

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 87, 89, 91 AND 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 74

The Rules of Organization and Procedure of the Board have been drafted to restate in full the substance of the Pennsylvania Rules of Disciplinary Enforcement. By Order dated June 4, 2012, the Supreme Court of Pennsylvania amended Pa.R.D.E. 204, 205, 212, 216, 217, 218 and 219, respectively. By this Order, the Board is making conforming changes to its Rules to reflect the adoption of those amendments. This order also makes some minor corrections, such as changing the term Chairman to Chair or chairperson in some cases.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) This Order shall take effect immediately.

By The Disciplinary Board of the
Supreme Court of Pennsylvania

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 87. INVESTIGATIONS AND INFORMAL PROCEEDINGS

Subchapter B. REVIEW OF RECOMMENDED DISPOSITION OF COMPLAINT

§ 87.33. Appeal by Office of Disciplinary Counsel from modification of recommendation.

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(c) *Action by Board.* The Office of the Secretary shall transmit the Form DB-8 and related file to a panel of three members of the Board designated by the [**Chairman**] **Chair**, who shall consider the appeal and, as provided by Enforcement Rule 208(a)(4), order that the matter be concluded by dismissal, conditional or unconditional informal admonition, 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.

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§ 87.34. Review of recommendation of private reprimand or public reprimand.

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(b) *Procedure.* Where a recommendation by a reviewing hearing committee member for a conditional or unconditional private or public reprimand is not appealed by Disciplinary Counsel, the Office of the Secretary shall transmit the file to a panel of three members of the Board designated by the [**Chairman**] **Chair**, who shall consider the matter and, as provided by Enforcement Rule 208(a)(5), approve or modify the recommendation for private or public reprimand.

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CHAPTER 89. FORMAL PROCEEDINGS

Subchapter A. PRELIMINARY PROVISIONS

GENERAL MATTERS

§ 89.7. Continuances.

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(b) *Notice to other tribunals.* Upon receipt of notice fixing a date in connection with a formal proceeding (including a hearing date before a hearing committee or special master or oral argument before the Board) or the date of a meeting of the Board, any involved person within 48 hours thereafter shall deliver written notice (which shall not identify the respondent-attorney) of the fixing of such date to the clerk, prothonotary, court administrator, [**chairman**] **chairperson** or other appropriate administrative officer of any court, administrative agency or other body with which a conflict might

reasonably arise, and shall file a copy of such notice with the Office of the Secretary.

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AMENDMENT OR WITHDRAWAL OF PLEADINGS

§ 89.31. Amendments of pleadings.

No amendment of any petition for discipline or other pleading may be made except on leave granted by the Board [**Chairman**] **Chair** or the hearing committee or special master before which the matter is then pending.

§ 89.32. Withdrawal of petition for discipline.

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(b) *Action by Board.* The [**office**] **Office** of the Secretary shall transmit the Form DB-44, any answer thereto, and related file to a member of the Board designated by the [**chairman**] **Chair**, who shall consider and act upon the application on behalf of the Board. The Office of the Secretary shall notify the parties of the action taken by the Board.

Subchapter D. ACTION BY BOARD AND SUPREME COURT

§ 89.201. Review by Board.

(a) *General rule.* Upon receipt of a report and recommendation from a hearing committee or special master, the Board shall, except as otherwise provided in this rule, set the dates for submission of briefs and for oral argument before the Board or a panel of at least three of its members designated by the [**Chairman**] **Chair**.

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(d) *Procedure to except to report of hearing committee or special master.* Any participant desiring to object to the findings and recommendations of a hearing committee or special master shall, within 20 days after the service of a copy of a report or such other time as may be fixed by the Board [**Chairman**] **Chair**, file exceptions to the report or part thereof in a brief (designated "brief on exceptions"). "Briefs opposing exceptions" may be filed in response to briefs on exceptions within 20 days after the filing of briefs on exceptions or such other time as may be fixed by the Board [**Chairman**] **Chair**. No further response will be entertained unless the Board, with or without motion, so orders.

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§ 89.202. Content and form of briefs on exceptions.

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(c) *Length.* Briefs on exceptions and briefs opposing exceptions shall be [**self contained**] **self-contained** and limited to 30 pages in length, except that for good cause the limitation on length may be altered or waived for either class of briefs upon application to and order of the Board [**Chairman**] **Chair** at least ten days before the time fixed for filing of the respective briefs.

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§ 89.206. Transmission of record to Supreme Court.

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(b) *Procedure.* The Board [**Chairman**] **Chair** shall file the record, the briefs on exceptions and the briefs opposing exceptions, if any, the finding and recommendations of the Board, and a statement of the Secretary of any expenses taxable under § 93.111 (relating to determination of reimbursable expenses) with the Supreme Court

by means of Form DB-13 (Request for Supreme Court Action) and an appropriate letter of transmittal. Copies of such finding and recommendations, statement of taxable expenses, and letter of transmittal shall be served by the Office of the Secretary upon the participants.

Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE
REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

§ 89.271. Reinstatement only by Court order.

Enforcement Rule 218(a) provides that an attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to Rule 218 if the attorney was:

- (1) suspended for a period exceeding one year;
- (2) retired, on inactive status or on administrative suspension [**for more than**] **if the formerly admitted attorney has not been on active status at any time within the past three years;**

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§ 89.273. Procedures for reinstatement.

(a) Enforcement Rule 218(c) provides that the procedure for petitioning for reinstatement from suspension for a period exceeding one year or disbarment is as follows:

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(3) The hearing committee shall promptly schedule a hearing at which a disbarred or suspended attorney shall have the burden of demonstrating by clear and convincing evidence that such person has the moral qualifications, competency and learning in law required for admission to practice law in this Commonwealth and that the resumption of the practice of law within the Commonwealth by such person will be neither detrimental to the integrity and standing of the bar or the administration of justice nor subversive of the public interest. When the petitioner-attorney is seeking reinstatement from disbarment, the threshold inquiry articulated in *Office of Disciplinary Counsel v. Keller*, 509 Pa. 573, 579, 506 A.2d 872, 875 (1986) and its progeny applies.

Official Note: The requirement that a hearing be scheduled "promptly" means that a hearing should ordinarily be held within 60 days after the petition for reinstatement has been filed with the Board and the response from Disciplinary Counsel has been received, unless the [**chairman**] **chair** of the hearing committee extends that time for good cause shown.

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(b) Enforcement Rule 218(d) provides that the procedure for petitioning for reinstatement from retired status for more than three years[,]; inactive status for more than three years [**or**]; administrative suspension for more than three years[,]; **retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years;** or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

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(d) *Attorneys suspended for less than one year.* Enforcement Rule 218(g) provides that:

(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Chapter 91 Subchapter E (relating to formerly admitted attorneys), the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.

(2) Paragraph (1) of this subsection shall not be applicable and a formerly admitted attorney shall be subject instead to the other provisions of this rule requiring the filing of a petition for reinstatement, if:

(i) other formal [**diciplinary**] **disciplinary** proceedings are then pending or have been authorized against the formerly admitted attorney;

(ii) the formerly admitted attorney has been on **retired status**, inactive status or administrative suspension for more than three years; [**or**]

(iii) **the formerly admitted attorney has not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension and/or a term of suspension not exceeding one year and had not been on active status at any time within the three-year period preceding the entry of the order; or**

(iv) the order of suspension has been in effect for more than three years.

(3) A verified statement may not be filed under paragraph (1) until the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

(e) *Attorneys on inactive status, retired status or administrative suspension for three years or less.* Enforcement Rule 218(h) provides that attorneys who have been on inactive status, retired status or administrative suspension for three years or less may be reinstated **to the roll of those classified as active** pursuant to § 93.145 (relating to **reinstatement of** administratively suspended attorneys), § 93.146 (relating to [**voluntarily**] **resumption of active status by** retired or inactive attorneys), and § 93.112(c) (relating to reinstatement upon payment of taxed costs), as [**applicable**] **appropriate**. This subsection (e) does not apply to [**any**]:

(1) **a formerly admitted attorney who, on the date of the filing of the request for reinstatement, had not been on active status at any time within the preceding three years; or**

(2) **an** attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.

RESUMPTION OF PRACTICE

§ 89.285. Resumption of practice by justices and judges.

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(b) *Notice.* Enforcement Rule 219(n) further provides that the notice shall:

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(iii) be accompanied by payment of the full annual fee for the [**assessment**] **registration** year in which the notice is filed.

CHAPTER 91. MISCELLANEOUS MATTERS
Subchapter A. SERVICE, SUBPOENAS,
DEPOSITIONS AND RELATED MATTERS
IN GENERAL

§ 91.1. Substituted service.

Enforcement Rule 212 provides that in the event a respondent-attorney cannot be located and personally served with notices required under the Enforcement Rules and these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished in the last registration statement filed by the respondent-attorney in accordance with § 93.142(b) (relating to filing of annual [**statement**] **fee form** by attorneys) or, in the case of foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

Subchapter B. ATTORNEYS CONVICTED OF CRIMES

§ 91.37. Definition of “crime.”

As Enforcement Rule 214(h) provides and as used in this Subchapter 91B, the term “crime” means [**a crime**] **an offense** that is punishable by imprisonment in the jurisdiction of conviction, whether or not a sentence of imprisonment is actually imposed. It does not include parking violations or summary offenses, both traffic and non-traffic, unless a term of imprisonment is actually imposed.

Subchapter C. RECIPROCAL DISCIPLINE AND DISABILITY

§ 91.51. Reciprocal discipline and disability.

Enforcement Rule 216 provides as follows:

(1) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or of the District of Columbia, a United States court, or [**government**] **a federal** administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, revocation of license or pro hac vice admission, or has resigned from the bar or otherwise [**relinquished**] **relinquished** his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice (Form DB-19) (Notice of Reciprocal Discipline) directed to the respondent-attorney containing:

(i) A copy of the final adjudication described in [**paragraph (a)**] **subdivision (1)**.

(ii) An order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in the Commonwealth would be unwarranted, and the reasons therefor. The Office of the Secretary shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration

statement filed by such person in accordance with § 93.142(b) (relating to filing of annual fee form by attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8) (relating to licensing of foreign legal consultants).

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Subchapter G. EMERGENCY PROCEEDINGS

§ 91.151. Emergency temporary suspension orders and related relief.

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(e) *Contempt of the Board.* Enforcement Rule 208(f)(5) provides that:

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(3) if the response to the rule to show cause raises issues of fact, the [**Chairman**] **Chair** of the Board may direct that a hearing be held before a member of the Board who shall submit a report to the Board upon the conclusion of the hearing;

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CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

EXPENSES GENERALLY

§ 93.121. Expenses.

(a) *General.* Enforcement Rule 401 provides that the salaries of the staff of the Office of the Secretary and of the Office of Disciplinary Counsel, their expenses, administrative costs, and the expenses of the members of the Board and of hearing committees shall be paid by the Board out of the funds collected under the provisions of §§ [**93.141—93.147**] **93.141—93.148** (relating to annual [**assessment**] **registration** of attorneys).

(b) *Special masters.* Enforcement Rule 205(c)(4) provides that the expenses and compensation of special masters shall be paid as a cost of disciplinary administration and enforcement. See § 93.141(a) (relating to annual [**assessment**] **registration**).

ANNUAL [**ASSESSMENT**] **REGISTRATION OF ATTORNEYS**

§ 93.141. Annual [**assessment**] **registration.**

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual fee [**under such rule of \$135.00**] **of \$130.00 and file the annual fee form provided for under such rule;** that the [**annual**] fee shall be collected under the supervision of the Attorney Registration Office, which shall send [**and receive,**] or cause to be sent [**and received, the notices and forms provided for in this Subchapter,**] to every attorney, **except an attorney who has elected to file the form electronically, the annual fee form; that the Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1; that failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee;** and that the fee shall be used to defray the costs of disciplinary administration and en-

forcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

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§ 93.142. Filing of annual fee form by attorneys.

(a) *Transmission of form.* Enforcement Rule 219(c) provides that on or before May 15 of each year the Attorney Registration Office shall transmit [**by ordinary mail to all persons**] **to all attorneys** required by the rule to pay an annual fee, **except those attorneys who have elected electronic filing,** a form required by subsection (b) of this section; **and that on or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney a notice by e-mail to register by July 1.**

(b) *Filing of annual fee form.* Enforcement Rule 219(d) provides that on or before July 1 of each year all [**persons**] **attorneys** required by the rule to pay an annual fee shall file with the Attorney Registration Office a signed **or electronically endorsed** form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been license' to practice law, with the current status thereof.

(ii) The current residence and office addresses of the attorney, each of which shall be an actual street address or rural route box number, and the Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, **as well as telephone and fax number** will be accessible through the website of the Board (<http://www.padisiplinaryboard.org/>) and by written or oral request to the Board. **Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.**

Official Note: The Note to Enforcement Rule 219(d)(1)(ii) explains that public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each financial institution in Pennsylvania in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the lawyer holds such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

(iv) A certification reading as follows: "I certify that all Trust Accounts that I maintain are in financial institutions approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each Trust Account has been identified as such to the financial institution in which it is maintained."

(v) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual [**registration form**] **fee form or elects to file the form electronically** must notify the Attorney Registration Office [**in writing**] of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(vii) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall accompany the form. [**Where**] **IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the form and payment are incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in § 93.144(a)(1) and (2) of these rules if assessed, shall also have been paid.** The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid. On or before July 1 of each year the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a notice of the collection fee established by the Board for the coming [**assessment**] **registration** year.

(3) Every [**person**] **attorney** who has filed [**such a form**] **the form or elects to file the form electronically** shall notify the Attorney Registration Office [**in writing**] of any change in the information previously submitted, **including e-mail address**, within 30 days after such change.

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, or limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, a person shall concurrently file a form under this [**subsection**] **section** for the current [**assessment**] **registra-**

tion year, but no annual fee shall be payable for the [**assessment**] **registration** year in which originally admitted or licensed.

§ 93.144. Administrative suspension for failure to comply.

(a) *Action by Attorney Registration Office.* Enforcement Rule 219(f) [**and (g) provide that**] **provides that when any attorney fails to complete the registration required by §§ 93.141 and 93.142 by July 31, the Attorney Registration Office shall:**

[(1) **Transmit by ordinary mail to every attorney who fails to timely file the form and pay the annual fee required by this subchapter, addressed to the last known mailing address of the attorney, a notice stating:**

(i) **That unless the attorney shall comply with the requirements of § 93.142 (relating to filing of annual form by attorneys) within 30 days after the date of the notice, such failure to comply will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.**

(ii) **That upon the entry of the order of administrative suspension, the attorney shall comply with Chapter 91 Subchapter E (relating to formerly admitted attorneys), and that a copy of Enforcement Rule 217 (relating to formerly admitted attorneys) shall be enclosed with the notice.**

(2) **Certify to the Supreme Court the name of every attorney who has failed to respond to a notice issued pursuant to paragraph (a)(1) within the 30 day period provided therein, and supply a copy of such certification to the Board.]**

(1) **automatically assess against the attorney a non-waivable late payment penalty established by the Board;**

(2) **automatically add to the delinquent account of any attorney who has failed to complete registration by August 31, a second, non-waivable late payment penalty established by the Board;**

(3) **after August 31, certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of §§ 93.141 and 93.142 of these rules; and**

(4) **upon the Supreme Court's entry of an order of administrative suspension as provided in subsection (b) of this rule, transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.**

For purposes of assessing the late payment penalties prescribed by this section, registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under § 93.142(b)(2) of these rules, shall be added to

the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of § 93.145(b) of these rules.

(b) *Action by the Supreme Court.* Enforcement Rule [219(g)] 219(f) provides that upon receipt of certification [to the Supreme Court] of the name of any attorney pursuant to paragraph [(a)(2)] (a)(3) of this section, the Supreme Court shall enter an order administratively suspending the attorney; and that the Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.

§ 93.145. Reinstatement of administratively suspended attorneys.

(a) *General rule.* Enforcement Rule 219(h) provides that the procedure for reinstatement of an attorney who has been administratively suspended pursuant to § 93.144(b) of these rules for three years or less [pursuant to the provisions of § 93.144(b)] is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by § 93.142(b) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment [penalty] penalties required by [paragraph] subsection (b) of this section;
- (iv) any unpaid collection fee; and
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (a)(1) of this section, the Attorney Registration Office shall so certify to the Board Secretary and to the Supreme Court; and that unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

(3) Where a check in payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2) of these rules, shall also have been paid.

(b) *Late payment [penalty] penalties.* Enforcement Rule 219(h)(3) provides that a formerly admitted attorney who is administratively suspended [pursuant to § 93.142(b) must pay a] must pay the late payment [penalty with respect to that year] penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment [penalty] penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant,

including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the form required by § 93.142(b). On or before July 1 of each year the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a notice of the late payment penalty established by the Board for the coming [assessment] registration year.

§ 93.146. [Voluntarily] Selection of retired or inactive [attorneys] status and resumption of active status.

(a) *Retired Status.* Enforcement Rule 219(i) provides that:

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(3) The retired attorney will be relieved from the payment of the fee specified in § 93.141 (relating to annual [assessment] registration).

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(b) *Inactive Status.* Enforcement Rule 219(j) provides that:

(1) An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request [voluntary] inactive status or continue that status once assumed. The attorney shall file either the annual form required by § 93.142(b) and request [voluntary] inactive status or file Form DB-28 (Notice of Voluntary Assumption of Inactive Status). The attorney shall be removed from the roll of those classified as active until and unless such [person files Form DB-29 (Application for Resumption of Active Status) and is granted reinstatement to the active rolls] inactive attorney makes a request under paragraph (3) of this section for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under § 89.273(b) (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of § 89.273(b) of these rules.

(2) An inactive attorney under this subsection (b) shall continue to file the annual form required by § 93.142(b) and shall pay an annual fee of \$70.00. Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension [after the Attorney Registration Office provides notice] in accordance with the provisions of § 93.144. [An attorney who voluntarily assumed inactive status under former subsection (a) of this rule shall continue to file the annual form and pay an annual fee of \$70.00 commencing with the next regular assessment year. Noncompliance with this paragraph will result in the inactive attorney being placed on administrative suspension after notice in accordance with the provisions of § 93.144(a)(1).]

(3) Reinstatement shall be granted, unless the inactive attorney is subject to an outstanding order of suspension or disbarment or unless the inactive

status has been in effect for more than three years, upon the payment of the active fee for the assessment year in which the Form DB-29 (Application for Resumption of Active Status) is filed or the difference between the active fee and the inactive fee that has been paid for that year, and any arrears accumulated prior to the assumption of inactive status. See § 93.145(b) (relating to late payment penalty).

(4) In transmitting the annual fee form under subsection (a) of § 93.142, the Attorney Registration Office shall include a notice of subdivision (j) of Enforcement Rule 219 (relating to request for voluntary inactive status).

Official Note: Under prior practice, an attorney who was neither retiring nor selling his or her law practice was given the option of assuming or continuing inactive status and ceasing the practice of law in Pennsylvania, and no annual fee was required. Under new paragraph (b)(2) of this section, payment of an annual fee is required to assume and continue inactive status, and failure to pay the annual fee required by § 93.146(b)(2) and file the form required by § 93.142(b) (relating to filing of annual form by attorneys) will result in an order administratively suspending the attorney.]

(3) *Administrative Change in Status from Inactive Status to Active Status:* An attorney on inactive status may request resumption of active status by filing Form DB-29 (Application for Resumption of Active Status) with the Attorney Registration Office. Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see § 89.273(b)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see § 89.273(b)), upon the payment of:

(i) the active fee for the registration year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to § 93.144 of these rules, prior to the inactive attorney's request for resumption of active status.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

Official Note: The Note to Enforcement Rule 219(j) explains that § 93.145 (relating to reinstatement of administratively suspended attorneys) and § 93.146 (relating to resumption of active status by retired or inactive attorneys) do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See § 89.273(e)(1).

§ 93.147. Notification of suspension or inactivation.

Where administrative suspension is ordered under this Subchapter, the attorney shall comply with the requirements of Chapter 91 [of] Subchapter E (relating to formerly admitted attorneys). Public notice of such administrative suspension shall clearly state that suspension was ordered for failure to file the required annual form and pay the required annual [assessment] fee, or for failure to comply with § 93.112 (relating to failure to pay taxed expenses).

§ 93.148. [(Reserved)] Administrative Change in Status from Administrative Suspension to Inactive Status.

(a) Enforcement Rule 219(k) provides that an inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by § 93.146(b)(2) of these rules, may request an administrative change in status to inactive status. The Attorney Registration Office shall change the status of an attorney eligible for inactive status under this subsection (a) upon receipt of:

(1) the annual form required by § 93.142 of these rules;

(2) payment of the annual fee required by § 93.141 of these rules;

(3) payment of all collection fees and late payment penalties assessed under § 93.142(b)(2) and § 93.144 of these rules; and

(4) payment of an administrative processing fee of \$100.00.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under § 93.142(b)(2), shall also have been paid.

(b) Enforcement Rule 219(k) provides that an active attorney who has been administratively suspended for failure to file the annual form required by § 93.142 and pay the annual fee required by § 93.141 must comply with § 93.145 (relating to reinstatement of administratively suspended attorneys) before becoming eligible to register as inactive or retired.

Editor's Note: The following is numbered in the *Pennsylvania Code* as § 93.148. The Disciplinary Board of the Supreme Court of Pennsylvania intended this rule to be § 93.149. It is being renumbered as follows.)

[§ 93.148. Grace period] § 93.149. (Reserved).

[Enforcement Rule 219(k) provides that on the effective date of that Rule, any attorney who is on inactive status:

(a) by order after having failed to pay the annual fee or file the form required by subdivisions (a) and (d) of Rule 219,

(b) by order pursuant to Rule 111(b), Pa.R.C.L.E., after having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education,

(c) by order after having failed to pay any expenses taxed pursuant to Enforcement Rule 208(g), or

(d) by order after having failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender legal services programs pursuant to Pa.B.A.R. 311, or a military attorney,

shall have a grace period of one year, commencing on July 1 of the year in which the next annual form under § 93.142(b) is due, in which to request reinstatement to active status under an applicable provision of Rule 219, or to be reinstated to active status under Rule 218(a), as the case may be. Failure to achieve active status before the expiration of the grace period shall be deemed a request to be administratively suspended. An attorney who is on inactive status by court order will not be eligible to transfer to voluntary inactive status under § 93.146(b) until the attorney first achieves active status. During the grace period, the inactive attorney shall remain ineligible to practice law. In transmitting the annual form under § 93.142(a), the Attorney Registration Office shall include a notice of Enforcement Rule 219(k).

Official Note: Attorneys who voluntarily assumed inactive status under former § 93.146(a) are governed by the provisions of § 93.146(b). Attorneys who were transferred to inactive status by order after having failed to pay any expenses taxed pursuant to § 93.112 are governed by the provisions of that section.]

[Pa.B. Doc. No. 12-2136. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

Proposed Amendment of Rule of Evidence 803.1(1)

The Committee on Rules of Evidence is publishing for comment a proposal to amend Rule of Evidence 803.1(1), as more fully discussed in the accompanying Report. This proposal has not been submitted to the Supreme Court of Pennsylvania for review.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Daniel A. Durst, Chief Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635
Fax: (717) 231-9536
Email: evidencerules@pacourts.us

no later than January 2, 2013.

By the Committee on Rules of Evidence

CHRISTOPHER H. CONNORS, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803.1. Hearsay Exceptions; Testimony of Declarant Necessary.

The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement:

(1) Inconsistent Statement of Witness. A statement by declarant that is inconsistent with the declarant's testimony or concerns a matter the declarant cannot recall, and (a) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (b) is a writing signed and adopted by the declarant, or (c) is a verbatim contemporaneous recording of an oral statement.

* * * * *

Comment

* * * * *

Pa.R.E. 803.1(1) is consistent with prior Pennsylvania case law. *See Commonwealth v. Brady*, 510 Pa. 123, 507 A.2d 66 ([Pa.] 1986) (seminal case that overruled close to two centuries of decisional law in Pennsylvania and held that the recorded statement of a witness to a murder, inconsistent with her testimony at trial, was properly admitted as substantive evidence, excepted to the hearsay rule); *Commonwealth v. Lively*, 530 Pa. 464, 610 A.2d 7 ([Pa.] 1992). To qualify as a "verbatim contemporaneous recording of an oral statement," the "recording" must be an electronic, audiotaped, or videotaped recording. *See Commonwealth v. Wilson*, 550 Pa. 518, 707 A.2d 1114 ([Pa.] 1998). Inconsistent statements of a witness that do not qualify as exceptions to the hearsay rule may still be introduced to impeach the credibility of the witness. *See Pa.R.E. 613.*

* * * * *

REPORT

Proposed Amendment of Rule of Evidence 803.1(1)

Courts have struggled in criminal cases with the turncoat or intimidated witness—a witness who, at the trial, testifies inconsistently with his or her prior statement or who testifies that he or she cannot remember the matters contained in a prior statement given under reliable and trustworthy circumstances. *See also* 42 Pa. B. 4131, 4153 (July 7, 2012) (Criminal Procedural Rules Committee Report discussing reported witness intimidation in the First Judicial District); *Free to Tell The Truth—Preventing and Combating Intimidation in Court: A Bench Book for Pennsylvania Judges*, (Harrisburg, Pennsylvania: Pennsylvania Commission on Crime and Delinquency, 2011).

While the current version of Pennsylvania Rule of Evidence 803.1(1) establishes a remedy for witnesses who might be inclined or persuaded to change their testimony from prior statements, the Rule does not explicitly address claims of memory loss. In the absence of such specificity, the bench and bar are required to consider the common law to determine matters of admissibility when a witness asserts a failed recollection of matters contained in prior statements.

In *Commonwealth v. Reid*, 533 Pa. 508, 626 A.2d 118 (1993), a victim of a gunshot gave police three statements

identifying the defendant as the shooter. At trial, the witness-victim denied the defendant was the perpetrator and claimed that he could not remember many of the questions or his answers given in his prior statements. See also *Commonwealth v. Bibbs*, 970 A.2d 440 (Pa. Super. 2009) (citing *Commonwealth v. Sherman*, 488 A.2d 348, 350 (Pa. 1985)) (partial memory loss allows witness' prior inconsistent statements to be admitted as substantive evidence). The Court held that his prior statements were admissible as substantive evidence. See also *Commonwealth v. Burgos*, 530 Pa. 473, 610 A.2d 11, 14 (1992) (quoting *Commonwealth v. Brady*, 510 Pa. 123, 507 A.2d 66 (1986)). Although the corresponding Federal Rule of Evidence, F.R.E. 801(d)(1), is not identical to Pennsylvania Rule of Evidence 803.1(1), some federal courts have adopted a similar approach to claimed memory loss and inconsistent statements. See, e.g., *U.S. v. Dennis*, 625 F.2d 782, 795 (8th Cir. 1980) (“[I]nconsistency is not limited to diametrically opposed answers but may be found in evasive answers, inability to recall, silence, or changes of position.”); *U.S. v. Gajo*, 290 F.3d. 922, 930-932 (7th Cir. 2002).

The Committee has endeavored to propose an amendment to Rule 803.1(1) codifying the case law by incorporating claimed memory loss into the inconsistent statement hearsay exception:

Inconsistent Statement of Witness. A statement by declarant that is inconsistent with the declarant's testimony or concerns a matter the declarant cannot recall, and (a) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (b) is a writing signed and adopted by the declarant, or (c) is a verbatim contemporaneous recording of an oral statement.

The Committee acknowledges that some jurisdictions have attempted to parse claimed memory loss into two further categories, which can be described as genuine versus feigned memory loss, with the latter resulting in the admission of the prior statements as inconsistent with present testimony. See, e.g., *U.S. v. Mornan*, 413 F.3d 372, 379 (3d Cir. 2005); *State v. Just*, 675 P.2d 1353, 1365 (Az. Ct. 1984); *Corbett v. State*, 746 A.2d 954, 960-964 (Md. App. 2000). The proposed amendment does not distinguish between feigned and genuine memory loss.

The Court has previously held that hearsay declarations under circumstances such as Rule 803.1(1)(a), (b), and (c) “are demonstrably reliable and trustworthy.” *Commonwealth v. Lively*, 530 Pa. 464, 471, 610 A.2d 7, 10 (1992); see also *Commonwealth v. Chmiel*, 558 Pa. 478, 503, 738 A.2d 406, 419 (1999) (describing *Lively* as holding that a prior inconsistent statement of a non-party witness may be used as substantive evidence only if it was given under highly reliable circumstances); *Commonwealth v. Hanible*, ___ Pa. ___, ___ n. 15, 30 A.3d 426, 445 n. 15 (2011) (describing Rule 803.1(1) as mirroring *Lively*).

Further, a witness with a failed recollection is still available to be cross-examined, including “the very fact that he has a bad memory.” *U.S. v. Owens*, 484 U.S. 554, 559 (1988) (discussing in terms of the Confrontation Clause that a claimed lack of memory does not deny the opportunity to cross-examine); *Commonwealth v. Mollett*, 5 A.3d 291, 308 (Pa. Super. 2010) (same); see also *Commonwealth v. Brown*, ___ A.3d ___, 2012 WL 3570661 (Pa. 2012) (discussing the availability of the declarant of a prior statement, later recanted at trial, for cross-examination).

The Committee observes that Rule 803.1(3) serves a complementary purpose when the memory of a witness, who cannot independently recall a prior statement, can be refreshed with the prior statement. See Pa.R.E. 612. If the witness continues to have insufficient recollection, then the proponent can offer the prior statement as a recorded recollection, provided the witness vouches for the accuracy of the written memorandum. See Pa.R.E. 803.1(3); *Commonwealth v. Cargo*, 498 Pa. 5, 10, 444 A.2d 639, 641 (1982). As an aside, it should be noted that Rule 803.1(3) does not distinguish between feigned or genuine memory loss.

The operative effect of proposed Rule 803.1(1) is to permit the admission of certain prior statements (e.g., previously given under oath at a proceeding, signed and adopted by declarant, or a verbatim contemporaneous record) regardless of whether the witness can vouch for their accuracy given the reliability ascribed to the manner of memorialization.

Notwithstanding the inherent reliability of the prior statements, the Committee recognizes that the prior statements would need to be authenticated if the declarant is unwilling or unable to do so as witness. Absent the declarant's testimony, authentication is intended to assure that the prior statement is what the proponent claims. See, e.g., Pa.R.E. 901(a).

Of course, nothing in this Rule is intended to preclude a challenge to a witness' competency to testify because of mental condition or immaturity that has impaired memory. See Pa.R.E. 601(b)(3); see also, e.g., *Commonwealth v. Counterman*, 553 Pa. 370, 393, 719 A.2d 284, 295-296 (1998); *Commonwealth v. Boich*, 982 A.2d 102, 109-110 (Pa. Super. 2009).

[Pa.B. Doc. No. 12-2137. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Order Rescinding Rule 1042.72 of the Rules of Civil Procedure; No. 567 Civil Procedure Rules Doc.

Order

Per Curiam

And Now, this 17th day of October, 2012, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication 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 Rule 1042.72 of the Pennsylvania Rules of Civil Procedure is rescinded in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter B. ACTION IN TRESPASS

PRE-TRIAL CONFERENCE

Rule 1042.72. [Medical Professional Liability Actions. Motion for Post-Trial Relief. Excessive Damage Award for Noneconomic Loss] (Rescinded).

[(a) In a medical professional liability action in which the trier of fact has made separate findings specifying the amount of noneconomic loss, any defendant may include in a motion for post-trial relief under Rule 227.1 the ground that the damage award for noneconomic loss is excessive.

Official Note: A damage award for noneconomic loss does not include amounts awarded for medical and other related expenses, loss of earnings or earning capacity, or punitive damages.

(b) A damage award is excessive if it deviates substantially from what could be reasonable compensation. In deciding whether the award deviates substantially from what could be considered reasonable compensation, the court shall consider (1) the evidence supporting the plaintiff's claim; (2) factors that should have been taken into account in making the award; and (3) whether the damage award, when assessed against the evidentiary record, strongly suggests that the trier of fact was influenced by passion or prejudice.

Official Note: The defendant has the burden of convincing the court that the award deviates substantially from what could be reasonable compensation.

The factors that the trier of fact should take into account are those set forth in the jury instructions described in Rule 223.3.

(c) If the court finds that the damage award for noneconomic loss is excessive, the court shall remit the award. If the plaintiff declines to accept the award as remitted, the court shall grant a new trial limited to a damage award for noneconomic loss. The verdict or decision as to liability, economic damages, and punitive damages shall not be set aside under this rule.

(d) The court in granting or denying the motion shall issue an opinion which discusses the evidence and the factors taken into account in making its decision.

(e)(1) The court shall enter an order disposing of a motion, or portion thereof, raising the ground of an excessive damage award for noneconomic loss within one hundred twenty days of the filing of the motion.

(2) If an order has not been entered as required by subdivision (e)(1), the judge who is deciding the motion shall immediately file a report with the Court Administrator of Pennsylvania and his or her president judge which explains why the motion, or portion thereof, has not been decided and when a decision is anticipated.

(3) A judgment may not be entered pursuant to Rule 227.4 if a motion for post-trial relief is pending with respect to the ground that the damage award for noneconomic loss is excessive.

(f) This rule shall expire five years from its promulgation date unless continued by order of the Supreme Court.

(g) This rule shall apply to all cases for which a verdict or decision has not been rendered prior to its effective date.]

[Pa.B. Doc. No. 12-2138. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of the First Judicial District of Pennsylvania Public Access Policy, Related Forms and Fee Schedule; Administrative Order No. 06 of 2012

Order

And now, this 15th day of October, 2012, upon review, discussion and consideration of the following First Judicial District of Pennsylvania Public Access Policy, related Forms and Fee Schedule, it is hereby *Ordered, Adjudged* and *Decreed* that the following First Judicial District of Pennsylvania Public Access Policy, related Forms and Fee Schedule are adopted, officially promulgated, and shall become effective immediately.

From time to time, the Administrative Governing Board may amend and supplement the Public Access Policy, related Forms and Fee Schedule as may be appropriate.

This Administrative Order is issued in accordance with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended, and shall become effective immediately. This Order and attachments shall be filed with the Prothonotary in a docket maintained for Orders issued by the Administrative Governing Board of the First Judicial District of Pennsylvania. One certified copy of this Order and attachments shall be submitted to the Administrative Office of Pennsylvania Courts, two certified copies and one copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Order and attachments shall also be published in *The Legal Intelligencer*. Copies of the Order and attachments shall also be posted on the First Judicial District's website at <http://courts.phila.gov>, and submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE JOHN W. HERRON,
Chair, Administrative Governing Board of the
First Judicial District of Pennsylvania
Administrative Judge, Trial Division
Court of Common Pleas, Philadelphia County

**First Judicial District of Pennsylvania
Public Access Policy
Applicable to
Electronic Case Record Information,
Official Case Records, and Financial Records**

Section 1. Definitions.

A. "Access" or "Public Access" means that the public may view or obtain a photocopy of the official court file, or portions thereof, or inspect or obtain electronic records of the courts which comprise the First Judicial District of Pennsylvania (as defined below) except as provided by law, rules of court, or this Policy.

B. "Banner" is the case management system of the following Divisions of the Court of Common Pleas: Trial Division—Civil, Orphans' Court Division, and Family Division—Domestic Relations Branch and Adoptions.

C. "CLAIMS" is the Municipal Court's electronic filing system and case management system for its civil small claims cases, landlord-tenant and code enforcement actions.

D. "e-TIMS" is the electronic ticket management system used by the Philadelphia Traffic Court to manage its caseload.

E. "Financial Records" are the accounts, contracts, invoices or equivalent, as more fully described in Pennsylvania Rule of Judicial Administration No. 509, which deal with: 1) the receipt or disbursement of funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania; or 2) acquisitions, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the Unified Judicial System or to the First Judicial District of Pennsylvania.

F. "JACS" is the Family Court Juvenile system's case management system.

G. "Bulk Data Request" means any request for compiled records consisting of more than one electronic case record, regardless of the number of electronic case records requested or the number of case fields or data per electronic case record requested, and regardless of the format the information is requested to be provided to the requestor.

H. "Official Case Records" (often referred to as "official court file") consist of those records maintained by the applicable clerk of court, prothonotary or similar office or court staff for any unique case commenced in any of the courts which comprise the First Judicial District. This official court file contains all pleadings filed by the parties as well as notices, orders, documents and other legal papers generated by the court or on behalf of the court. The Official Case Records or "official court file" may be maintained by the applicable clerk of court, prothonotary or similar office or court staff in whole or in part in a paper format or in an electronic format. Unless otherwise provided, the provisions applicable to Official Case Records are applicable equally to case records maintained in a paper format as well as in an electronic format.

I. "Court Administrator" is the Court Administrator of the First Judicial District of Pennsylvania.

J. "Custodian" is the person, or designee, responsible for the safekeeping of official case records and electronic case records held by any First Judicial District of Pennsylvania court or office.

K. "Docket Entries" are chronological descriptions or summaries of an individual case's filings, subsequent

actions and events which are entered, usually in an electronic format, on a court's case management system for the purpose of recording the case's events and to assist with its management and ultimate disposition.

L. "Electronic Case Record" means information or data created, collected, received, produced or maintained by the FJD in connection with a particular case that exists in the case management systems utilized by the FJD.

M. "Electronic filing" is the electronic transmission of legal papers by means other than facsimile transmission.

N. "First Judicial District" or "FJD" or "Court" is the First Judicial District of Pennsylvania which comprises three courts: Traffic Court, Municipal Court and Court of Common Pleas. References to the FJD also include the various Departments and offices which are part of the FJD, such as the Prothonotary's Office, Office of Court Reporter and Interpreter Services, and Jury Selection Commission.

O. "Legal paper," a pleading or other paper (including exhibits and attachments) filed in an action.

P. "Party" means one by or against whom a Traffic Court, Municipal Court or Court of Common Pleas case is brought.

Q. "Public" means any person, business, non-profit entity, organization or association. "Public" does not include First Judicial District of Pennsylvania officials or employees, or any federal, state, or local government agency, or employees or officials of such an agency if acting in their official capacity.

R. "Public Access Officer" is the person designated by the president judge or other appointing authority to review and process requests to access official case records, electronic case records, or financial records of the FJD and/or a court or office of the FJD.

S. "UJS" means the Unified Judicial System of Pennsylvania.

Section 2. Access to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania.

A. General Policy

It is the policy of the First Judicial District of Pennsylvania to permit the public to access, inspect and obtain electronic case records of the First Judicial District of Pennsylvania to the fullest extent legally permitted and feasible, except as provided by law, state and local rules, UJS policy, or as set forth in this policy, provided that the Court's orderly and efficient case flow is not disrupted by the request for electronic case records.

This policy does not govern access to electronic case records governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania (i.e. information or data created, collected, received, produced or maintained by a court or office in connection with a particular case that exists in the Pennsylvania Appellate Court Case Management System, Common Pleas Criminal Court Case Management System and Magisterial District Judge Automated System). Access to electronic case records of the Unified Judicial System of Pennsylvania is governed by the Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania. See <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

B. Electronic Case Record Information Excluded from Public Access

The following information in electronic case records is not accessible by the public:

- (1) social security numbers;
- (2) operator license numbers;
- (3) juror information including name, address and other contact information;
- (4) a party's street address and vehicle owner's address for Traffic Court cases, except that the city, state, and ZIP code may be released;
- (5) witness information for Traffic Court cases including name, address and other contact information;
- (6) financial institution account numbers, credit card numbers, PINS or passwords used to secure accounts;
- (7) notes, drafts, and work products related to court administration or any office that is the primary custodian of an electronic case record;
- (8) information sealed or protected pursuant to court order;
- (9) information to which access is otherwise restricted by federal law, state law, or state court rule; and
- (10) information presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice, as determined by the Court Administrator with the approval of the Administrative Governing Board of the First Judicial District.

C. Correcting Data Errors to Electronic Case Record Information Maintained by the First Judicial District of Pennsylvania.

(1) A party to a case, or the party's attorney ("the requestor") seeking to correct a data error in an electronic case record shall submit a written request for correction to the court in which the record was filed. The request shall be made in forms provided from time to time by the FJD.

(2) The requestor shall set forth on the request form with specificity the information that is alleged to be in error and shall provide sufficient facts including supporting documentation that corroborates the requestor's contention that the information in question is in error. A copy of the request must be sent to all other parties in the case.

(3) Within ten (10) business days of receipt of a request, the court's (or office's) designee shall respond in writing to the requestor, and a copy of the response shall be sent to all parties to the case, in one of the following manners:

(i) the request does not contain sufficient information and facts to adequately determine what information is alleged to be error; accordingly, the request form is being returned to the requestor; and no further action will be taken on this matter unless the requestor resubmits the request with additional information and facts.

(ii) the request does not concern an electronic case record that is covered by this policy; accordingly, the request form is being returned to the requestor; no further action will be taken on this matter.

(iii) it has been determined that an error does exist in the electronic case record and that the information in question has been corrected.

(iv) it has been determined that an error does not exist in the electronic case record.

(v) the request has been received and an additional period not exceeding 30 business days is necessary to complete the review of this matter.

(4) A requestor has the right to seek review of a decision under paragraph (3)(i)—(iv) from the District Court Administrator or his/her designee, within 10 business days of the decision, on forms provided from time to time by the First Judicial District. The decision of the District Court Administrator or his/her designee constitutes the final decision of the First Judicial District.

Note: Electronic case record correction procedures for CP/MC criminal cases are established by the UJS Electronic Case Record Public Access Policy. Information and relevant forms can be found at <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

D. Request for Bulk Electronic Case Records or Data

Any request for compiled electronic case records shall be reviewed and approved on a case-by-case basis. Only information or data not excluded from public access may be provided. Any request for bulk records or data that can be compiled using an existing report format shall be granted. Any request for bulk records or data which cannot be compiled using an existing report format will only be granted if the FJD has available personnel and other resources needed to compile the information requested without disrupting the orderly and efficient case-flow and operations of the FJD. As appropriate and by agreement, the First Judicial District may restrict the commercial use and re-sale of the bulk data provided, and may impose reasonable restriction on the usage of bulk data. For instance, the First Judicial District may prohibit the continuing commercial use of judgment information unless the commercial user agrees to periodically update or refresh the information to ensure that judgments that are satisfied are not reported as unpaid, to the detriment of the debtor.

Section 3. Access to Official Case Records.

This section covers access to official case records filed with and maintained by the Prothonotary, clerks of court, or similar office or court staff pursuant to specific legal authority, regardless of whether the official case records are filed or maintained in a paper format or in an electronic format.

A. *General Policy.* The policy of the First Judicial District is to provide unrestricted access to "official case records" (as defined in Section 1 above) except as provided by law, state and local rules, UJS policy, or as set forth in this policy.

B. *Confidential Information in Legal Papers filed in the courts of the FJD.*

(1) Except as set forth below in subsections 2 and 3, parties and their attorneys are directed to refrain from including social security numbers and financial information in all legal papers, documents and exhibits filed with the court.

(2) If the identity of a financial institution account number, credit card account number, or debit card number must be established, only the last four digits of the number may be included in the documents and exhibits filed with the court.

(3) If inclusion of the information set forth in subsection 1 is required by law or requested by the court, a party shall file the information on a separate form

(“Confidential Information Form”), or, online in a data field clearly identified as “Confidential Information” as may be required or authorized by any applicable state or local rule. The Confidential Information submitted online, Confidential Information Form and information contained thereon shall only be accessible to the court and the parties to the case, and shall not be accessible to the public.

(4) The parties and their attorneys are solely responsible for complying with the provisions in subsections 1, 2 and 3. The Prothonotary or the appropriate clerk of court will not review any document for compliance with subsections 1, 2 and 3. A party’s or an attorney’s failure to comply with these provisions shall not affect access to official case records that are otherwise accessible, and shall not require the Prothonotary or the appropriate clerk of court to redact any data or information contained in any legal paper.

(5) The following official case records filed in the courts of the First Judicial District are not accessible to the public:

(a) The Confidential Information Form and any information contained thereon;

(b) Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in section 2) above;

(c) Legal papers and other information specifically sealed by court order;

(d) Legal papers and information to which access is restricted by federal law, state law, state court rule, and local ordinances and law;

(e) Notes, drafts, and work product of a judge or court employee; and

(f) Information identified by the Court Administrator, with the approval of the Administrative Governing Board of the First Judicial District, as presenting a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice.

C. Remote Access to the Official Case Records Maintained in an Electronic Format.

(1) *Remote Access to Parties.* Official case records maintained in an electronic format shall be made available to the parties as provided in the rules governing the applicable court or division. See e.g. Pa.R.C.P. No. 205.4, Phila.Civil Rule *205.4, Pa.O.C.R. 3.7 and Phila.O.C.R. 3.7.A.

(2) *Remote Access to the Public.* The FJD is not required to provide remote access to any official case record whether maintained in whole or in part in an electronic format. However, from time to time, the FJD may provide electronic access to any or all official case records maintained in an electronic format in accordance with rules or regulations which may be established from time to time.

Section 4. Access to Official Case Records of the First Judicial District. Court Specific Policies.

A. Court of Common Pleas

(1) *Trial Division—Civil.*

All legal papers contained in the official court file are accessible to the public, except for:

(a) any legal papers filed pursuant to the Mental Health Procedures Act of 1976, as amended, which are confidential and shall only be available to the parties thereto;

(b) notes of testimony (see below);

(c) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(d) specific cases and legal papers which are sealed by an order of the court; and

(e) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) *Trial Division—Criminal.*

All legal papers contained in the official court file are accessible to the public, except for:

(a) pre-sentence reports;

(b) mental health records;

(c) notes of testimony (see below);

(d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(e) specific cases and legal papers which are sealed by an order of the court; and

(f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(3) *Family Court Division.* The section addressing records of the Family Court Division is currently being developed.

(4) *Orphans’ Court Division*

All legal papers contained in the official file are available to the public except:

(a) notes of testimony (see below);

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(c) any specific cases and legal papers which are sealed by an order of the court; and

(d) any specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

B. Municipal Court

(1) *Civil.* All legal papers contained in the official court file are accessible to the public, except:

(a) notes of testimony (see below);

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(c) specific cases and legal papers which are sealed by an order of the court; and

(d) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

(2) *Criminal.* All legal papers contained in the official court file are accessible to the public, except:

(a) pre-sentence reports;

(b) mental health records;

(c) notes of testimony (see below);

(d) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local rule;

(e) specific cases and legal papers which are sealed by an order of the court; and

(f) specific case types and legal papers as provided by law, state and local rules, UJS policy or as set forth in this policy.

C. Traffic Court

The “official court file” in Traffic Court proceedings consists of the citation issued or filed as required by rules of court as well as any notices, orders, warrants issued by the Philadelphia Traffic Court and any other legal paper filed with the Traffic Court. However, the following information shall not be made available to the public:

(a) a defendant’s employment and financial information provided as required by rules of court to enable the Traffic Court to enter and enforce installment payment orders; and

(b) any Confidential Information Form or Confidential Information submitted online in a data field clearly identified as “Confidential Information” as provided in this policy or pursuant to any state or local law or rules.

Section 5. Notes of Testimony—Court Reporters.

(a) *General Rule.* If filed in the official case record, notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. However, in light of the provisions of Pennsylvania Rules of Judicial Administration No. 5000.1 et seq., the notes of testimony may not be copied. Copies of the notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

(b) *Untranscribed or Unfiled Notes of Testimony.* Notes of testimony or transcripts of court hearings are accessible by the public to the same extent as the underlying case type. If a particular hearing is accessible to the public, notes of testimony must be ordered from the Office of Court Reporters utilizing the appropriate Transcript Order form, available on the FJD’s website at: <http://www.courts.phila.gov/forms/> and the applicable fee must be paid.

Section 6. Public Access to Financial Records.

Pennsylvania Rule of Judicial Administration No. 509 establishes a systematic process for requesting and accessing financial records that deal with the use of public funds, including the purchase of services, supplies or equipment. A copy of Rule 509 and related information may be obtained on the Unified Judicial System’s public access webpage, located at: <http://www.pacourts.us/T/AOPC/PublicAccessPolicy.htm>.

The FJD’s Rule 509 Request form, fee schedule and other detailed information related to Rule 509 can be found via the links on the FJD’s website <http://courts.phila.gov>.

Section 7. Requests for Electronic Case Record Information, Official Case Records, and Financial Records.

Request Process. The FJD may require public access requests for Electronic Case Record Information, Official Case Records, and Financial Records to be in writing, on

forms provided from time to time by the First Judicial District. Current Public Access Request forms are available on the FJD website at <http://www.courts.phila.gov/forms/>. The request shall identify or describe the official case records or electronic case records sought with specificity to enable the appropriate staff to ascertain which records are being requested.

Section 8. Responding to a Request for Official Case Records or Electronic Case Record.

A. As promptly as possible under the circumstances existing at the time of the written request, the respective court or office shall respond in one of the following manners:

(1) fulfill the request, or if there are applicable fees and costs that must be paid by the requester, notify the requester that the information is available upon payment of the same;

(2) notify the requester in writing that the requester has not complied with the provisions of this Policy and the requested information cannot be provided;

(3) notify the requester in writing that the information is confidential or cannot otherwise be provided; or

(4) notify the requester in writing that the request has been received and that additional time is necessary to respond to the request, and that a response will be provided within thirty (30) business days.

B. If the request for access is denied, the requestor may seek review of that determination from the Court Administrator or designee within 15 business days of service of the written notification by the respective court or office. The request for review must be in writing, on a form supplied from time to time by the First Judicial District. Within 20 business days of receipt of the appeal, the Court Administrator or designee shall make a determination and forward it in writing to the requestor. This remedy is not exclusive and need not be exhausted before other relief is sought.

Section 9. Fees.

A. *General Rule.* The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. § 1725 and 42 P.S. § 21081).

B. *Public Access Fee Schedule.* From time to time, the First Judicial District shall adopt a Public Access Fee Schedule addressing charges and services not covered by Section 9.A. The Public Access Fee Schedule shall be posted on the FJD website, <http://www.courts.phila.gov>, together with the other applicable fee schedules. The Public Access Fee Schedule may be amended from time to time by the First Judicial District.

C. *Prepayment.* Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.

Section 10. Continuous Availability of Policy.

A copy of this Policy, which may be amended from time to time, shall be continuously available for public access in each Court, Division, Department or other office of the First Judicial District as well as on the website of the First Judicial District, at <http://courts.phila.gov>.

First Judicial District of Pennsylvania
PUBLIC ACCESS RECURRING REQUEST FORM—Electronic Data

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail _____ Phone _____ Fax _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

Note: You will need Internet access to our homepage in order to download this information.

- The Standard Report Fee per the Fee Schedule for daily, weekly, or monthly updates must be paid prior to beginning of any file transfers unless staff time and computer time calculated pursuant to the Public Access Fee Schedule requires imposition of a greater amount.
- The monthly fee is based on staff and computer time and will be billed prior to the beginning of each month.
- Checks should be payable to the First Judicial District of Pennsylvania.

SPECIFIC DESCRIPTION OF DATA REQUESTED

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.
6. By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment as set forth above.

SIGNATURE _____ DATE _____

Case Caption: _____ Docket Number/Case ID: _____

INSTRUCTIONS FOR OBTAINING ELECTRONIC CASE RECORD INFORMATION OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

- 1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ___/___/___ . In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
□ The information/record does not exist.
□ The information/record is not an official case record as defined by the Policy.
□ The information/document is exempt from public access pursuant to the Policy.
□ You have failed to properly complete the Request Form.
□ Other _____

Signature _____ Date _____

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature _____ Date _____

First Judicial District of Pennsylvania PUBLIC ACCESS NONRECURRING REQUEST FORM—Electronic Data

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail _____ Phone _____ Fax _____

SUBMIT TO: Public Access Unit public.access@courts.phila.gov First Judicial District of Pennsylvania Room 370 City Hall Philadelphia, PA 19107

SPECIFIC DESCRIPTION OF DATA REQUESTED
--

To Be Completed by First Judicial District of Pennsylvania (FJD)

TASK SCOPE	COST	REMARKS
Staff Time (\$85 for up to an hour)		
Computer Time (\$300 fee for up to an hour)		
TOTAL DUE		

Note: Costs are estimates. If it is determined that actual costs will exceed the estimate, you will be contacted for approval.

Checks should be payable to First Judicial District of Pennsylvania.

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.
6. By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment as set forth above.

SIGNATURE _____ DATE _____

Case Caption: _____ Docket Number/Case ID: _____

INSTRUCTIONS FOR OBTAINING ELECTRONIC CASE RECORD INFORMATION OF THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

- 1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ___/___/___ . In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- checkbox This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
checkbox The information/record does not exist.
checkbox The information/record is not an official case record as defined by the Policy.
checkbox The information/document is exempt from public access pursuant to the Policy.
checkbox You have failed to properly complete the Request Form.
checkbox Other _____

Signature

Date

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature

Date

First Judicial District of Pennsylvania GOVERNMENT ACCESS REQUEST FORM

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

E-mail _____ Phone _____ Fax _____

SUBMIT TO: Public Access Unit public.access@courts.phila.gov First Judicial District of Pennsylvania Room 370 City Hall Philadelphia, PA 19107

DESCRIPTION OF REQUEST

REMARKS—FIRST JUDICIAL DISTRICT OF PENNSYLVANIA (FJD) USE ONLY

Disclaimer

Information and Receipt of Information are subject to all relevant legal authority as well as the following:

- 1. I am aware that a copy of this Form may be provided to the court or department related to this request.
2. I understand that the information provided is correct as of the date supplied, that the FJD will not automatically update the information contained in the Report generated as a result of my Request, and that the Report may become obsolete shortly upon production due to ongoing case activity. I understand and agree that the data provided must be periodically updated or refreshed if the status of any case is reported as being "current," and I agree that unless the data is updated or refreshed as requested by the FJD, I will cease ongoing use of same.
3. I acknowledge that the FJD makes no representation as to the accuracy, completeness or utility for any general or specific purpose, of the information provided and as such, assumes no liability for inaccurate or delayed data, errors or omissions.
4. Use of this information is at my sole risk.
5. Some of the information provided may be of a nature or class not subject to disclosure under the FJD's Electronic Case Record Public Access Policy.
6. I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Electronic Case Record Public Access Policy and that I will comply with all terms of the FJD Electronic Case Record Public Access Policy.

SIGNATURE _____ DATE _____

First Judicial District of Pennsylvania
REQUEST FOR CORRECTION OF AN ELECTRONIC CASE RECORD
(A separate request form must be submitted for each case)

Name of Requestor _____
Attorney No. (if applicable): _____
Phone No. _____ Fax No. _____
Mailing Address: _____
City _____ State _____ Zip _____
E-mail _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

Case Caption: _____ Docket Number/Case ID: _____

Set forth with specificity the information that appears on the electronic case record referenced above which you believe to be in error. (Attach additional sheets if necessary).

[Empty box for providing specific information about the error]

Comments:

Signature

Date

For Use by Requestor

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that the above decision be reviewed.

Signature

Date

First Judicial District of Pennsylvania
PUBLIC ACCESS—REQUEST FOR OFFICIAL CASE RECORDS

Name of Requestor _____

Mailing Address _____

City _____ State _____ Zip _____

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of
Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

E-mail _____ Phone _____ Fax _____

MUNICIPAL COURT

COURT OF COMMON PLEAS

- Municipal Court: Civil
Municipal Court: Criminal

- Trial Division - Civil
Trial Division - Criminal
Orphans' Court Division

- PHILADELPHIA TRAFFIC COURT

DESCRIBE CASE RECORD (PLEADING) REQUESTED: (See instructions on next page):

Blank lines for describing the case record requested.

I understand that my Request for information is being fulfilled consistent with the provisions of the FJD Official Case Record Public Access Policy and that I will comply with all terms of the FJD Official Case Record Public Access Policy.

By submitting this request, I agree to pay any costs incurred and understand that I will not receive the information described above unless or until I make payment listed below.

SIGNATURE _____ DATE _____

Official Use Only

Date Received	CHARGE	Comments
Tracking Number (if applicable)	Total Charge	

Case Caption: _____

Docket Number/Case ID: _____

INSTRUCTIONS FOR OBTAINING OFFICIAL CASE RECORDS OF THE
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

1. A requestor shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.
2. The requestor must submit the completed form to the Public Access Unit. Incomplete forms may result in delayed access to the requested record(s).
3. Requestors will be charged fees required by applicable fee schedules, including the Public Access Fee Schedule adopted pursuant to the FJD' Public Access Policy.
4. Requests will be completed as promptly as possible under the circumstances existing at the time of the request. If the court denies the request or must delay access, the court shall inform the requestor in writing of the specific reason(s) why access to the information is being delayed or denied.
5. If a request is denied by the court, the decision may be appealed to the Court Administrator of the FJD within 15 business days of service of the written notification by the court denying the Request.

FOR COURT USE ONLY

Your request was received on ___/___/___ . In accordance with the Public Access Policy of the First Judicial District, please be advised that:

- This request is being returned to you because it does not contain sufficient information to evaluate your request. No further action will be taken unless you resubmit the request with additional information.
- The information/record does not exist.
- The information/record is not an official case record as defined by the Policy.
- The information/document is exempt from public access pursuant to the Policy.
- You have failed to properly complete the Request Form.
- Other _____

Signature

Date

FOR USE BY REQUESTOR

If you wish to seek review of the decision set forth above, please complete this section and mail or email this entire form to the Court Administrator of the FJD (Room 369 City Hall, Philadelphia, PA 19107) within 15 business days of notification of the decision.

I, _____, request that a review of the decision set forth above be made.

Signature

Date

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILADELPHIA
Confidential Case Information Form

VS.

SUBMIT TO:
Public Access Unit
public.access@courts.phila.gov
First Judicial District of Pennsylvania
Room 370 City Hall
Philadelphia, PA 19107

Case No. _____

CONFIDENTIAL INFORMATION (Attach additional pages as necessary)	
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information
NAME: _____ <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other: _____	Confidential/Financial Information

Name: _____ Signature: _____
Attorney #: _____ Telephone: () _____
Address: _____

**First Judicial District of Pennsylvania
PUBLIC ACCESS POLICY***

FEE SCHEDULE†

The following Fee Schedule is adopted as provided in Section 9 of the First Judicial District of Pennsylvania's Public Access Policy.

ELECTRONIC DATA

- 1) Complete Historical Data - Flat Fee of:
 - a. \$25,000 for all historical data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
 - b. \$10,000 for each individual database's Historical Data
 - c. \$3,000 for a subset of paragraph 1.b. above
- 2) Daily, Weekly, or Monthly Current Updates
 - a. \$1,000 per month for all current data maintained by the Court of Common Pleas - Civil; Municipal Court - Civil; Orphans' Court; and Traffic Court
 - b. \$500 per month for each individual database's current data
 - c. \$300 per month for a subset of paragraph 2.b. above
- 3) Non-Recurring Request (ad hoc). Standard programming fee (@\$85 per hour) plus \$300

OFFICIAL CASE RECORD

Requests for copies of official case records which can be accessed by the public shall be made on-line if available or on forms provided by the FJD and are subject to the following charges:

- 1) Requests and delivery through the FJD's eCommerce Online Document Purchase Feature: \$.10 @ page. A \$5.00 convenience fee will be assessed for each transaction in order to complete the purchase on-line. Documents from multiple case dockets may be purchased during one transaction by updating the virtual shopping cart. Note: In lieu of paying the convenience fee, documents may be purchased at the Prothonotary's Office in Room 264 City Hall at a cost of \$.50 per page.
- 2) Requests from the applicable Prothonotary or Clerk of Courts and delivery either in an electronic or hard-copy format by the Prothonotary or Clerk of Courts: \$.50 per page from the applicable Prothonotary or Clerk of Courts.

*The First Judicial District must assess, charge and collect the fees and other charges that are provided by law and other legal authority in order to provide certain services, official case records, as well as for electronic case record information, even if provided in a bulk format. (See, e.g. 42 Pa.C.S. § 1725 and 42 P. S. § 21081).

†Prior to granting a request for access in accordance with this Policy, the First Judicial District may require the requester to prepay an estimate of the fees authorized by this Policy. Failure to pay the fees requested in a timely manner will result in the denial of the request.

[Pa.B. Doc. No. 12-2139. Filed for public inspection November 2, 2012, 9:00 a.m.]

Title 25—LOCAL COURT RULES

ADAMS COUNTY

Local Rules of Judicial Administration; Administrative Order No. 49 of 2012

Order of Court

And Now, this 18th day of October, 2012, the Court hereby adopts the Local Rules of Judicial Administration follows as Exhibit "A." Upon these rules becoming effective, the current Local Rules of Judicial Administration are rescinded.

These rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further directed that:

1. This Order shall be filed in the Office of Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

2. Seven (7) certified copies of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts for distribution in accordance with the provisions of Pa. R.J.A. No. 203(c)(2); and

3. Two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b) containing the text of the local rules adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

By the Court

JOHN D. KUHN,
President Judge

Adams County Rules of Judicial Administration

1—99. Applicability.

1. Offices To Which Rules Apply. The Rules adopted under this chapter shall apply to all offices in the Adams County court system unless the context indicates otherwise. Offices in the court system shall include the offices of Magisterial District Judges, the Clerk of Courts, Orphans' Court Division, Criminal and Miscellaneous Sections, and the Prothonotary. In some instances these rules will also apply to the Sheriff, Register of Wills and Recorder of Deeds.

2. Supplement To State Rules. Local rules are intended to supplement State rules and shall be read in context with those rules. In case of a conflict the rules adopted by the Pennsylvania Supreme Court shall prevail.

3. Citation To Local Rules. Local rules may be cited:

Adams C.R.J.A. (number)—Rules of Judicial Administration

Adams C.Civ.R. (number)—Rules of Civil Procedure

Adams C.Crim.R. (number)—Rules of Criminal Procedure

Adams C.Juv.R. (number)—Rules of Juvenile Court Procedure

Adams C.O.R. (number)—Rules of Orphans' Court Procedure

They may also be cited as Local (R.J.A., Civ., Crim., Juv., O.C.) Rule (number).

100—199. Administrative Matters.

101. Court Calendar.

The Court shall promulgate a court calendar annually. There shall be included therein no less than twelve (12) weeks set aside for criminal jury trials and no less than seven (7) weeks set aside for civil jury trials. The Prothonotary and Clerk shall prepare a list of cases scheduled for hearing, trial, argument or other action at least five (5) days prior to a specified calendar day and provide each judge presiding over such cases with a copy thereof. Other than summary appeals, the hearing list shall reflect matters listed for hearing at least ten (10) days prior to hearing date. The list may be supplemented by order or with approval of a judge.

110. Legal Journal.

The *Adams County Legal Journal* is designated for the publication of Court or other legal notices as required by the various statutes, laws, rules, orders or decrees of the Court in the Commonwealth of Pennsylvania.

120. Bulletin Board.

Both the Prothonotary and Clerk of Courts shall maintain in public view a bulletin board for the purpose of posting required notices.

130. Law Library.

A. *Research and Reference Facility:* The Adams County Law Library shall be used as a research facility by the Court, county officials, and county attorneys, in accordance with law, and subject to rules promulgated by the Law Library Committee and approved by the Court. In furtherance of a desire to maintain the Adams County Law Library as a complete County Reference Law Library, the following publications are to be provided for the law library:

1. All published slip opinions authored by the Adams County Court shall be delivered to the Adams County Law Library which shall hereinafter act as a depository for said Opinions.

2. All ordinances of municipalities and townships, including Zoning Ordinances, shall be made available to the Adams County Law Library.

B. *Open to the public:* The Adams County Law Library shall be a facility open to the general public subject to rules promulgated by the Law Library Committee and approved by the Court.

C. *Law Library Committee:* The President Judge shall appoint a chairman and committee to operate and maintain the Adams County Law Library. Committee members shall be selected from members of the Adams County Bar Association and shall serve at the pleasure of the President Judge. The committee may deal directly with the Adams County Commissioners in budgetary matters. The committee shall annually file a report and accounting with the Court. Upon approval, the report shall be filed of record in the Prothonotary's Office.

D. *Rules.* Until changed, the following rules shall apply:

1. The library is open to the public during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except during those times when the Courthouse is closed.

2. The Adams County Law Library is intended primarily for a reference library. No books may be taken out by members of the general public. Limited borrowing privileges are as follows:

a. All books must be returned within three (3) days from the date that they are signed out, in a register provided and located at the desk in the law library. Violation of this provision shall subject the violator to the following penalties:

i. Books held beyond thirty (30) days—library privileges to be revoked and offender to be reported to the Adams County Court.

ii. After thirty (30) days, the offender will be billed for the replacement cost of the volume(s) held.

b. The following books are for reference only and may not be taken out of the law library: *Purdons Statutes, Pennsylvania Law Encyclopedia, United States Code Annotated, U.S. Code Service, all Slip Opinions, Court Rules, Directories, Directories, Shepard Citations, Pennsylvania Code, Pennsylvania Bulletin*, and all other books maintained on shelves that are marked indicating that the contents may not be removed.

3. For all materials which are in circulation and borrowed from the library, authorized individuals shall sign the register and indicate the volume number and title, the borrower's name (judge, attorney, or county official), address or department and the date that the volume was removed. Every item taken from the library must be signed out. When the item is returned to the library, the register must be signed to indicate the date that the item was returned. The item should be re-shelved when it is returned to the library.

4. The photocopier in the law library is for the convenience of all persons authorized to use the law library. Use is restricted to making reasonable numbers of copies of library material. The Committee may subject the copier's use to conditions and restrictions by posting same by or on the copier and may revoke any person's usage privileges. The copy machine should be turned off after use.

5. These rules shall be posted in a conspicuous place in the Adams County Law Library.

140. Photographs and Broadcasting.

A. No pictures or photographs shall be taken immediately preceding or during sessions of this Court or recesses between sessions, in any of the courtrooms or at any place in the courthouse within forty (40) feet of the entrance of such courtroom unless specially allowed by the President Judge.

B. No Court proceeding shall be broadcast or televised, nor shall any court proceeding be mechanically or electronically recorded, except by the official court reporter unless specifically allowed by the President Judge or the Judge presiding over that proceeding.

C. No pictures or photographs of any party to civil, criminal, orphans or juvenile action, juror, or witness shall be taken in the law library or in any office or other room of the courthouse, except with the knowledge and consent of the person or persons photographed.

150. Extended hearing.

An extended hearing is defined as one requiring two or more hours. Parties requesting a hearing, whether by order or praecipe, shall certify whether the hearing can reasonably be expected to become an extended hearing. The Court will then schedule the matter for conference or hearing as deemed appropriate by the Court.

160. Termination of Inactive Cases.

A. The Clerk of Courts, the Prothonotary, and each Magisterial District Judge shall annually review cases pending in his/her respective office on or before the first day in July. The Officer shall compile a list of cases in which there has been no docket activity for a period of two (2) years or more. The Officer shall, at least sixty (60) days prior to September 15, give notice to the parties and counsel either (a) in person, (b) by regular mail, addressed to the last address of record, or (c) by publication when notice by mail cannot be given or has been returned undelivered, that after that date the case will be considered by the Court for dismissal. The notice shall comply with the provisions of Pa. Rules of Judicial Administration 1901 and Pa. Rule of Civil Procedure 230.2.

B. If no statement of intention to proceed is made, the Court will summarily dismiss the case any time after September 15 or sixty (60) days after service of the notice, whichever is later. If a statement of intention to proceed is made, the Court may either schedule a hearing or continue the case on active status for a period of one (1) year.

C. Magisterial District Judges shall have the same powers and duties as the Court. Either party shall have the right to appeal to the Court from any decision, as in other cases in which judgment is entered by a Magisterial District Judge.

D. Officers shall certify to the Court that proper notice has been given pursuant to this rule.

E. Notice by publication shall be published once in a newspaper of general circulation in the Adams County area or once in the Adams County Legal Journal.

200—299. Fees, Costs and Financial Matters.

201. Money Paid Into Court.

A. Any party wishing to pay money into Court shall request leave to do so by petition, in conformance with Adams County Civil Rule 206.4 (c).

B. The Prothonotary and Clerk of Courts shall open and maintain accounts for the deposit of funds paid into Court, pursuant to court order. Accounts and depositories shall be approved by the Court. Disbursements or distributions shall be made pursuant to court order. An administrative fee of twenty-five (\$25.00) dollars shall be paid from the fund.

C. When money is paid to the Prothonotary pursuant to Pa. R.C.P.D.J. 1008, the payee shall state in writing whether or not the Prothonotary is authorized to periodically

release sums to a landlord without application by the landlord. If authority is granted, the tenant shall state the amount that may be periodically disbursed. Until authority is cancelled by the tenant, those sums may be periodically released without further Order of Court.

210. Fee Schedule: Public Access to Magisterial District Court Records.

A. Any member of the public requesting access to the public records of the magisterial district courts of Adams County shall be charged the following fees:

1. Photographing—\$0.25 per page;
2. Facsimile or other electronic memos—\$0.25 per page;
3. Conversion to paper from electronic storage—\$0.15 per page;
4. Postage—actual cost;
5. Redaction—none;
6. \$5.00 per each quarter (1/4) hour associated with the preparation, copying and re-filing of requested records.

B. Depending upon the volume of the records requested, the Magisterial District Judge may require a reasonable deposit before authorizing response to the request.

C. Fees paid for services are non-refundable.

D. Fees may be waived if the Magisterial District Judge determines that the requestor is indigent.

E. All fees received pursuant to this Rule shall be identified as revenue to the magisterial district court and shall be remitted monthly to the general fund of the County of Adams.

F. All terms used in this Rule shall have the same meaning as found in the definitional section of the Public Access Policy of the Unified Judicial System of Pennsylvania at 204 Pa. Code Sec. 213.1.

300—399. Documents and Records.

301. Papers Filed.

For purposes of this Rule, papers include pleadings, motions, petitions and orders. Nothing in this rule shall be construed contrary to any State rule.

A. Size and Color.

Papers filed in the court system of Adams County shall be eight and one-half inches by eleven inches (8 1/2 x 11) in size. Papers shall be on white or off-white stock. Exhibits to papers may be of a different color if the original does not permit compliance with this Rule.

B. Characters.

Papers should be written in ink, printed, typewritten, photocopied, mimeographed or otherwise mechanically reproduced.

C. Caption.

The caption should include the name and division of the Court, identifying case number, the names of the parties, and the title of the proceeding.

D. Orders.

Papers requiring an order shall have a proposed order attached as the first page and shall be first filed in either the Office of the Clerk of Courts or the Office of the Prothonotary. Normally, papers should then be presented to the Court Administrator for routing. Papers may also

be presented to the appropriate judge in chambers, or filed in open court, if the judge is already presiding over that litigation.

E. Prior Action.

If a paper refers to prior action taken by the Court, the paper shall identify the date the action was taken and the judge taking such action and shall have attached as an exhibit a copy of the order directing the action.

F. Backers.

The use of backers, mini-backers, toppers or other cover stock is discouraged. No substantive content of any pleading or document shall be contained on the backer, mini-backer, topper or other cover stock. The Clerk of Courts and the Prothonotary shall not physically retain or preserve any backer, mini-backer, topper or other cover stock, or retain or preserve any information contained thereon.

G. Social Security Numbers.

No document submitted for filing to the Prothonotary's Office shall disclose the Social Security number of any person, except as specifically authorized by Rule promulgated by the Pennsylvania Supreme Court, court order, or as required by State or Federal law.

310. Records.

A. Officers.

The Prothonotary, Clerk of Courts, Recorder of Deeds and Register of Wills shall be responsible for the safekeeping of records in their respective offices.

B. Unsupervised Access to Records.

No person other than a judge, attorney admitted to practice in Pennsylvania, or persons designated by a judge or attorney may have unsupervised access to records. Attorneys shall designate which employees from their law office may have unsupervised access. The designation of law office employees must be written and filed in the appropriate office. All unsupervised access shall be limited to the Court's normal business hours and confined to the Prothonotary, Clerk of Courts or Recorder/Register's Offices where the records are stored. Attorneys and designated employees must sign an acknowledgement that they understand this Rule and will do nothing to damage or compromise the integrity of records. If the law office employee's designation is to be removed due to termination of employment or otherwise the attorney shall promptly so notify the Officer. The Officer shall periodically request updated written designations.

C. Removal of Records.

Officers may not authorize temporary removal of records for the purposes of examination and study by any person other than a judge, judicial staff, masters, auditors, court-appointed arbitrators or other court appointed persons. Officers shall require receipts and must be informed precisely where the records may be located. Any person temporarily removing the records shall authorize the Officer to seize and regain possession of the records without process or notice, wherever they may be held. On the day of hearing the master, chairperson of Board of View, or chairperson of Board of Arbitration may remove the records applicable to the appointed case for use at the hearing and shall return said records in tact to the Officer at the end of said hearing. Where the records in a case are unusually voluminous the Officer may relax the restrictions of this Rule so that the original records may be removed from the office for a longer period of time.

D. Electronic Copies.

Upon appointment by the Court the Officer shall make electronic copies of the pleadings available to a master, members of Board of View and members of Board of Arbitration.

320. Correction of Public Records.

Neither the Prothonotary, the Register of Wills, the Clerk of Courts, the Recorder of Deeds, nor the Sheriff shall erase any matter erroneously entered in any official or public record, such as an entry book, docket, mortgage or deed, or will book. Any erroneous entry shall be stricken there from in red ink in such manner as to leave the stricken matter legible, and the correct entry inserted. Upon the making of any correction the Officer making the same shall note the date of such making. In the event that any such Officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between two other entries unless the Officer shall note on the record that it was so made, together with the date thereof.

330. Civil Trial Exhibits.

A. After trial, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

B. Within sixty (60) days after the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary after thirty (30) days written notice by regular mail to the attorney or party who offered the exhibit.

C. Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge shall determine the validity of such claim and determine the manner and timing of disposition.

400—499. Judicial Appointments.

401. Petitions For Board of View.

A. Content of Petition.

1. Petitions filed for the appointment of a Board of View shall cite therein the statutory authority under which the board is being sought.

2. The petition shall identify persons having an interest in the appointment of the board, persons who will be legally impacted by the decision of such board, and any attorney who has a real or potential conflict of interest in the matter.

B. Delivery to the Court. Upon the filing of the petition with the Prothonotary, the petitioner(s) shall have the petition forwarded to the Court Administrator for processing.

C. The Board.

1. Boards of View shall generally be composed of three (3) persons, with the chairperson being an attorney licensed to practice in the Commonwealth of Pennsylvania whose principal office is located in Adams County.

2. The Court may revoke the appointment of the Board, or any member thereof, for whatever cause that the Court deems appropriate.

D. *Deposit.*

1. When the request for a Board of View concerns a private road or other circumstance where a party is statutorily responsible for such costs the Court shall, upon appointment of the Board of View, direct the petitioner to deposit a sum with the Prothonotary to cover the fees and expenses of the Board. That sum shall be from time to time designated by the President Judge but shall initially be set at \$1,000.00. No further action on the petition shall occur until the deposit is presented to the Prothonotary. The Prothonotary shall notify the chairperson of the Board of such receipt.

2. The Court may, at the request of the chairperson, direct that additional sums be deposited consistent with the services provided or to be provided by the Board. In such circumstance the proceedings shall be stayed pending receipt of the additional deposit, unless otherwise directed by the Court.

3. The Prothonotary shall maintain the deposit, pay fees and expenses therefrom as directed by the Court, and return any remaining balance to the petitioner within forty (40) days after the date of approval of the Report of the Board by the Court.

E. *Compensation and Expenses.*

1. Boards of View shall be compensated at a rate established from time to time by the Court.

2. A Petition For Compensation and Expenses shall be made by the Board of View at the time of the filing of its Report. A copy of that petition shall be served upon all parties of record, or their attorneys.

3. Compensation and expenses shall be approved by the President Judge, or designee.

F. *Report.* The Report of a Board of View shall be in writing and submitted to the Court within sixty (60) days of appointment of the Board. If the report cannot be completed and submitted within that period of time, the chairperson shall file a preliminary report with the Court explaining the reason(s) for the delay and setting forth the expected time needed to complete the report.

410. Petition For Appointment of Humane Society Police Officer.

Any person or entity seeking the appointment of a person to act as a humane society police officer pursuant to the provisions of 22 Pa.C.S.A. Sec. 3701, et. seq., shall file a petition in the Office of the Clerk of Courts setting forth verification that the proposed officer satisfies the requirements of the statute. Immediately after filing and docketing of the petition it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

420. Petition For Appointment of School Police Officer.

Any school district seeking to have a person appointed as a school police officer pursuant to provisions of 24 P. S. Sec. 7-778 shall file a petition in the Office of Prothonotary. Immediately after filing and docketing of the petition, it shall be forwarded to the President Judge, or designee, for review. The Court will determine the sufficiency of the averments and whether the petition should be granted without the need for a hearing.

430. Guardian Ad Litem.

Any interested party may move, in the case wherein facts are of record, or may petition, in cases wherein facts are not of record, for the appointment of a guardian ad litem for any party in interest, not sui juris, by reason of infancy or otherwise. The fee for the guardian ad litem shall be set by the judge to whom the case is assigned, and shall be paid in the first instance by the moving or petitioning party. Thereafter, the judge may make such order as may be appropriate, including assessing the fees as costs in the case.

500—599. Appeals To Court.

501. Appeals From Government Agencies.

A. Whenever an appeal is filed from the final order of a governmental agency pursuant to provisions of 42 Pa.C.S.A. Sec. 933, the appeal shall have attached thereto a copy of said final order.

B. The Prothonotary or Clerk of Courts shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court will then schedule a conference, hearing, or argument, or take such other action as may be deemed necessary or appropriate.

510. Land Use Appeals.

Whenever an appeal is filed pursuant to provisions of the Pennsylvania Municipalities Planning Code, 53 P. S. Sec. 10101, et. seq., the Prothonotary shall forward the file to the President Judge, or designee, on the thirty-first (31st) day following the filing of said appeal. The Court shall then schedule a conference or hearing or take such other action as may be deemed necessary or appropriate.

520. License Suspension Appeals.

A. All appeals from governmental action suspending or revoking licenses, rights or privileges, shall have attached thereto a copy of the suspension or revocation order.

B. Hearings for such appeals shall be held on a regularly scheduled Miscellaneous Court day.

530. Tax Assessment Appeals.

A. *Caption.*

1. A real estate tax assessment appeal from a decision of the Adams County Board of Assessment Appeals as to the amount of assessment for real estate tax purposes or to an exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed in the Office of the Prothonotary within the time prescribed by statute.

2. The caption shall designate the party taking the appeal as Appellant and the Adams County Board of Assessment Appeals as Appellee. If the appellant is a taxing authority it shall join the owner(s) of the real estate involved as of course as a party in the assessment appeal by designating such named owner(s) in the caption as Respondent(s).

B. *Joinder of Appeals.* Joinder of more than one real estate tax parcel in a single appeal be permitted only where the parcels are situate adjacent to each other, are titled in the name of the same owner(s), and have been joined for title and taxing purposes in a single deed.

C. *Contents of Appeal.* A Real Estate Tax Assessment Appeal shall contain the following:

1. A caption as proscribed above.
2. The name and address of the Appellant(s).

3. The name and address of all titled owners of the real estate.

4. The identity of the municipality and school district wherein the real estate is located.

5. Reference to the decision of the Adams County Board of Assessment Appeals from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

6. A brief averment of the nature of and the reasons for the appeal.

7. The written signature of the Appellant(s). If the Appellant(s) is/are individuals but constitute(s) less than all titled owners of the real estate there shall be an averment whether the Appellant(s) is/are representing the interest of all the owners. If the Appellant is a corporation the person signing the appeal shall note his/her position in the corporation.

8. A verification consisting of a verified statement as "verified" is defined in Pa. R.Civ. P. No. 76.

D. *Service.* Appellant(s) shall serve copies of the appeal by certified or registered mail or by personal service upon the Board at its official office and, unless named as the appellant, the Board of County Commissioners of Adams County, and upon the respondent owner(s) of the real estate at said owner's last known address. Within ten (10) days after the filing of the Real Estate Tax Assessment Appeal the Appellant(s) shall file a proof of such service with the Prothonotary.

Comment: It is suggested, but not required, that the Appellant(s) provide service of the appeal upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices, or in the absence of any official office, at the last known address of the secretary of said body.

E. *Answer.* No answer or responsive pleading is required to be made by any person or entity entitled to service of a copy of the Appeal or any other pleading filed during the appeal unless otherwise directed by the Court.

F. *Amendment.* Amendment of any pleading shall be permitted as a matter of right up to the date of the pre-trial conference but after the pre-trial conference no amendment shall be permitted except upon approval by the Court.

G. *Intervention.*

1. The County of Adams or the proper municipality or school district not named as Appellee may intervene as of course during the pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

2. The Notice of Intervention shall contain the name of the intervening party designated as Intervenor in the caption, and shall set forth that such identified party is intervening.

3. The intervenor shall serve copies of the Notice of Intervention personally or by ordinary mail upon Appellant(s), Appellee, any Respondent owner and any other intervening parties of record.

4. Within ten (10) days after the filing of the Notice of Intervention the intervenor shall file a proof of such service with the Prothonotary.

H. *Administrative Processing.* The Prothonotary shall forward the file to the President Judge, or designee, on the thirty (31st) day following the filing of the appeal.

I. *Pre-trial Conference.*

1. Upon receipt of the file from the Prothonotary the Court shall schedule a pre-trial conference or take such other action as may be deemed necessary or appropriate.

2. Each party shall file a pre-trial conference memorandum as directed by the Court.

3. An owner, attorney-at-law, or person with legal fiduciary responsibility, who has authority to settle the case must appear at the pre-trial conference.

J. *Discovery.* Pre-trial discovery is permitted as agreed upon by the parties or as directed by the Court.

K. *Settlement.* Any proposed settlement presented to the Court for approval shall indicate whether it is joined in by all owners, the County of Adams, and all relevant municipal taxing authorities. The settlement shall contain a proposed order directing that notice of the proposed settlement be given by ordinary mail to all owners or relevant municipal bodies who have not joined in the proposal giving them thirty (30) days from the date of mailing to object thereto or the proposed settlement will be considered approved by the Court.

540. Tax Sale Appeals.

All tax sale appeals shall be docketed in a manner which identifies the appeal by the tax sale number. Once the appeal is filed, a separate file for that appeal shall be maintained by the Prothonotary.

Comment: Generally, all tax sales for a given year are collectively docketed as filing year-S-file number. Appeals shall be filed to the same docket number but shall also note the sale number. An example would be 2012-S-235 (Sale No. 36).

550. Truancy Appeals.

All appeals filed by a parent, guardian, or person in parental relation from a summary conviction under provisions of the School Code, 24 P.S. Sec. 13-1333, for violation of the compulsory school attendance law shall be filed in the Office of the Clerk of Courts and shall be heard on a regularly scheduled Criminal Business Court day.

600—699. Miscellaneous Petitions.

601. Petitions For Exemption From Disability to Possess a Firearm.

A. Any person who is prohibited by law from possessing a firearm and who is seeking an exemption from such disability under provision of the Pennsylvania Uniform Firearms Act of 1995, 18 Pa. C.S.A. Sec. 6101, et. seq., and specifically under Section 6105 thereof, shall file a petition in the Office of the Prothonotary of Adams County. In addition to any other provision of law, the petition shall include:

1. Averment(s) stating the reason(s) the petitioner is prohibited from possessing a firearm and shall attach, as an exhibit, any supporting documentation.

2. Averment(s) stating the reason(s) the petitioner believes he/she is entitled to exemption.

3. The identity of all persons entitled to notice of the proceeding.

4. An averment whether, by law, the hearing is to be open or closed to the public.

B. Within five (5) days after the filing of the petition, it shall be forwarded to the President Judge, or designee,

for the scheduling of a hearing or such other action as may be deemed necessary or appropriate.

610. Sale of Impounded Unclaimed Vehicles.

A. The Sheriff of Adams County shall, on a periodic basis, conduct sales of impounded unclaimed vehicles in conformity with the Pennsylvania Vehicle Code, specifically, 75 Pa.C.S.A. Sec. 6310(b). The following process shall be observed for the sale of said vehicles:

1. The Magisterial District Judge shall issue an order for the sale of the impounded, unclaimed vehicle and shall provide the Sheriff with a) a copy of said order, b) the name and address of each known owner, lienholder, and secured party of the vehicle, c) the appropriate law enforcement officer involved, d) the identity of any constable or towing agent involved, e) the location where the vehicle is impounded, f) any unpaid fines and costs owing to the Magisterial District Court and g) any known costs as described in 75 Pa.C.S.A. Sec. 6309, 6309.1 and 6309.2.

2. Upon receipt of the information provided in paragraph A.1., above, the Sheriff shall serve notice upon owners, lienholders and secured parties as required by 75 Pa.C.S.A. Sec. 6310(b). The Sheriff shall also notify the law enforcement officers, constables, towing agent, and impound official, if any, of the date and time of sale together with a request for verification of any unpaid costs incurred by said entity pursuant to statute for the seizure, towing, impounding or storage of said vehicle.

3. If the identity or address of an owner is unknown or notice has been returned as undeliverable notice of the sale shall be given by the Sheriff by publication once in the Adams County Legal Journal and in one local newspaper of general circulation.

4. On the date established for the sale of such vehicles the Sheriff shall conduct said sale in accordance with normal personal property sale procedures.

5. Following the sale the proceeds of sale shall first be applied to the costs incurred by the Sheriff for the sale, secondly, to the payment of all fines and costs, and thirdly to the payment of encumbrances. The balance, if any, shall be remitted to the owner.

6. At any time during this process the Sheriff shall have the right to discontinue the sale if there is reasonable basis to conclude that the cost incurred or to be incurred by the Sheriff shall exceed the amount reasonably expected to be offered at sale. In such circumstance the Sheriff shall notify the Magisterial District Judge in writing of the basis for that conclusion. Thereafter the Sheriff shall only be required to proceed to sale if the Sheriff's costs are guaranteed in a manner deemed acceptable by the Sheriff.

[Pa.B. Doc. No. 12-2140. Filed for public inspection November 2, 2012, 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 19, 2012, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 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 19, 2012.

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.

Abdur-Razzaq, Jacqueline Ola
Sicklerville, NJ

Aham-Neze, L. Obioma
Houston, TX

Alexander, Tammie Clark
Morgantown, WV

Aronson, Louis Michael
Bethesda, MD

Ballmann, Bryan Worthington
Ellicott City, MD

Barber, Linda M.
Mayville, NY

Bard, Teri Lynne
Milville, NJ

Baughman, James K.
Eastham, MA

Betts, Daniel William
Austin, TX

Blanchard, Holly Rebecca
Burlington, VT

Bowman, Eric Reginald
Scottsdale, AZ

Boyer, Veronica Lee
New York, NY

Breit, William David
Virginia Beach, VA

Brenner, Joan
Bethesda, MD

Brent, Adam Luke
Franklinville, NJ

Brentzel, Cathy Marie
Washington, DC

Bridges, Alfred Wesley, Jr.
Bordentown, NJ

Brinkerhoff, George Robert
Medford, NJ

Brown, David Jackson
North Bethesda, MD

Bustard, Michael Ross
Woolwich Town, NJ

Candia, Eileen M.
Princeton, NJ

Capriglione, Scott J.
Ewing, NJ

Carpene, Gregg Frederic
Princeton, NJ

Carter, Clinton Chadwell
Montgomery, AL

Chan, Tom Y.
China

Choi, Jacqueline
New York, NY

Clarke, Nadira
Washington, DC

Clifford, Samantha Ann
Westmont, NJ

Cobb, Deirdre L. Webster
Trenton, NJ

Cohen, Robert T.
Cherry Hill, NJ

Crotty, James Michael
Rockville, MD

Crozier, Valerie Lyn
St. Louis, MO

Curtin, Edward
Valrico, FL

Daly, Michael Gerard, Jr.
Cherry Hill, NJ

De Stefano, Rhonda
Caldwell, NJ

Diaz, Joseph Sean
Voorhees, NJ

Dixon, Heather Suzanne
New York, NY

Donahue, William H., Jr.
Westmont, NJ

Edwards, Karlene K.
Astoria, NY

Enos, Gregory Edward
Rochester, NY

Epps, Andrea Nichole
Los Angeles, CA

Ermola, Roger Joseph, II
Linden, NJ

Eves, Brian Christopher
Lambertville, NJ

Ezekoye, Nnenna Iruka
Austin, TX

Fay, Thomas P.
Mullica Hill, NJ

Feigles, Storm Gray
Towson, MD

Fishbein, Aaron Frederick
Ridgewood, NJ

Fitzsimmons, Tracy Diane
Sammamish, WA

Fox, Karen Anne
New York, NY

Fratianne, Anthony T.
Portland, ME

Frederick, Laura Ann
Seal Beach, CA

Freedman, Steven B.
Lawrence, KS

Fuoco, Philip S.
Sarasota, FL

Gaughan, Vincent Joseph
Mount Holly, NJ

Gehring, Holly Sue
Arnold, MD

Gilmartin, Ralph Brian
New York, NY

Gizis, Dana Marie
Oxford, NJ

Gnudi, Kalocsay Robyn Maria
Fort Lee, NJ

Gosin, Barry Elliott
Tampa, FL

Gray, Elizabeth Alexandra
Worthington, OH

Grealy, Francis P., Jr.
Arlington, VA

Green, Richard Edward
Cherry Hill, NJ

Grosvenor, Nicole Patricia
Deptford, NJ

Grubb, Amy Michelle
Corona del Mar, CA

Gurjal, Tushar Abhay
Washington, DC

Harrington, Tim J., Jr.
Fort Worth, TX

Hayes, Ryan Daniel
Boston, MA

Hlesciak, Jeffrey P.
Lawrenceville, NJ

Holloway, Charlisa M.
Middletown, DE

Hyland, Stephen James
Cherry Hill, NJ

Ibe, Peter C.
Washington, DC

Jackson, Jammie Nicole
Sicklerville, NJ

Jackson-Woods, Catherine
Collingswood, NJ

Jamison, Wendy Yvette
Wilmington, DE

Jones, Kermit
Santa Ana, CA

Kane, James Patrick Jr.
Trenton, NJ

Kavjian, Judy Lynn
McLean, VA

Keltos, Robert Joseph
Marlton, NJ

Kelty, Jon David
Jamesburg, NJ

Klayman, Joshua Ashley
New York, NY

Kloecker, Michelle M.
Bloomsbury, NJ

Kluchnick, Kimberley Stuart
Haddon Heights, NJ

Kreitzberg, Amy M
Centreville, VA

Lamason, Fielding Ewing, Jr.
Vashon, WA

Lambert, Helen Brandy
Las Vegas, NV

Lao, Ramon
Stafford, VA

Leather, Robert N.
Pennsauken, NJ

Lehman, Megan Elizabeth
Quincy, MA

Lenahan, Sheila Siobhan
Taunton, MA

Levy, Kathryn Jane
Alexandria, VA

Lights, Philip A.
Brooklyn, NY

Looby, Margaret Mary
Virginia Beach, VA

Mallace, Anthony N.
Audubon, NJ

Maloney, Therese Anne
Lansing, MI

Manuel-Coughlin, Jill
Moorestown, NJ

McCartney, James William
San Juan, PR

McCuskey, Elizabeth Young
San Diego, CA

McDonald, Michael F
Fairfax, VA

McGuire, Joseph W.
Mount Laurel, NJ

Mellas, Lisa
Woodbury, NJ

Millar, Fredrick Lloyd
Cherry Hill, NJ

Miller, Joshua Dallas
Sacramento, CA

Milner, C. George, III
Wheeling, WV

Mkua, Adele
Long Beach, CA

Moazed, Shirine E.
Arlington, VA

Nager, Leigh Hyer
Baltimore, MD

Nasshorn, Lindsay
New York, NY

Nicely, Thomas Michael
Trenton, NJ

Niemczura, Jeffrey Alan
Cleveland Heights, OH

O'Brien, John F., III
Mashpee, MA

Olsen, Christopher George
Mount Laurel, NJ

Pan, Wenseng
China

Petraglia, James F.
Columbiana, OH

Pfister, Timothy J.
New York, NY

Piccone, Louis Alfred
Dalton, MA

Ponce, Susan M.
Houston, TX

Pruchnik, Walter C., Jr.
Clermont, FL

Puri, Asheesh P.
Voorhees, NJ

Roazen, Matthew Daniel
Bradenton, FL

Rochkind, Eric Bradley
Mount Laurel, NJ

Rozanski, Maureen Michelle
Voorhees, NJ

Rubenstein, Samuel G.
Arlington, VA

Rys, William A.
Alexandria, VA

Saint-Cyr, Stephanie P.
Moorestown, NJ

Sand, Robert A.
Mount Laurel, NJ

Saville, Stephen A.
Bear, DE

Schober, Alison Elizabeth
Voorhees, NJ

Scott, Andrea K.
Los Angeles, CA

Shah, Dipa S.
Valrico, FL

Sheinkin, Sara Danielle
New York, NY

Skaler, Isabelle R.
Cherry Hill, NJ

Smith, Gary Wayne
Woodsfield, OH

Steele, Rebecca Harrison
Portland, ME

Stevens, Walter S.
Vista, CA

Suber, Elke Flores
Redmond, W

Sutton, Tricia Divido
Newnan, GA

Taney, Francis Xavier, Jr.
Cherry Hill, NJ

Timoshenko, Victor
Great Neck, NY

Toth, Geza
Flushing, NY

Trainor, Brian John
Newark, NJ

Tuffet, Jean Paulson
Tampa, FL

Valente, Anthony Joseph, II
Gibbstown, NJ

Varndell, Therese Boisvert
Reston, VA

Walker, Earle Henry
Bloomfield, CT

Wang, Christina J.
Niskayuna, NY

Welter, Joseph
East Amherst, NY

Wilks, David Edwin
Wilmington, DE

Wilson, Brian Rommel
Durham, NC

Wojcik, Victor L.
Northville, MI

Zaldivar, Carlos Miguel
Miami, FL

Zimmerman, Gayne Georgina
Arlington, VA

Zucker, Scott Robert
Annandale, VA

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

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