternate settlement arrangement following conciliation shall result in entry of an Order, as follows as Exhibit "E."

6. The District Court Administrator is directed to:

(a) file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts;

(b) submit two (2) certified copies of this Order and a copy on computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) submit one (1) certified copy of this Order to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court.

(d) keep a copy continuously available for public inspection and copying in the Office of the Prothonotary and in the Beaver County Law Library.

