

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Amending Rule 301 of the Pennsylvania Bar Admission Rules; No. 618 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 301 of the Pennsylvania Bar Admission 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 February 10, 2014.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

Rule 301. Admission pro hac vice.

(a) *General rule.* The provisions of Subchapter B of these rules (relating to admission to the bar generally) do not apply to motions for admission pro hac vice. An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular [**matter**] **case**. An attorney, barrister or advocate admitted pro hac vice in a [**matter**] **case** shall not thereby be authorized to act as attorney of record in [**such matter**] **the case**.

(b) *Procedure.* The general requirements for applicants seeking admission pro hac vice are:

(1) Applicants shall provide such information and pay such fee to the Pennsylvania Interest on Lawyer Trust Account (IOLTA) Board as is required by the regulations concerning pro hac vice admission that have been adopted by the IOLTA Board and approved by the Court.

[(2) **Pro hac vice admissions shall be only on motion of a member of the bar of this Commonwealth. Except as otherwise prescribed by general rule, such motion shall be signed by the member of the bar, shall recite all relevant facts, including, if applicable, those averments required by regulations adopted by the IOLTA Board, and shall be**

filed with the clerk of the court in which or with the magisterial district judge before which the matter is pending at least three days prior to the appearance before the court or magisterial district judge by the attorney, barrister, or advocate seeking pro hac vice admission. Any court or magisterial district judge shall grant such a motion unless good cause for denial shall appear, which shall include failure to comply with applicable regulations promulgated by the IOLTA Board.]

(2) Upon an applicant's compliance with the administrative requirements of paragraph (b)(1):

(i) The applicant's candidacy for pro hac vice admission shall be made by motion by a sponsor, who is member of the bar of this Commonwealth in accordance with Pennsylvania Rule of Civil Procedure 1012.1 (Admission Pro Hac Vice. Motion. Content);

(ii) The motion for the applicant's candidacy for pro hac vice admission shall be filed by the sponsor with the clerk of the court in which or with the magisterial district judge before which the case is pending at least three days prior to the appearance before the court or magisterial district judge by the attorney, barrister, or advocate seeking pro hac vice admission; and

(iii) In capital cases, wherein the applicant seeks pro hac vice admission as defense counsel, the requirements of Pennsylvania Rule of Civil Procedure 1012.1(c) shall be supplemented to demonstrate compliance with the requirements of Pennsylvania Rule of Criminal Procedure 801 (Qualifications for Defense Counsel in Capital Cases).

(3) The oath shall not be required.

Official Note: Based on U.S. Supreme Court Rule 6 and on former Supreme Court Rule 13 (last paragraph).

Paragraph (b) was amended in 2013 to establish a uniform procedure for pro hac vice admissions in Pennsylvania using existing Pennsylvania Rule of Civil Procedure 1012.1. As set forth in paragraph (b)(1), applicants seeking admission first must satisfy the administrative requirements of the IOLTA Board. See 204 Pa. Code § 81.501—.506. Upon satisfaction of these requirements, the IOLTA Board will send the applicant's sponsor written certification. Pursuant to paragraph (b)(2), the sponsor is required to file a motion with the appropriate court seeking approval of the applicant's candidacy for admission pro hac vice. The required content and disposition of the motion are contained in Pennsylvania Rule of Civil Procedure 1012.1. The term, "motion," is colloquially used inasmuch as the sponsor should proceed via "application" pursuant to Pennsylvania Rule of Appellate Procedure 123 (Application for Relief) in the appellate courts and "request" pursuant to Pennsylvania Rule of Civil Procedure before Magisterial District Judges 207 in magisterial district courts.

[Pa.B. Doc. No. 13-2416. Filed for public inspection December 27, 2013, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 1]

Order Amending the Note to Rule 120 of the Rules of Appellate Procedure; No. 239 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Note to Rule 120 of the Pennsylvania Rules of Appellate Procedure 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 February 10, 2014.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

DOCUMENTS GENERALLY

Rule 120. Entry of Appearance.

* * * * *

Official Note: See Subdivision (b) of Rule 907, Subdivision (f) of Rule 1112, Subdivision (d) of Rule 1311 and Subdivision (d) of Rule 1514.

For admission *pro hac vice*, see Pa.B.A.R. 301.

[Pa.B. Doc. No. 13-2417. Filed for public inspection December 27, 2013, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Order Amending Rule 1012.1 of the Rules of Civil Procedure; No. 590 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 38 Pa.B. 5591 (October 11, 2008):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1012.1 of the Pennsylvania Rules of Civil Procedure 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 February 10, 2014.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1012.1. Admission Pro Hac Vice. Motion. Content.

* * * * *

(b)(1) The sponsor shall file a written motion for admission *pro hac vice* in the action for which admission is sought. **The motion shall: (i) aver that the information required by Section 81.504 of the IOLTA regulations has been provided to the IOLTA Board, and (ii) either aver that the fee required by Section 81.505(a) of the IOLTA regulations has been paid, include as an attachment a copy of a fee payment certification from the IOLTA Board, or aver that the payment of the fee is not required pursuant to Section 81.505(c) of the IOLTA regulations.**

(2) The verifications required by subdivisions (c) and (d)(2) shall be attached to the motion.

* * * * *

Explanatory Comment

In 2007, the Supreme Court promulgated Rule 1012.1 governing motions for admission *pro hac vice*. In conjunction with this, the Supreme Court also amended Pa.B.A.R. 301 and promulgated new IOLTA regulations, both of which also govern admission *pro hac vice*. Pa.B.A.R. 301 requires that the motion for admission *pro hac vice* aver that the fee required by the IOLTA regulations has been paid, or include as an attachment a copy of a fee payment certification from the IOLTA Board, unless payment of the fee is not required pursuant to Section 81.505(c) of the IOLTA regulations, and the information required by Section 81.504 of the IOLTA regulations has been provided to the IOLTA Board. The requirements of Pa.B.A.R. 301 and the IOLTA regulations have been incorporated into Rule 1012.1 to aid the practitioner in satisfying the requirements for admission *pro hac vice* in civil cases.

*By the Civil Procedural
Rules Committee*

DIANE W. PERER,
Chair

[Pa.B. Doc. No. 13-2418. Filed for public inspection December 27, 2013, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 130

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to

domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 28, 2014 directed to:

Patricia A. Miles, Esquire
 Counsel, Domestic Relations Procedural Rules Committee
 Pennsylvania Judicial Center
 601 Commonwealth Avenue, Suite 6200
 P. O. Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717 231-9531
 E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations
 Procedural Rules Committee*

CAROL S. MILLS McCARTHY,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

**CHAPTER 1915. ACTIONS FOR CUSTODY OF
 MINOR CHILDREN**

Rule 1915.5. Question of Jurisdiction [**or**], Venue **or Standing**. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.

(a) A party must raise any question of jurisdiction of the person or venue, **and may raise any question of standing**, by preliminary objection filed within twenty days of service of the pleading to which objection is made or at the time of hearing, whichever first occurs. No other pleading shall be required, but if one is filed it shall not delay the hearing.

Official Note: The court may raise at any time a question of (1) jurisdiction over the subject matter of the action or (2) the exercise of its jurisdiction pursuant to § 5426 of the Uniform Child Custody Jurisdiction and Enforcement Act, relating to simultaneous proceedings in other courts, § 5427, relating to inconvenient forum, and § 5428, relating to jurisdiction declined by reason of conduct. The Uniform Child Custody Jurisdiction and Enforcement Act, 23 [**Pa.C.S.A.**] **Pa.C.S.** § 5407, provides that, upon request of a party, an action in which a question of the existence or exercise of jurisdiction is raised shall be given calendar priority and handled expeditiously. **The court also may raise at any time a question of standing. See, e.g., Grom v. Burgoon, 448 Pa.Super. 616, 672 A.2d 823 (1996).**

* * * * *

[Pa.B. Doc. No. 13-2419. Filed for public inspection December 27, 2013, 9:00 a.m.]

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending the Note to Rule 3.1 of the Orphans' Court Rules; No. 620 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Note to Rule 3.1 of the Pennsylvania Orphans' Court 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 February 10, 2014.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 3. PLEADING AND PRACTICE

Rule 3.1. Conformity to equity practice; in general.

* * * * *

Explanatory Note: The deletion of the word "Exceptions" from the title avoids confusion with the understanding of this word as it is employed in Rule 7.

Admission pro hac vice in accordance with Pennsylvania Bar Admission Rule 301 shall proceed by request, the disposition and content of which shall conform with the requirements of Pennsylvania Rule of Civil Procedure 1012.1.

[Pa.B. Doc. No. 13-2420. Filed for public inspection December 27, 2013, 9:00 a.m.]

**Title 234—RULES OF
 CRIMINAL PROCEDURE**

[234 PA. CODE CHS. 1 AND 8]

Order Amending the Comments to Rules 120 and 801 of the Rules of Criminal Procedure; No. 442 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that amendments of the Comments to Pennsylvania Rules of Criminal Procedure 120 and 801 are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 10, 2014.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART B. Counsel

Rule 120. Attorneys—Appearances and Withdrawals.

* * * * *

Comment

Representation as used in this rule is intended to cover court appearances or the filing of formal motions. Investigation, interviews, or other similar pretrial matters are not prohibited by this rule.

For admission *pro hac vice*, see Pa.B.A.R. 301.

An attorney may not represent a defendant in a capital case unless the attorney meets the educational and [**experiential**] **experiential** requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

* * * * *

Official Note: Adopted June 30, 1964, effective January 1, 1965; formerly Rule 303, renumbered Rule 302 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended March 22, 1993, effective January 1, 1994; renumbered Rule 120 and amended March 1, 2000, effective April 1, 2001; Comment revised February 26, 2002, effective July 1, 2002; Comment revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; **amended December 10, 2013, effective February 10, 2014.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 10, 2013 change to the Comment published with the Court’s Order at 43 Pa.B. 7546 (December 28, 2013).

CHAPTER 8. SPECIAL RULES FOR CASES IN WHICH DEATH SENTENCE IS AUTHORIZED

PART A. Guilt and Penalty Determination Procedures

Rule 801. Qualifications for Defense Counsel in Capital Cases.

* * * * *

Comment

The purpose of this rule is to provide minimum uniform statewide standards for the experience and education of appointed and retained counsel in capital cases, to thus ensure such counsel possess the ability, knowledge, and experience to provide representation in the most competent and professional manner possible. These require-

ments apply to counsel at all stages of a capital case, including pretrial, trial, post-conviction, and appellate.

The educational and experience requirements of the rule may not be waived by the trial or appellate court. A court may allow representation by an out-of-state attorney *pro hac vice*, if satisfied the attorney has equivalent experience and educational qualifications, and is a member in good standing of the Bar of the attorney’s home jurisdiction. **See Pa.B.A.R. 301.**

* * * * *

Official Note: Adopted June 4, 2004, effective November 1, 2004; amended April 13, 2007, effective immediately; amended October 1, 2012, effective November 1, 2012; **amended December 10, 2013, effective February 10, 2014.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the December 10, 2013 change to the Comment published with the Court’s Order at 43 Pa.B. 7546 (December 28, 2013).

FINAL REPORT¹

Revision to the Comments to Pa.Rs.Crim.P. 120 & 801

Cross-References to Pro Hac Vice Bar Admission Rule

On December 10, 2013, effective February 10, 2014, the Court adopted the revision to the Comments to Rules of Criminal Procedure 120 and 801, adding a cross-reference to Pennsylvania Bar Admission Rule 301 concerning *pro hac vice* admissions.

Concomitantly with this revision, Pennsylvania Bar Admission Rule 301 will be amended to incorporate the motion procedure set forth in Pennsylvania Rule of Civil Procedure 1012.1, as amended, for all candidates seeking admission *pro hac vice* in Pennsylvania. This amendment is intended to create a uniform statewide procedure for the *pro hac vice* admission process.

In addition, Pennsylvania Bar Admission Rule 301 will require:

In capital cases, wherein the applicant seeks *pro hac vice* admission as defense counsel, the requirements of Pennsylvania Rule of Civil Procedure 1012.1(c) shall be supplemented to demonstrate compliance with the requirements of Pennsylvania Rule of Criminal Procedure 801 (Qualifications for Defense Counsel in Capital Cases).

Pa.B.A.R. 301(b)(2)(iii) (effective February 10, 2014). Reference to Pa.R.Crim.P. 801 within the Bar Admission Rule is intended give notice to applicants and sponsors of *pro hac vice* admissions of the additional qualifications necessary in capital cases.

[Pa.B. Doc. No. 13-2421. Filed for public inspection December 27, 2013, 9:00 a.m.]

¹ Final Reports should not be confused with the official Comments to the rules. Also note that the Supreme Court does not adopt the Comments or the contents of the explanatory Final Reports.

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Order Amending the Comments to Rules 150 and 1150 of the Rules of Juvenile Court Procedure; No. 619 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comments to Rules 150 and 1150 of the Pennsylvania Rules of Juvenile Court Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 10, 2014.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 150. Attorneys—Appearances and Withdrawals.

* * * * *

Comment

* * * * *

Under Rule 800, the Public Defender Act, 16 P. S. § 9960.1 *et seq.*, was suspended only to the extent that the Public Defender Act conflicts with this rule and that separate counsel is to be appointed for juveniles when there is a conflict of interest. *See* Pa.R.P.C. Rules 1.7 and 1.9.

For admission *pro hac vice*, see Pa.B.A.R. 301.

Official Note: Rule 150 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended February 26, 2008, effective April 1, 2008. Amended December 10, 2013, effective February 10, 2014.

Committee Explanatory Report:

* * * * *

Final Report explaining the amendments to Rule 150 published with the Court’s Order at 43 Pa.B. 7547 (December 28, 2013).

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART B(2). COUNSEL

Rule 1150. Attorneys—Appearances and Withdrawals.

* * * * *

Comment

See the Comment to Rule 1634 for assisting children in filing resumption of jurisdiction motions. It is best prac-

... tice for the court to appoint the guardian *ad litem* or legal counsel who was previously assigned to the child as legal counsel in the re-opened case. If there are extenuating circumstances preventing the attorney from representing the child, the attorney should make this known at the time of the filing of the motion for resumption of jurisdiction so the court can assign a new attorney.

For admission *pro hac vice*, see Pa.B.A.R. 301.

Official Note: Rule 1150 adopted August 21, 2006, effective February 1, 2007. Amended October 21, 2013, effective December 1, 2013. Amended December 10, 2013, effective February 10, 2014.

Committee Explanatory Report:

* * * * *

Final Report explaining the amendments to Rule 1150 published with the Court’s Order at 43 Pa.B. 7547 (December 28, 2013).

EXPLANATORY REPORT

December 2013

The Supreme Court of Pennsylvania has adopted revisions of the Comments to Rules 150 and 1150. These revisions are effective February 10, 2014.

Concomitantly with this revision, Pennsylvania Bar Admission Rule 301 will be amended to incorporate the motion procedure set forth in Pennsylvania Rule of Civil Procedure 1012.1, as amended, for all candidates seeking admission *pro hac vice* in Pennsylvania. This amendment is intended to create a uniform statewide procedure for the *pro hac vice* admission process.

The scope of the Comment revisions is to add a cross-reference to Pennsylvania Bar Admission Rule 301 concerning *pro hac vice* admissions.

[Pa.B. Doc. No. 13-2422. Filed for public inspection December 27, 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 Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 365 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 10th day of December, 2013, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 207 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 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 February 10, 2014.

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.**

(A) In magisterial district court proceedings:

(1) Individuals may be represented by themselves, by an attorney at law, or by a representative with personal knowledge of the subject matter of the litigation and written authorization from the individual to appear as the individual's representative.

(2) Partnerships may be represented by an attorney at law, a partner, or by an employee or authorized agent of the partnership with personal knowledge of the subject matter of the litigation and written authorization from a partner to appear as the partnership's representative.

(3) Corporations or similar entities and unincorporated associations may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, or association with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, or association to appear as its representative.

(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.

(C) Admission *pro hac vice* in accordance with Pennsylvania Bar Admission Rule 301 shall proceed by request, the disposition and content of which shall conform with the requirements of Pennsylvania Rule of Civil Procedure 1012.1.

Official Note: This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, or unincorporated association, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.

It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.

As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.

A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

See rules in Chapter 800 as to representation of minors and incapacitated persons by guardians.

To gain admission *pro hac vice* pursuant to Pa.B.A.R. 301, the applicant must seek administrative approval by the IOLTA Board prior to the

sponsor's request for the applicant's admission before the magisterial district court. The disposition and content of the request is governed by Pa.R.C.P. No. 1012.1.

FINAL REPORT¹***Amendment to Rule 207 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges******Pro Hac Vice Admission Procedure***

On December 10, 2013, effective February 10, 2014, the Court approved amendment of Rule 207 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges concerning *pro hac vice* admissions.

I. Background and Discussion

Previously, *pro hac vice* admissions in magisterial district courts have been guided by Pennsylvania Bar Admission Rule 301, which required admission by timely motion before the magisterial district judge. However, neither the Pennsylvania Bar Admission Rules nor the Rules of Civil Procedure before Magisterial District Judges addressed the precise content and procedural requirements for the admission process. In the absence of such guidance, the admission process was either left to local practice or "borrowed" from Pennsylvania Rule of Civil Procedure 1012.1.

Additionally, by Order of October 30, 2013, the Court amended, *inter alia*, Section 81.501(e) of the Interest on Lawyers Trust Account ("IOLTA") Regulations to extend the regulations for *pro hac vice* admissions to include any Pennsylvania magisterial district court. With this extension, applicants seeking admission *pro hac vice* must first seek administrative approval by the IOLTA Board and pay the required fee before requesting admission *pro hac vice* before the magisterial district judge.

Concomitantly with the amendment of Rule 207, Pennsylvania Bar Admission Rule 301 will be amended to incorporate the motion procedure set forth in Pennsylvania Rule of Civil Procedure 1012.1, as amended, for all candidates seeking admission *pro hac vice* in Pennsylvania. Rule 207 is similarly being amended to incorporate the procedure set forth in Pennsylvania Bar Admission Rule 301 and Pennsylvania Rule of Civil Procedure 1012.1, the purpose of which is intended to create a uniform statewide procedure for the *pro hac vice* admission process.

II. Approved Rule Change

To incorporate the procedure set forth in Pennsylvania Bar Admission Rule 301 and Pennsylvania Rule of Civil Procedure 1012.1, Rule 207 is amended to reference these rules and to require that admissions proceed by "request" in accordance with those rules. *See also* Pa.B.A.R. 301, Official Note (the term, "motion," in Pa.B.A.R. 301 includes the Rule 207 "request," as there is no motions practice before magisterial district judges). The Official Note is also revised to inform applicants and sponsors of the requirements for prior administrative approval by the IOLTA Board.

[Pa.B. Doc. No. 13-2423. Filed for public inspection December 27, 2013, 9:00 a.m.]

¹ Final Reports should not be confused with the Official Notes to the rules. Also note that the Supreme Court does not adopt the Official Notes or the contents of the explanatory Final Reports.