

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 21]

Order Amending Rule 2140 of the Rules of Appellate Procedure; No. 236 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 6th day of September, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 42 Pa.B. 7247 (December 1, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 2140 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective October 7, 2013.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

[(a) *General rule.*—Following a remand from the Supreme Court to the Superior Court or the Commonwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.

(b) *Cover on brief.*—The brief (whether new or refiled) shall be appropriately titled to reflect the current status of the case (e.g. brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

(c) *Order and time for filing.*—On reargument or reconsideration, the party which petitioned for reargument or reconsideration shall file its brief, including any supplemental brief, within 21 days of the order allowing reargument or reconsideration. The respondent shall file its brief within 21 days after service of the petitioner's brief. The petitioner may file a reply brief within 10 days after service of the respondent's brief.

On remand the original appellant or original petitioner shall file its brief, including any supplemental brief, within 21 days of the remand order.

The original appellee or respondent shall file its brief within 21 days after service of the appellant's or petitioner's brief. The original appellant or original petitioner may file a reply brief within 10 days after service of the appellee's or respondent's brief.

(d) *Length of briefs.*—A substituted brief shall not exceed the maximum length of a principal brief as set forth in Rule 2135(a)(1). A supplemental brief shall not exceed 9,300 words. A reply brief shall not exceed the maximum length of a reply brief under Rule 2135(a)(3).

(e) *Certificate of compliance.*—A substituted brief that does not exceed 30 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in Rule 2135(a)(1). A supplemental brief that does not exceed 20 pages when produced on a word processor or typewriter shall be deemed to meet the supplemental brief limitation in subdivision (d) of this rule. A reply brief that does not exceed 15 pages shall be deemed to meet the limitation in Rule 2135(a)(3). In all other cases, the attorney or unrepresented filing party shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.

Official Note: The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the appellate court with jurisdiction over the appeal and may be changed from time to time without notice to bar. See 2013 amendments to Rule 2135 (length of briefs) and the Official Note regarding word counts and page limits generally.]

Following remand, or if reargument, reconsideration, or rehearing is granted, the court shall establish a schedule for further proceedings. If the court does not require further briefing, it shall notify the parties. If further briefing is required, the court shall issue a briefing schedule that includes the order in which briefs shall be submitted, the type and length of brief to be submitted, whether a reproduced record is needed, and the number of copies to be filed.

[Pa.B. Doc. No. 13-1718. Filed for public inspection September 20, 2013, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Order Amending Rule 207 of the Minor Court Civil Rules; No. 363 Magisterial Doc.

Order

Per Curiam

And Now, this 6th day of September, 2013, upon the recommendation of the Minor Court Rules Committee;

the proposal having been published for public comment at 43 Pa.B. 2136 (April 20, 2013):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 207 of the Minor Court Civil Rules is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective October 7, 2013.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 207. Representation in Magisterial District Court Proceedings.

* * * * *

(B) A representative, employee, or authorized agent:

(1) must provide written verification of personal knowledge of the subject matter of the litigation, and

(2) may take no action on behalf of a party until the written authorization required under paragraph (A)(1), (2), or (3) is filed with the court.

* * * * *

FINAL REPORT¹

Recommendation 4-2013, Minor Court Rules Committee

Amendment to Rule 207 of the Minor Court Civil Rules

Verification by Non-Lawyer Representative, Employee or Authorized Agent

On September 6, 2013, effective October 7, 2013, upon recommendation of the Minor Court Rules Committee,² the Supreme Court of Pennsylvania approved an amendment to Rule 207 of the Minor Court Civil Rules.³

I. Background and Discussion

The Minor Court Rules Committee (the "Committee") recommended an amendment to the rules of procedure governing actions in magisterial district courts. The goal of this rule change is to ensure that a non-lawyer representative, employee or authorized agent representing a party in a magisterial district court proceeding has personal knowledge of the subject matter of the litigation as required by Pa.R.C.P.M.D.J. No. 207 ("Rule 207").

In 2006, the Supreme Court of Pennsylvania amended Rule 207,⁴ clarifying who may represent certain parties in magisterial district court proceedings, and establishing an authorization procedure for non-lawyer representatives, employees and authorized agents of parties. The amendments to Rule 207 permitted a non-lawyer representative, employee or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, so long as the authorized representative had "personal knowledge of the subject matter of the litigation." Rule 207 requires the party to file a written authorization with

¹ The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Reports.

² Minor Court Rules Committee Recommendation 4-2013.

³ Supreme Court of Pennsylvania Order No. 363, Magisterial Docket (September 6, 2013).

⁴ Supreme Court of Pennsylvania Order No. 230, Magisterial Docket No. 1, (June 1, 2006).

the magisterial district court naming the non-lawyer representative, employee or authorized agent to act as the party's authorized representative. The written authorization form is available on the website of the Unified Judicial System for use by the public.

In 2012, the Administrative Office of Pennsylvania Courts advised the Committee that it received a request from a magisterial district judge to modify the written authorization form to include the party's verification that the authorized representative has personal knowledge of the subject matter of the litigation. After reviewing and discussing the request, the Committee concluded that a more direct way of ensuring that the authorized representative has the requisite personal knowledge was to require the representative's written verification, rather than the party's.

II. Approved Rule Changes

To address the issues discussed above, the Committee proposed adding a provision to Pa.R.C.P.M.D.J. No. 207(B) requiring that the representative, employee or authorized agent provide written verification of personal knowledge of the subject matter of the litigation.

[Pa.B. Doc. No. 13-1719. Filed for public inspection September 20, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Amend Civil Rule of Procedure 1915.15 Form of Complaint; S-1799-2013

Order of Court

And Now, this 3rd day of September, 2013, at 4:00 p.m., Schuylkill County Civil Rule of Procedure No. 1915.15, FORM OF COMPLAINT is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective September 3, 2013 in accordance with Pa.R.C.P. 1915.15.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File seven (7) certified copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.

4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

**THE COURT OF COMMON PLEAS OF
SCHUYLKILL COUNTY
TWENTY-FIRST JUDICIAL DISTRICT OF
PENNSYLVANIA**

Plaintiff	:	No: S-
	:	
vs.	:	Custody
	:	
	:	
Defendant	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, at _____ o'clock _____ .m. you are hereby ORDERED to appear as follows:

You have been sued in Court to obtain/modify (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody) of the child(ren) named in the Complaint.

I. CUSTODY CONCILIATION CONFERENCE

You are ORDERED to appear in person at the Custody Conciliation Office, of the Schuylkill County Courthouse on _____, for a Custody Conciliation Conference.

You are further ORDERED to bring with you the fully completed conciliation questionnaire provided by the Court.

If you fail to appear as provided by the Order, an Order of Custody may be entered against you or the Court may issue a Warrant for your arrest.

You must file with the Court a verification regarding any criminal record or abuse history regarding you and anyone living in your household on or before the initial in-person contact with the Court (including, but not limited to, a conference with a conference officer or judge or conciliation) but not later than 30 days after service of the complaint or petition.

No party may make a change in the residence of any child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

II. PARENT EDUCATION PROGRAM

1. ALL PARTIES NAMED ABOVE SHALL ATTEND AND COMPLETE THE PARENT EDUCATION PROGRAM DESIGNATED BY THE COURT. THE PROGRAM IS REQUIRED FOR ALL PARTIES PARTICIPATING IN A CUSTODY ACTION. PARTICIPATION

IS REQUIRED WHETHER OR NOT AN AGREEMENT IS SUBMITTED.

2. EACH OF YOU SHALL CONTACT THE PARENT EDUCATION PROGRAM IDENTIFIED IN THE ENCLOSED BROCHURE OR BY CALLING (TOLL FREE) 888-215-7445 WITHIN TEN (10) DAYS OF RECEIVING THIS ORDER TO REGISTER AND ATTEND THE NEXT AVAILABLE PROGRAM. IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDER, CONTEMPT CHARGES AGAINST YOU SHALL BE FILED WITH THE COURT.

YOU ARE EACH REQUIRED TO PAY THE FEE FOR THE PROGRAM DIRECTLY TO THE PROGRAM PROVIDER. THIS INFORMATION IS INCLUDED IN THE ENCLOSED BROCHURE OR BY CALLING (TOLL FREE) 888-215-7445.

3. LOCATION OF PARENTING EDUCATION PROGRAM:

**SCHUYLKILL COUNTY COURTHOUSE
401 N. 2ND STREET
POTTSVILLE, PA 17901
570-628-1330**

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN FINES, IMPRISONMENT OR OTHER SANCTIONS.

III. GENERAL PROVISIONS

YOU SHOULD TAKE THIS PAPER (and the attached papers) TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association Lawyer Referral Service
100 South Street, P.O. Box 186, Harrisburg, PA 17108
1-800-692-7375

Counsel and pro se litigants without counsel are ORDERED to immediately consult their schedules for conflicts and to promptly request a continuance where necessary because of a prior attachment or emergency situation. All requests for a continuance of a Custody Conciliation Conference must be made on the APPLICATION FOR CONTINUANCE form available from the offices of the Court Administrator, Custody Conciliator or Prothonotary in the Schuylkill County Courthouse. The application must be filed in the Prothonotary Office. A continuance will be granted only upon good cause shown.

The moving party shall immediately serve on all interested parties a copy of the original pleading, this order, the designated Parent Education Program Brochure which includes registration and information, and a custody conciliation questionnaire; and shall further file an affidavit verifying service.

Americans With Disabilities Act of 1990: The court of Common Pleas of Schuylkill County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

IV. INMATE PROVISIONS

YOU ARE A NAMED PARTY IN AN ACTION SEEKING CUSTODIAL RIGHTS REGARDING YOUR CHILD(REN). THE SCHUYLKILL COUNTY CUSTODY CONCILIATION OFFICE WILL AFFORD YOU THE OPPORTUNITY TO HAVE INPUT VIA TELEPHONE AT THE CONFERENCE WITH THE CUSTODY CONCILIATOR. YOU ARE RESPONSIBLE FOR ARRANGING THE TELEPHONE CONFERENCE THROUGH THE APPROPRIATE PRISON PERSONNEL ONCE YOU ARE NOTIFIED OF THE DAY AND TIME OF THE CONFERENCE. YOU MUST PROVIDE THE CUSTODY CONCILIATION OFFICE WITH A TELEPHONE NUMBER AND A CONTACT PERSON SO THAT THE CUSTODY CONCILIATION OFFICE CAN CONTACT THE PERSON AT THE SCHEDULED TIME FOR THE CUSTODY CONFERENCE.

IN THE EVENT THAT YOU ELECT TO PARTICIPATE IN THE CONFERENCE VIA TELEPHONE CON-

FERENCE YOU MUST NOTIFY OUR OFFICE WITH THE APPROPRIATE CONTACT INFORMATION AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE SCHEDULED CONFERENCE.

IN ADDITION YOU HAVE THE RIGHT TO FILE A WRIT OF HABEAS CORPUS AD TESTIFICANDUM.

IF YOU ELECT NEITHER APPROACH, YOU MAY SUBMIT AN INFORMAL BRIEF AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED CONFERENCE THAT SETS FORTH YOUR PROPOSAL REGARDING THE CUSTODIAL ISSUES REGARDING YOUR CHILD(REN). YOUR BRIEF WILL BE CONSIDERED AT THE TIME OF THE SCHEDULED CONFERENCE.

BY THE COURT,

Date: _____

[Pa.B. Doc. No. 13-1720. Filed for public inspection September 20, 2013, 9:00 a.m.]
