

THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

The judges of the Superior Court of Pennsylvania have approved amendments to the Court's Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to Pa. Code. 65 et. seq.

Rule 65.1 was adopted and Rule 65.1a was renumbered September 19, 2012, effective immediately. Rule 65.43 was rescinded June 1, 2012, effective immediately.

Additions appear in boldface. Deletions are bracketed and boldface.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

ADMINISTRATIVE OFFICES AND STAFF

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

§ 65.1. Introduction

These internal operating procedures are intended to implement Article V of the Constitution of Pennsylvania, statutory provisions, the Pennsylvania Rules of Appellate Procedure and the customs and traditions of this Court. No substantive or procedural rights are created, nor are any such rights diminished.

§ [65.1] 65.1a. Executive Administrator.

The President Judge may appoint an Executive Administrator who shall be the administrative officer of the Superior Court and who shall report directly to the President Judge. The Executive Administrator shall carry out assignments necessary to the efficient operation of the court including:

1. analyzing administrative operations;
2. conducting independent research;
3. preparing the budget and providing for expenditure control, financial accounting, procurement of supplies, facilities management, and telecommunications.

[APPELLATE MEDIATION PROGRAM]

§ 65.43. [Policy] (Reserved).

[The Appellate Mediation Program facilitates settlements or otherwise assists in the resolution of eligible Civil, Family and Orphans' Court appeals. Attorneys with the requisite experience are appointed by the Court to administer the program and conduct mediations. The Mediator shall report directly to the President Judge or his or her designee.

A. After an appeal is filed and contemporaneous with the issuance of docketing information, the Superior Court Prothonotary shall provide the Appellant with a Mediation Statement Form directing the Appellant to submit a factual and procedural summary of the case, the issues raised on appeal, a copy of any opinion or order entered in the lower court and such other information that might impact the mediation process.

B. The completed Mediation Statement shall be confidential. It shall be delivered directly to the Mediator whose identity and address will be provided with the Appellate Mediation Statement Form. The Mediation Statement shall not be filed with the Prothonotary and shall not be served on opposing counsel.

C. Based on the Mediation Statement and any other submitted documents, the Mediator, in his or her discretion, shall determine whether the case on appeal will be mediated. The Mediator shall notify the parties when a case is selected for mediation. Once the Mediator selects a matter for mediation, participation is mandatory.

D. In the event that a case has not been selected for mediation, a party or parties to such an appeal may request the Mediator to reconsider the case for mediation. The Mediator may, in his or her discretion, accept such reconsidered case for mediation, provided that no case shall be eligible for the mediation program after the filing of Appellant's brief and the Mediator shall not reconsider and accept a case after that time has passed.

E. After selection of a case for mediation, and in order to facilitate the mediation, the Mediator shall distribute instructions, procedures and forms to the parties. The parties will prepare and timely submit to the Mediator all forms sent in conjunction with the mediation program.

F. The Mediator shall schedule and conduct confidential mediation sessions. The mediation of selected cases shall be conducted in person, however, if necessary, the Mediator may permit the mediation to take place telephonically, or by videoconference if available. Such mediation sessions shall be scheduled and completed prior to the date set for the filing of Appellant's initial brief. A briefing schedule shall not be deferred during the pendency of mediation unless the Court determines otherwise. A referral to mediation shall not defer or extend the time for ordering any necessary transcripts. Unless otherwise ordered by the Court and for good cause shown, the appellate process will not be interrupted as a result of the pendency of mediation.

G. Unless the Mediator directs otherwise, mediation sessions must be attended by: 1) for each party, the lead attorney who is responsible for the appeal; 2) the parties to the appeal; and 3) if other than or in addition to a party, by the person or persons with actual, full and complete authority to agree to the terms of a settlement of the case. Attendance by other persons who may beneficially influence a settlement shall be within the discretion of the Mediator.

H. No party shall be bound by statements or actions at a mediation session unless a settlement is reached. If the case settles, the agreement shall be reduced to writing and signed by all parties at the mediation session or as soon as possible thereafter. A settlement agreement shall be binding upon all parties to the agreement.

I. In the event of settlement, the Appellant shall promptly file with the Prothonotary a Praeceptum for Discontinuance of the appeal pursuant to Pa.R.A.P. 1973 and serve a copy of the Praeceptum on the trial judge who presided in the case in the Court of Common Pleas pursuant to Pa.R.A.P. 121(c). The Praeceptum shall contain a Notice of Service of the trial court judge pursuant to Pa.R.A.P. 121(d).

J. The Mediator shall keep confidential any statements made or information developed during the mediation process. The parties, their attorneys and other persons attending the mediation are likewise prohibited from disclosing statements made or information developed during the mediation process to anyone other than clients, principals, co-counsel, or those whose final permission and authority is essential to effectuate a settlement, and then, only upon receiving confirmation that the recipients will honor the confidentiality of the information. Similarly, the parties are prohibited from using any confidential information obtained as a result of the mediation process as a basis for any motion or argument to any court.

K. The Mediator shall not participate in any attempts to enforce a settlement. Further, the Mediator cannot be called as a witness in any action or proceeding to enforce a settlement reached as a result of the Appellate Mediation Program.

L. All mediation communications and mediation documents are confidential, inadmissible and are privileged communications pursuant to 42 Pa.C.S.A. § 5949. Upon completion of the mediation proceedings, the Mediator will destroy, in a secure manner, all written documentation submitted during the consideration of and/or conduct of mediation.

M. The Mediator will provide a program evaluation form, to counsel for the parties and, if appropriate, to parties. Candid evaluations are encouraged, but are voluntary and may be submitted anonymously.]

[Pa.B. Doc. No. 13-71. Filed for public inspection January 18, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Victim Services Fee for All Adult and Juvenile Cases; No. CP-13-AD-000003-2013

Administrative Order 6-2013

And Now, this 7th day of January, 2013, in response to the Commonwealth's reduction of funding for victim services as mandated by the Crime Victims Act 18 P.S. § 11.01, et seq, it is hereby

Ordered and Decreed that, effective March 1, 2013, and after publication on the UJS Portal and in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* a fee in the amount of twenty-five dollars (\$25.00) for all criminal and juvenile cases for the purposes of sustaining victim services. This fee shall be imposed in every juvenile and criminal case.

It Is Further Ordered and Decreed that the County of Carbon *Shall Establish* a separate fund for said fees. Disbursements from the Victim Services Fee Fund *Shall be Made* at the discretion of the President Judge and *Shall be Used* to supplement other funding to sustain victim services.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) CD and the written notification received from the Juvenile Court Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

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

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

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office and the Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

[Pa.B. Doc. No. 13-72. Filed for public inspection January 18, 2013, 9:00 a.m.]

CARBON COUNTY

Reestablishment of Juvenile Restitution Fee Fund; No. CP-13-AD-000002-2013 (Old No. 60 JV 98)

Administrative Order No. 7-2013

And Now, this 7th day of January, 2013, pursuant to Title 42 of the *Pennsylvania Consolidated Statutes*, § 6352(a)(5), it is hereby

Ordered and Decreed that, March 1, 2013, and after publication on the UJS Portal and in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas *Reestablishes* a Juvenile Restitution Fee in the amount of ten dollars (\$10.00) and *Adopts* the Juvenile Restitution Fund Guidelines as follows. This fee *Shall Be* imposed against all juvenile defendants.

It Is Further Ordered and Decreed that the County of Carbon *Shall Establish* a separate fund for said fees. Disbursements from the Restitution Fee Fund *Shall be Made* at the sole discretion of the President Judge and *Shall be Used* to reimburse crime victims for financial losses resulting from delinquent acts.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) CD and the written notification received from the Juvenile Court Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

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

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

6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Courts Office and Juvenile Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

Restitution Fund Guidelines

Community Service Work/Restitution Program

Purpose: To establish guidelines for the Community Service Work/Restitution Program which will enable youthful offenders to perform additional community service work hours in order to earn money to be applied to their Court ordered restitution.

1. In 1998, the Carbon County Court of Common Pleas established a Community Service Work/Restitution Fund in order to institute this program. Delinquent youth fund this program through the assessment of costs against each juvenile defendant.

2. Any juvenile under this department's supervision who owes restitution will be eligible to apply for the program.

3. In order to qualify for the program, juveniles must meet the following criteria:

- A. Must owe restitution.
- B. Must have completed all Court ordered community Service work;
- C. Must be a student;
- D. Must not be employed full time (40 hours per week);
- E. Must be making a conscientious effort to comply with his/her payment agreement set by the Bureau of Collections.

4. Juveniles who meet the above criteria may apply for the program by obtaining an application from the Juvenile Probation Office.

5. The application will be reviewed by the Juvenile Court Officer handling the case and the Chief Juvenile Officer.

6. Upon approval, each juvenile will enter into a written agreement which will include the number of hours to be completed, the location of the site(s) where the hours are to be performed, and the completion date. This agreement will be signed by the juvenile, his/her parent or guardian, and a Juvenile Court Officer.

7. Payment for community service work hours will be computed by multiplying the number of hours worked by the current federally mandated minimum wage.

8. Payment to the Bureau of Collections will occur only upon completion of the agreement. If the juvenile does not complete the program, no payment will be made and all money earned will be forfeited.

9. The Chief Juvenile Court Officer will transfer money from the Community Service/Restitution Fund via a voucher payable to the Bureau of Collections. The voucher will be prepared using the juvenile case number and juvenile's initials, thus preserving confidentiality. When the check is received, the Bureau of Collections will credit the juvenile's restitution account.

10. If applicable, juveniles who successfully complete the program may reapply.

[Pa.B. Doc. No. 13-73. Filed for public inspection January 18, 2013, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated December 6, 2012, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective January 5, 2013 for Compliance Group 1.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Ahearn, Edward J. Ocean, NJ	Kopec, Daniel Thomas Chester, NJ
Aston, Marcia Yvonne Allen	Lewandowski, Karen Marie New York, NY
Mount Laurel, NJ	Maloney, Therese Anne Lansing, MI
Bullion, Andrew Baker London	Mantzas, Konstandino S. Marlton, NJ
Carucci, Matthew Michael Wilmington, DE	Minuchi, Jennifer Marie New York, NY
Corman, Michael Jeffrey Barrington, NJ	Mizrahi, Robert Neil Fort Lee, NJ
Damaso, Ivan V. Sunnyside, NY	Myers, Frederick P. Rockville, MD
Delaney, Robert Emmett McKinney, TX	Perrucci, Michael J. Phillipsburg, NJ
Dube, Dimitri Dallas, TX	Ramnath, Fernette P. North Port, FL
Fiergang, Steven D. Westville NJ	Ritigstein, Michael David Haddonfield, NJ
Gaspar, II, Joseph Terrence Virgin Islands	Rosenbaum, Ira Israel
Goldfarb, Charles Woodmere, NY	Rosenfeld, Tommy New York, NY
Hardaway, II, Charles Robert Cleveland, OH	Schildiner, Andrew D. Hackensack, NJ

Shahlapour, Zahra
New York, NY
Stein, Ralph Michael
Cortlandt Manor, NY

Williams, Ted Justice
Washington, DC
Wong, Jr., Jack J.
San Jose, CA

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

[Pa.B. Doc. No. 13-74. Filed for public inspection January 18, 2013, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Cotie W. Jones, having been disbarred from the practice of law in the State of Maryland by Opinion and Order of the Court of Appeals of Maryland, dated August 27, 2012, the Supreme Court of Pennsylvania issued an Order on January 3, 2013, disbaring Cotie W. Jones, from the Bar of this Commonwealth, effective February 2, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 13-75. Filed for public inspection January 18, 2013, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Kenneth Kell, a/k/a Kenneth Harry Kell, having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey, dated August 23, 2012, the Supreme Court of Pennsylvania issued an Order on January 3, 2013, disbaring Kenneth Kell, a/k/a Kenneth Harry Kell, from the Bar of this Commonwealth, effective February 2, 2013. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 13-76. Filed for public inspection January 18, 2013, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts Within the Twentieth Judicial District; No. 299 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 3rd day of January, 2013, upon consideration of the Recommendation of the President Judge of Twentieth Judicial District (Huntingdon County), it is

hereby *Ordered and Decreed* that the Magisterial District 20-3-03 is eliminated and that Magisterial Districts 20-3-01, 20-3-02, and 20-3-04 shall be realigned. This order is effective March 1, 2013. The vacancy for Magisterial District 20-3-03 shall not appear on the ballot for the 2013 municipal election.

Said magisterial districts shall be as follows:

Magisterial District 20-3-01:
Magisterial District Judge
Douglas L. Gummo

Alexandria Borough
Birmingham Borough
Marklesburg Borough
Petersburg Borough
Barree Township
Franklin Township
Henderson Township
Hopewell Township
Jackson Township
Lincoln Township
Logan Township
Miller Township
Morris Township
Oneida Township
Penn Township
Porter Township
Spruce Creek Township
Walker Township
Warriors Mark Township
West Township

Magisterial District 20-3-02:
Magisterial District Judge
Richard S. Wilt

Huntingdon Borough
Mapleton Borough
Mill Creek Borough
Brady Township
Juniata Township
Smithfield Township
Union Township

Magisterial District 20-3-04:
Magisterial District Judge
Mary G. Jamison

Broad Top City Borough
Cassville Borough
Coalmont Borough
Dudley Borough
Mount Union Borough
Orbisonia Borough
Rockhill Furnace
Saltillo Borough
Shade Gap Borough
Shirleysburg Borough
Three Springs Borough
Carbon Township
Cass Township
Clay Township
Cromwell Township
Dublin Township
Shirley Township
Springfield Township
Tell Township
Todd Township
Wood Township

[Pa.B. Doc. No. 13-77. Filed for public inspection January 18, 2013, 9:00 a.m.]