

THE COURTS

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 33]

Amendment of Rule 2.11 of the Code of Judicial Conduct; No. 425 Judicial Administration Doc.

Order

Per Curiam

And Now, this 23rd day of June, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 2.11 of the Code of Judicial Conduct of 2014 is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the Code of Judicial Conduct of 2014 is found to be in the interests of justice and efficient administration.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on July 1, 2014.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter A. CANONS

Canon 2. A judge shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.11. Disqualification.

* * * * *

Comment:

* * * * *

(5) A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

(6) **Rule 2.11(A)(4) represents a first inroad into complex issues associated with the financing of judicial campaigns in the scheme prescribed by the Pennsylvania Constitution, per which judicial officers are elected by the citizenry. See Pa. Const. art. V, § 13. For example, the rule presently does not address a number of circumstances which have arisen in the context of public judicial elections, including the involvement of political action committees ("PACs"). Under the direction of an independent board of directors, such entities may aggregate then distribute individual contributions among judicial campaigns, political campaigns, their own operating expenses, and other expenditures. There is no attempt, under the present rule, to require disqualification on account of individual contributions made to a PAC, so long as the organization does not serve as the alter-ego of a specific donor or donors. Rulemaking, in this regard, would require further study and deliberation in order to**

appropriately balance all respective interests involved. Thus, the Court has reserved any treatment to a later time.

[Pa.B. Doc. No. 14-1418. Filed for public inspection July 11, 2014, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915, 1920 AND 1930]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 135

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, August 8, 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 1910. ACTIONS FOR SUPPORT

Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

* * * * *

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not sched-

uled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in Rule 1910.27(e), and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

* * * * *

(3) [A] Any lawyer serving as a hearing officer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer [or], permanent or standing master [employed by], or judge of the same judicial district.

* * * * *

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-2. Partial Custody. Office Conference. Hearing. Record. Exceptions. Order.

* * * * *

(b) Hearing.

(1) The hearing shall be conducted by a hearing officer who must be a lawyer, and a record shall be made of the testimony. A hearing officer who is a lawyer employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a conference officer, hearing officer [or], permanent or standing master [employed by], or judge of the same judicial district.

* * * * *

Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) Non-Record Proceedings. In those jurisdictions that utilize an initial non-record proceeding such as a conciliation conference or office conference, if no agreement is reached at the conclusion of the proceeding, the conference officer or conciliator shall promptly notify the court that the matter should be listed for trial. Any lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a conciliator, mediator or to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

* * * * *

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a)(1) The court may hear the testimony or, upon its own motion or the motion of either party, may appoint a master with respect to all or any of the matters specified in subdivision (a)(2)(i) to consider same and issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

* * * * *

(4) A permanent or standing master employed by, or under contract with, a judicial district or appointed by the court shall not practice family law before a

conference officer, hearing officer [or], permanent or standing master [employed by], or judge of the same judicial district.

* * * * *

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.4. Service of Original Process in Domestic Relations Matters.

(a) Persons Who May Serve. Original process in all domestic relations matters may be served by the sheriff or a competent adult:

* * * * *

(3) or pursuant to special order of court.

Official Note: See Rule 76 for the definition of "competent adult." Service upon an incarcerated person in a domestic relations action must also include notice of any hearing in such action, and specific notice of the incarcerated individual's right to apply to the court for a writ of habeas corpus ad testificandum to enable him or her to participate in the hearing. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the individual's testimony is sought by another. Vanaman v. Cowgill, [363 Pa. Super. 602,] 526 A.2d 1226 (Pa. Super. 1987). See 23 Pa.C.S.A. § 4342(j) and Rule 1930.3. In determining whether a writ of habeas corpus ad testificandum should be issued, a court must weigh the factors set forth in Salemo v. Salemo, [381 Pa. Super. 632,] 554 A.2d 563 (Pa. Super. 1989).

* * * * *

(h) Proof of Service. Proof of service shall be made as follows:

* * * * *

(3) Proof of service by a person other than the sheriff shall be by affidavit. The affidavit shall be filed with the court not later than 90 days after service. If a person other than the sheriff makes a return of no service, the affidavit shall set forth with particularity the efforts made to effect service.

* * * * *

Rule 1930.8. Self-Represented Party.

* * * * *

(e) The assertion of self-representation shall not delay any stage of the proceeding.

(f) The entry of appearance of a self-represented party shall be substantially in the following form:

[CAPTION]

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY PURSUANT TO Pa.R.C.P. No. 1930.8

I, _____, Plaintiff or Defendant (circle one), represent myself in the within action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)

_____,
Remove _____,
Esq., as my attorney of record.

Withdraw my appearance for the filing party.

Esq. (Print name) ID# _____

Signature DATE: _____

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served on me at the address listed below:

Print Name

Signature

Telephone number

Address

FAX

City, State, Zip Code

Date

THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING ATTORNEY REMOVED FROM THE CASE.

Explanatory Comment—2013

Withdrawal of appearance by counsel of record **without the entry of appearance by a self-represented party** is governed by Pa.R.C.P. No. 1012. Service of original process in domestic relations matters is governed by Pa.R.C.P. No. 1930.4. Service of legal papers other than original process is governed by Pa.R.C.P. No. 440.

[Pa.B. Doc. No. 14-1419. Filed for public inspection July 11, 2014, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 137

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, August 8, 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 1910. ACTIONS FOR SUPPORT

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

* * * * *

(b) Health Insurance Premiums.

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party and/or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it, as long as a statutory duty of support is owed to the party who is paying the premium. If there is no statutory duty of support owed to the party who is paying the premium, the portion attributable to that person must be deducted from the premium as set forth in subdivision (2) below. **[Premiums paid by a party to whom no duty of support is owed to cover himself or herself only and that are not necessary to cover the other party or a child as part of a support order shall not be apportioned between the parties.]** If, during the pendency of a divorce action, a party's policy covers that party, a child and a spouse and the spouse has separate coverage not needed to cover the child or the other party, the cost of the spouse's insurance premium shall not be apportioned between the parties. **If, during the pendency of a divorce action, a party provides coverage for that party and a child, but not the spouse, and the spouse has separate coverage, the spouse's insurance premium shall be apportioned between the parties.** If health insurance coverage for a child who is the subject of the support proceeding is being provided and paid for by a third party resident of either party's household, the cost shall be allocated between the parties in proportion to their net incomes. If the obligor is paying the premium, then the obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then the obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

* * * * *

(3) Pursuant to 23 Pa.C.S. § 4326(a), in every support proceeding, the court must ascertain each parent’s ability to provide medical support for the parties’ children and the support “order shall include a requirement for medical support to be provided by either or both parents, provided that such medical support is accessible to the children.”

(i) The non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost. “Reasonable cost” to an obligor shall be defined as an amount that does not exceed 5% of the obligor’s net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered pay, does not exceed 50% of the obligor’s net monthly income. **If the obligee is providing the coverage, the reasonable amount of the obligor’s share shall be defined as an amount that does not exceed 5% of the obligor’s net monthly income and, when added to the amount of basic child support plus additional expenses the obligor is ordered to pay, does not exceed 50% of the obligor’s net monthly income.**

* * * * *

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor’s share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

* * * * *

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated. Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31. Allocation of unreimbursed medical expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(4) If the trier of fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the court may decline to assess any of such expenses against the other party.

[(4)] (5) In cases involving only spousal support or alimony pendente lite, the parties’ respective net incomes for purposes of allocating unreimbursed medical expenses shall be calculated after the amount of spousal support or alimony pendente lite is deducted from the obligor’s income and added to the obligee’s income.

* * * * *

[Pa.B. Doc. No. 14-1420. Filed for public inspection July 11, 2014, 9:00 a.m.]

PART I. GENERAL
[231 PA. CODE CH. 1920]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 136

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, October 3, 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 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

* * * * *

(d) Upon entry of a decree in divorce, any existing order for spousal support shall be deemed an order for alimony pendente lite if any economic claims remain pending.

(e) If a party dies and the divorce action is continuing pursuant to 23 Pa.C.S. § 3323(d.1), an existing alimony pendente lite order may continue as an obligation of the obligor decedent’s estate, subject to modification. The amount of alimony to be awarded to the surviving spouse shall be calculated using only the income of the surviving spouse and the decedent’s estate.

Explanatory Comment—2014

A divorce action may continue after the death of a party pursuant to 23 Pa.C.S. § 3323(d.1) if grounds for divorce have been established. Alimony

pendente lite is intended to provide the financial ability to pursue or defend a divorce action and may continue until the economic issues are resolved.

[Pa.B. Doc. No. 14-1421. Filed for public inspection July 11, 2014, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1000]

Proposed Amendments to Rule 1002 of the Rules of Civil Procedure Before Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt amendments to Rule 1002 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee’s considerations in formulating this proposal. The Committee’s Report should not be confused with the Committee’s Official Notes to the Rules. The Supreme Court does not adopt the Committee’s Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

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

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9546
or email to: minorrules@pacourts.us

no later than September 12, 2014.

By the Minor Court Rules Committee

BRADLEY K. MOSS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 1000. APPEALS

APPEAL

(Editor’s Note: Following is proposed revision 1.)

Rule 1002. Time and Method of Appeal.

[A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days

after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30) days after the date of entry of judgment without leave of Court and upon good cause shown.

B. A party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment without leave of court and upon good cause shown.]

A(1) Except as otherwise prescribed by this rule, a notice of appeal shall be filed within thirty (30) days after the date of entry of judgment from which the appeal is taken.

(2) A notice of appeal from a judgment that concerns a residential lease shall be filed within ten (10) days after the date of entry of judgment from which the appeal is taken. If, however, the tenant is a victim of domestic violence, a notice of appeal shall be filed within thirty (30) days after the date of entry of the judgment from which the appeal is taken.

B. An appeal shall be filed by filing a notice of appeal with the prothonotary of the court of common pleas on a form that shall be prescribed by the State Court Administrator. The prothonotary shall not accept a notice of appeal that is presented after the expiration of the time period specified above in subdivision A without leave of court and upon good cause shown.

Official Note: The 2014 amendment is intended to clarify that the time for an appeal is thirty (30) days in all cases with the exception of the ten (10) day period that exists in cases that concern a residential lease and in which the tenant is not a victim of domestic violence. Accordingly, in a case that concerns a residential lease, appeals must generally be brought within ten (10) days after the date of entry of judgment. The ten (10) day appeal period is applicable in cases concerning residential leases when the judgment is for possession only or for possession and money. When, however, the underlying case concerns a residential lease and the tenant is victim of domestic violence or the judgment is for money only, the appeal period is thirty (30) days.

The 2014 amendment provides additional time to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. A “victim of domestic violence” is defined as “a person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court

shall direct.” See 68 P. S. § 250.513. It is the intent of this rule that should a determination be necessary as to whether or not a tenant is a victim of domestic violence, that determination would be made by the court of common pleas following the filing by a landlord of a motion to quash an appeal for being untimely.

The thirty (30) day [limitation in subdivision A of this rule is the same as that found in the Judicial Code § 5571(b)] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code, 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53. The ten (10) day limitation in [subdivision B] paragraph A(2) of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.). [The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule.] It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the ten (10) day period for filing an appeal, unless by order of court.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and authorize the landlord to regain possession of the leasehold through lawful process. Any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant, who is not a victim of domestic violence, or a landlord who wishes to take an appeal must do so within ten (10) days of the entry of the judgment even if the tenant has vacated the leasehold after the entry of the judgment. See Section 513(b) of the Act and *Cherry Ridge Dev. v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997).

In *Cherry Ridge*, a magisterial district judge entered a judgment in favor of a landlord for possession of the premises and a monetary judgment. See *Cherry Ridge* at 1062. The issue on appeal that the Superior Court addressed was “[w]hat is the time period to file an appeal when an Order for both possession and money judgment is entered by a District Justice?” *Id.* The Superior Court held that the then Rule 1002 provided the tenant with ten (10) days and not thirty (30) days to take an appeal. In reaching that conclusion, the Superior Court observed that the tenant “does not appeal from a judgment only for money,” but from a judgment for possession with an ancillary award for damages

[and that] she does not appeal from a ‘judgment affecting a nonresidential lease.’” *Cherry Ridge* at 1063. As noted above, the proposed changes to the revised rule clarify that there is only one judgment from which an appeal is taken. Therefore, while the proposed rule would also provide for a ten (10) appeal period, it does so without the need for the type of analysis that the Superior Court used in *Cherry Ridge*.

The method of appeal is by filing with the prothonotary a “notice of appeal” on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an “appeal” for filing and another called a “notice of appeal” for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.

Explanatory Comment—2001

The January 1, 2001, amendments to Rule 1002(A) and (B) are to make the language within the Rule consistent. Previously, the Rule used the words “date of entry of judgment” and then “date of judgment”. It is the opinion of the Committee that the phrase “date of entry of judgment” should be used and that it should be used consistently throughout the Rule.

[The amendment to the Note is necessitated because Rule 514 requires that a judgment be rendered for the delivery of possession of the real property to the plaintiff and a separate entry of a judgment for money, whether it be for rent, damages, or costs. The separate entry of the judgment for money should be treated the same as a judgment in a civil action and there are no additional exigencies requiring an accelerated appeal period. The ten (10) day appeal period should only be applicable to the possession judgment and not to the money judgment.

The purpose of this amendment to the Note and this Explanatory Comment is to clarify the intent of the Rule to permit an appeal of the money judgment only within the thirty (30) day appeal period. See *Cherry Ridge Development v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997).]

(Editor’s Note: Following is proposed revision 2.)

Rule 1002. Time and Method of Appeal.

[A. A party aggrieved by a judgment for money, or a judgment affecting the delivery of possession of real property arising out of a nonresidential lease, may appeal therefrom within thirty (30) days after the date of the entry of the judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator together with a copy of the Notice of Judgment issued by the magisterial district judge. The Prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than thirty (30)

days after the date of entry of judgment without leave of Court and upon good cause shown.

B. A party aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease may appeal therefrom within ten (10) days after the date of the entry of judgment by filing with the prothonotary of the court of common pleas a notice of appeal on a form which shall be prescribed by the State Court Administrator, together with a copy of the Notice of Judgment issued by the magisterial district judge. The prothonotary shall not accept an appeal from an aggrieved party which is presented for filing more than ten (10) days after the date of entry of judgment without leave of court and upon good cause shown.]

A(1) Except as otherwise prescribed by this rule, a notice of appeal shall be filed within thirty (30) days after the date of entry of judgment from which the appeal is taken.

(2) A notice of appeal from a judgment that concerns only the delivery of possession of real property arising out of a residential lease shall be filed within ten (10) days after the date of entry of the judgment from which the appeal is taken. If, however, the tenant is a victim of domestic violence, a notice of appeal shall be filed within thirty (30) days after the date of entry of the judgment from which the appeal is taken.

B. An appeal shall be filed by filing a notice of appeal with the prothonotary of the court of common pleas on a form that shall be prescribed by the State Court Administrator. The prothonotary shall not accept a notice of appeal that is presented after the expiration of the time period specified above in subdivision A without leave of court and upon good cause shown.

Official Note: The 2014 amendment is intended to clarify that the time for an appeal is thirty (30) days in all cases with the exception of the ten (10) day period that exists in cases that concern a residential lease and in which the judgment is for possession only and the tenant is not a victim of domestic violence. The thirty (30) day appeal period, therefore, is applicable in cases concerning residential leases when the judgment is for possession and money, money only or when the tenant is a victim of domestic violence.

The 2014 amendment provides additional time to a victim of domestic violence when a judgment arises out of a residential lease and contains an award of possession. A "victim of domestic violence" is defined as "a person who has obtained a protection from abuse order against another individual or can provide other suitable evidence as the court shall direct." See 68 P. S. § 250.513. It is the intent of this rule that should a determination be necessary as to whether or not a tenant is a victim of domestic violence, that determination would be made by the court of common pleas following the filing by a landlord of a motion to quash an appeal for being untimely.

The thirty (30) day [limitation in subdivision A of this rule is the same as that found in] appeal period set forth above is consistent with the appeal period found in Section 5571(b) of the Judicial Code

[§ 5571(b)], 42 Pa.C.S. § 5571(b), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53, and in the July 6, 1995 amendment (Act No. 1995-33) to Section 513(b) of the Landlord and Tenant Act of 1951 ("Act"), Act of April 6, 1951, P. L. 69, as amended, 68 P. S. 250.513(b). The ten (10) day limitation in [subdivision B of this rule is designed to implement the time for appeal set forth in § 513 of the Landlord and Tenant Act of 1951 (Act No. 1995-33, approved July 6, 1995) (Act No. 1995-33 was suspended by the Pa. Supreme Court on March 28, 1996 by Order of Court insofar as the Act is inconsistent with Rules of Civil Procedure Governing Actions and Proceedings Before District Justices, as adopted by that Order.)] paragraph A(2) of this rule is consistent with the time for appeal set forth in the July 6, 1995 amendment. [The two subdivisions of this rule are intended to clarify that where the right of possession of residential real estate is at issue, the shorter, ten day period for appeal applies; where the appeal is taken from any judgment for money, or a judgment affecting a nonresidential lease, under these rules, the thirty day period of time for appeal applies. A party may appeal the money portion of a judgment only within the thirty day appeal period specified in subsection A of this rule.] It is the intent of this rule that no supersedeas under Pa.R.C.P.D.J. No. 1008 shall be issued by the Prothonotary after the [ten (10) day] period for filing an appeal, unless by order of court.

In a landlord-tenant action, the court is authorized to enter only one judgment which may contain a monetary award and authorize the landlord to regain possession of the leasehold through lawful process. Any appeal is from one judgment and cannot be parsed at the will of the party taking the appeal.

If a court enters a judgment in a case arising out of a residential lease that includes an award of money and a right to possession, a tenant, whether or not a victim of domestic violence, or a landlord who wishes to take an appeal must do so within thirty (30) days of the entry of the judgment regardless of whether or not the tenant has vacated the leasehold after the entry of the judgment. Under this circumstance, the rule provides more time within which to take an appeal than Section 513(b) of the Act and as the Superior Court interpreted in then Rule 1002 in *Cherry Ridge Dev. v. Chenoga*, 703 A.2d 1061 (Pa. Super. 1997).

The method of appeal is by filing with the prothonotary a "notice of appeal" on a form to be prescribed by the State Court Administrator. Copies of this same form will be used for service under Pa.R.C.P.M.D.J. No. 1005. This permits use of the same form for filing and service. No useful purpose would be served by having two forms, one called an "appeal" for filing and another called a "notice of appeal" for service.

The 1990 amendment is intended to encourage the complete utilization of the hearing process available before the magisterial district judge.

A copy of the Notice of Judgment must be filed since it will contain the separate entries required by Pa.R.C.P.M.D.J. No. 514.A and will be needed by the Prothonotary.

REPORT

Proposed Amendments to Rule 1002 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges**Time and Method of Appeal; Incorporating Additional Time for Appeal by Victim of Domestic Violence in Residential Landlord-Tenant Case****I. Introduction and Background**

The Minor Court Rules Committee (the "Committee") is proposing amendments to the Pennsylvania Rules of Civil Procedure before Magisterial District Judges governing appeals taken from judgments entered in magisterial district courts. The goals of these rule changes are (1) to clarify the appeal periods for all civil and landlord-tenant judgments, and (2) to provide additional time to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee began looking at this issue in 2011, after reviewing the opinion in the Philadelphia Municipal Court case of *Luck Ent. LLC v. Melton*, <http://www.courts.phila.gov/pdf/opinions/mc/LT0911033436.pdf>, LT-09-11-03-3436 (Phil. Mun. Ct. 2011) (Moss, J.). That court had "forward[ed] a copy of th[e] Opinion to the Philadelphia Municipal Court, the Minor Court Rules Committee and the Court of Common Pleas of Philadelphia County so that they might review their rules to determine whether or not to refine the language of their rules." See *Luck Ent. LLC* at 13, n. 8.

When a landlord brings a landlord-tenant action against a tenant, the landlord has the right to seek a judgment providing for the recovery of money damages and for the right to use lawful process to recover possession of the property. If the landlord prevails at trial, the court will enter a judgment that provides for one of the following: (1) the right to use lawful process to recover possession of the property; (2) an award of money damages; or (3) both an award of money damages and the right to use lawful process to recover possession of the property.

A judgment providing for only the right to use lawful process to recover possession of the property will be entered when the tenant remains in possession of the property, owes no money to the landlord, and the landlord has proven that the tenant has breached a condition of the lease, such as a no pet provision, or that the term of the lease has expired and that the lease has been properly terminated. A judgment providing for only money damages will be entered when the landlord has proven that the tenant owes rent or other monetary compensation under the terms of the lease and the tenant is no longer in possession of the property as a result of, for example, moving out and returning the keys to the landlord after the landlord-tenant complaint was filed but before trial.

Thirty days from the entry of an Order is the standard period of time for taking an appeal. See 42 Pa.C.S. § 5571; Pa.R.A.P. 903. There are, however, exceptions to the thirty-day standard. Generally, when the appeal period is less than thirty days, there is a special reason to shorten the appeal period. For example, the time for appeal from an order in any matter arising under the Pennsylvania Election Code is generally for a lesser time than thirty days because of the need for the courts to resolve such appeals within the short time period between the submission of nominating petitions and the election. See 42 Pa.C.S. § 5571(c)(1).

In the context of landlord-tenant actions, there are two competing interests when possession of the property is at

issue. The landlord has an interest in regaining possession of the leased property as quickly as possible. The tenant, however, has an interest in remaining in the property as long as possible in order to have sufficient time to make arrangements to pack belongings and to move to another property. These competing interests do not exist when the tenant has returned possession of the property to the landlord prior to trial.

The law has continually sought to strike a fair balance between the competing interests of the landlord and the tenant. Prior to the addition on July 6, 1995 of Section 513(b) to the Landlord and Tenant Act of 1951 ("Act"), Act of April 6, 1951, P.L. 69, as amended, 68 P.S. § 250.513(b), Sections 504 and 506 of the Act provided for only five days after the entry of a judgment within which to take an appeal.

In 1995, the General Assembly rebalanced the competing interests between landlords and tenants by distinguishing between residential and nonresidential leases, and between instances in which there was a residential lease involving a victim of domestic violence. Section 513(b) envisions three situations applicable to the time for taking an appeal in a landlord-tenant action. One situation is when a judgment arises out of a residential lease, another is when a judgment arises out of a nonresidential lease, and the third situation is when a judgment arises out of a residential lease in which a victim of domestic violence is involved. In the first situation, there are ten days within which to take an appeal. In the second and third situations, there are thirty days within which to take an appeal. Section 513(b) provides the following:

(b) Within ten days after the rendition of judgment by a lower court arising out of residential lease or within thirty days after a judgment by a lower court arising out of a nonresidential lease or a residential lease involving a victim of domestic violence, either party may appeal to the court of common pleas and the appeal by the tenant shall operate as a supersedeas only if the tenant pays in cash or bond the amount of any judgment rendered by the lower court or is a victim of domestic violence and pays, in cash, any rent which becomes due during the court of common pleas proceedings within ten days after the date each payment is due into an escrow account with the prothonotary or the supersedeas shall be summarily terminated.

Although the Supreme Court of Pennsylvania ("Court") suspended Section 513(b) by entering a number of Orders, it never declared Section 513(b) unconstitutional. Eventually, the Court adopted Pa.R.C.P.M.D.J. No. 1081 which provides that Section 513(b) is suspended to the extent that it is inconsistent with the rules governing appellate proceedings with respect to judgment and other decisions of magisterial district judges in civil actions. The Court, however, did not elaborate on any such inconsistencies and did not suspend Section 513(b) as it applies to the Philadelphia Municipal Court or to the Courts of Common Pleas.

II. Discussion

In *Luck Ent. LLC*, the court examined the rule making history of Pa.R.C.P.M.D.J. No. 1002 within the context of changes to the Act. The Committee agreed that Rule 1002 was in need of refinement, specifically (1) to clarify the appeal periods for all civil and landlord-tenant judgments and (2) to provide additional time to victims of domestic violence when a judgment arises out of a residential lease and contains an award of possession.

The Committee published proposed rules for public comment at Volume 42, *Pennsylvania Bulletin*, p. 7525 (42 Pa.B. 7525, December 15, 2012). Based on the analysis in *Luck Ent. LLC*, the Committee believed that an action in a magisterial district court results in one judgment, not multiple judgments that can be parsed and appealed individually. The Committee agreed with the court in *Luck Ent. LLC* that the Committee's 2001 Explanatory Comment to Rule 1002 suggests that there can be two separate judgments in a landlord-tenant action, and proposes eliminating those portions of the 2001 Explanatory Comment. See *Luck Ent. LLC* at 11-12.

The Committee also proposed patterning the language of Rule 1002 more closely to Section 513 of the Act to reflect the available timeframes for appeal. Additionally, the Committee proposed adding additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Such a change is consistent with Section 513(b) of the Act. Rule 1002 currently does not contain such a provision.

In response to publication, the Committee received correspondence from the bench and bar. Much of the correspondence expressed concern that the proposed rules would create additional burdens on impoverished tenants by establishing the time for all appeals from judgments arising out of residential leases at ten days. Many of the commenters pointed out that the Committee was not bound by Section 513 of the Act to the extent it conflicted with the Court's procedural rules.

Other correspondents wrote to commend the Committee for extending the appeal period for victims of domestic violence. Additionally, there were no objections to maintaining a thirty-day appeal period when the judgment concerned nonresidential leases or a ten-day appeal period when the judgment concerned only the right to use lawful process to recover possession of the property in the context of a residential lease.

The quandary that remains is the amount of time that tenants and landlords should have to take an appeal when the judgment provides for both money damages and the right to use lawful process to recover possession of the property, the matter involves a residential lease, and a victim of domestic violence is not involved.

The Committee gave careful consideration to the comments submitted by interested parties, and decided further analysis was needed to reach a final recommendation. The Committee recognizes that Section 513 of the Act has been suspended by the Court to the extent it is inconsistent with the rules.¹ Therefore, while the Committee is under no obligation to amend Rule 1002 to conform to Section 513, it may make recommendations to do so, and the Court could adopt rule changes to make the rule consistent with the statute. The Committee was also sensitive to the concerns raised by the public interest bar, taking note of the predicted hardships to poor litigants. Finally, the Committee recognized an interest in modifying the language of Rule 1002 to more closely follow that of Section 513, Pa.R.A.P. 903 and 42 Pa.C.S. § 5571. For example, the Committee proposes deleting references to "a party aggrieved by a judgment" in favor of focusing on the nature of the judgment, such as "an appeal from a judgment arising out of a residential lease."

After additional discussion and consideration of the prior comments, the Committee has arrived at two com-

peting proposals and again seeks the comments of the bench and bar. The primary difference between the two proposals is that one proposal provides for a thirty-day appeal period in the context of a residential lease, not involving a victim of domestic violence, in which the judgment provides for both money damages and the right to use lawful process to recover possession of the property. The other proposal provides for a ten-day appeal period in such a situation.

III. Proposed Rule Changes

Proposed Revision 1 is akin to the proposal as published in December 2012, and adheres to the timeframes established in Section 513 of the Act, bringing all appeals from judgments arising out of residential leases (except those involving domestic violence victims) within the ten (10) day period. Proposed Revision 2 differs only with respect to the situation in which a case arising out of a residential lease that does not involve a domestic violence victim results in a judgment providing for the use of legal process to regain possession and an award of money damages. Under Proposed Revision 1, the appeal period is ten (10) days. Under Proposed Revision 2, the appeal period is thirty (30) days.

In cases in which a judgment is entered that permits the landlord to use lawful process to recover possession of the property at issue and an award of money, the Committee continues to search for a fair and appropriate balance between the competing interests of landlords and residential tenants who are not victims of domestic violence. While the Committee favors the ten (10) day appeal period in Proposed Revision 1 as an appropriate and fair balance between the competing interests of landlords and tenants, it is taking the unusual step of submitting Proposed Revision 2 as a means of recognizing the prior comments of proponents for tenants' rights who favored a thirty (30) appeal period in that situation.

The Committee also proposes eliminating the phrase "aggrieved by a judgment" from Rule 1002. That language is not used in Section 513 of the Act, Pa.R.A.P. 903 or 42 Pa.C.S. § 5571. Additionally, the "aggrieved by" language is commonly used when discussing whether or not a party has standing to file an appeal and contributes to the existing ambiguity under present Rule 1002 as to the time within which to file an appeal under various scenarios.

Rather than the appeal period being viewed from the perspective of whether or not a party considered itself to be aggrieved by all or some of the relief provided by a judgment, the Committee agreed with the court in *Luck* that it would be clearer to identify the appeal time periods based on the nature of the underlying judgment. The Committee also examined Pa.R.A.P. 903, and followed the structure therein, utilizing a general rule and exception format.

In both proposals, the Committee suggests adding the additional time for a victim of domestic violence to appeal a judgment arising out of a residential lease that contains an award of possession. Section 513(b) of the Act provides that a victim of domestic violence has thirty days, rather than the standard ten days, to appeal a judgment arising out of a residential lease that contains an award of possession. Finally, the Committee proposes changes to the Official Note and the 2001 Explanatory Comment consistent with the proposed rule changes.

The chart below provides a schematic summary of the two proposals.

¹ On March 28, 1996, the Court, in addition, to approving proposed amendments to Rule 1002, also amended Rule 1081 to suspend Act 33 of 1995, insofar as it was inconsistent with the rules. Act 33 of 1995 provides for Section 513 of the Landlord and Tenant Act. The Court did not rule that Act 33 of 1995 was unconstitutional.

<i>Content of Judgment and Type of Action</i>	<i>Time for Appeal Under Proposal One</i>	<i>Time for Appeal Under Proposal Two</i>
I. Actions for the Recovery of Possession of Real Property		
A. Nonresidential lease	Thirty days	Thirty days
B. Residential lease— Only right to use of lawful process to recover possession of property and award of court costs	Ten days	Ten days
C. Residential lease— Only award of monetary damages and court costs	Thirty days	Thirty days
D. Residential lease— Both right to use lawful process to recover possession of property and award of monetary damages and court costs	Ten days	Thirty days
E. Residential lease— Regardless of the content of the judgment, when a victim of domestic violence is involved	Thirty days	Thirty days
II. Civil Action		
A. Award of money damages and court costs	Thirty days	Thirty days

[Pa.B. Doc. No. 14-1422. Filed for public inspection July 11, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FOREST AND WARREN COUNTIES

Americans with Disabilities Policy; Misc. Dkt. 30 of 2014

Administrative Order

And Now, this 16th day of June, 2014, the Court of Common Pleas of the 37th Judicial District of Pennsylvania hereby adopts a policy providing for reasonable accommodations for the public under Title II of the Americans with Disability Act. The policy follows hereto.

It is *Ordered* that the District Court Administrator shall be appointed as the ADA Coordinator.

Notice similar to the following shall be provided to all scheduled for a hearing or having scheduled business before the Court:

American with Disabilities Act of 1990

If you are disabled and require special accommodations, please notify the office 72 hours in advance of the date of your hearing/business by calling (814) _____-_____ (number of specific court office)

It Is Ordered that this Administrative Order and attached Policy shall be effective (30) days after publication thereof in the *Pennsylvania Bulletin*.

It Is Further Ordered that the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts.

(b) Distribute two (2) certified copies hereof and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) File one (1) copy with the Prothonotary/Clerk of Court of the 37th Judicial District. Said Administrative Order and policy shall be posted on the Court website of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotary/Clerk of Court.

(d) Copies shall be provided to all Court and Court related offices of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying.

By the Court

MAUREEN A. SKERDA,
President Judge

APPENDIX A**Americans with Disabilities Act (Title II) Policy**

The Unified Judicial System of Pennsylvania (UJS) complies with Title II of the Americans with Disabilities Act (ADA) which provides that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity”. 42 U.S.C.A. § 12132. Pursuant to that requirement, if you are an individual with a disability who needs an accommodation in order to participate in any judicial proceeding or any other service, program, or activity of the UJS, you are entitled, at no cost to you, to the provision of certain assistance. The ADA does not require the Court of the 37th Judicial District to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

If you require an accommodation under the ADA, it is recommended that you make your request as soon as possible or at least three (3) business days before your

scheduled participation in any court proceeding or UJS program or activity. All requests for accommodation, regardless of timeliness, will be given due consideration and if necessary, may require an interactive process between the requestor and the Office to determine the best course of action.

To request a reasonable accommodation, please complete the Request for Reasonable Accommodation Form (Appendix A) and return it to:

Court Administrator
204 Fourth Avenue
Warren, PA 16365
Phone: (814) 728-3530
Fax: (814) 728-3452
Email: lcritzer@warren-county.net

If you need assistance completing this form, contact the ADA Coordinator. Complaints alleging violations of Title II under the ADA may be filed pursuant to the UJS Grievance Procedure with Court Administration located at the Judges’ Chambers, 204 Fourth Avenue, Warren, PA 16365. A response will be sent to you after careful review of the facts.



APPENDIX A
FOR USE BY JUDICIAL DISTRICTS ONLY

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT ACCOMMODATION (ADA) TITLE II REQUEST FOR REASONABLE ACCOMMODATION FORM
(INCLUDES REQUEST FOR INTERPRETER FOR HEARING /SPEECH IMPAIRED)

Client Information – Section A

Name: _____ Phone: _____
Address: _____ Email: _____
_____ Mobile: _____

Please check the box that most closely describes your status in this matter:

- Litigant Plaintiff Defendant Parent Child Witness Attorney Victim Juror
 Other (please explain) _____

Requestor Information (if different from above)

Name: _____ Bus. Phone/ Mobile: _____
Address: _____ Fax: _____
Relationship to Client: _____ Email: _____
_____ TTY: _____

Accommodation

Nature of the disability for which an accommodation is requested: _____
Accommodation requested: _____

Location of Proceeding

- Magisterial District Court No. _____
District Judge Name: _____
 Criminal Division Civil Division Orphans' Court Division
 Family Division Adult Juvenile
Specify Address: _____

Proceeding Information (if known)

Case #: _____
Case Name: _____
Judge: _____
Proceeding Date: _____ Proceeding Time: _____
Proceeding Type: _____

AFTER COMPLETING THE FORM, PLEASE SEND TO: COURT ADA COORDINATOR

I hereby certify that an Americans with Disabilities Act accommodation is required in the above-captioned action on the date stated.

Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Service Provider Information - Section B

A SERVICE REQUEST HAS BEEN MADE FOR THE CLIENT NAMED ABOVE.

Service Provider Company: _____ Fax: _____
Individual Interpreter Name: _____ Email: _____
Bus. Phone/ Date to Provider: _____
Mobile: _____

Court Official Verification – Section C

VERIFYING OFFICIAL SHALL MAINTAIN A COPY IN THE COURT'S CASE FILE AND PROVIDE THE ORIGINAL TO THE SERVICE PROVIDER FOR SUBMISSION WITH BILLING.

I hereby verify that the services were performed by the provider in the above-captioned action on the date and time stated.

Start Date & Time: _____ End Date & Time: _____
Court Official: _____ Signature: _____
(Please print name)
Title: _____ Date: _____

APPENDIX B**Americans with Disabilities (Title II) Act Grievance Procedure**

This grievance procedure is established for the prompt resolution of complaints alleging any violation of Title II of the Americans with Disabilities Act (ADA) in the provision of services, programs, or activities by the Unified Judicial System (UJS). If you require a reasonable accommodation to complete this form, or need this form in an alternate format, please contact:

Court Administrator, 204 Fourth Avenue,
Warren, PA 16365
Phone: (814) 728-3530, Fax: (814) 728-3452
email: lcritzer@warren-county.net.

To file a complaint under the Grievance Procedure please take the following steps:

1. Complete the complaint form and return to Court Administration. Alternative means of filing complaints will be made available for persons with disabilities upon request. The complaint should be submitted as soon as possible but no later than sixty (60) calendar days after the alleged violation.

2. Within fifteen (15) calendar days of receipt of the complaint, the ADA Coordinator or designated individual will investigate the complaint, including, meeting with the individual seeking an accommodation, either in person or via telephone, to discuss the complaint and the possible resolutions. Within fifteen (15) calendar days of the meeting, the ADA Coordinator or designated individual will respond in writing, and where appropriate, in

a format accessible to the complainant, such as large print, Braille, or audio. The response will explain the position of the Court of the 37th Judicial District of Pennsylvania and offer options for substantive resolution of the complaint.

3. If the response to the complaint does not satisfactorily resolve the issue, the complainant may appeal the decision within fifteen (15) calendar days after receipt of the response to the President Judge of the 37th Judicial District of Pennsylvania. Within fifteen (15) calendar days after receipt of the appeal, the President Judge will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the President Judge will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

This grievance procedure is informal. An individual's participation in this informal process is completely voluntary. Use of this grievance procedure is not a prerequisite to and does not preclude a complainant from pursuing other remedies available under law.

The UJS Policy on Non-Discrimination and Equal Employment Opportunity also encompasses disability-related issues and provides complaint procedures for UJS court users. Any employment-related disability discrimination complaints will be governed by the UJS Policy on Nondiscrimination and Equal Employment Opportunity.

Appendix A (Request for Reasonable Accommodation Form) and Appendix B (Grievance Form) are located at the Court website www.warrenforestcourt.org.



APPENDIX B

UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA

AMERICANS WITH DISABILITIES ACT (ADA) TITLE II
GRIEVANCE FORM

Grievant Information	
Grievant Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Mobile Phone (include area code): _____
Alternative Contact Person (other than Grievant)	
Name: _____	Home Phone (include area code): _____
Address: _____	Business Phone (include area code): _____
	Relationship To Client: _____
Court Service, Program or Facility Allegedly in Violation	
Date and Location of Alleged Violation (dd/mm/yyyy)	
Description of Alleged Violation and Requested Remedy	
<p>Has this case been filed with the Department of Justice or other government agency or court?</p> <p style="margin-left: 40px;">Yes No</p>	
If You Answered "Yes" to the Previous Question, Complete the Following	
Agency or Court: _____	Contact Person: _____
Address: _____	Phone (include area code): _____
	Date Filed: _____
Other Comments	
Signature: _____	Date: _____

LEHIGH COUNTY

Local Rules of Court Rescinded; Administrative Order No. 2014-J-46

Order of Court

And Now, this 24th day of June 2014, it is appearing that the following local rules have been superseded by the Pennsylvania Rules of Civil Procedure,

It Is Hereby Ordered that the following Lehigh County Family Court Rules are Rescinded, effective immediately.

Rule 1910.11(j). Special Listings.
 Rule 1910.12(b) and (c). Hearing Procedure.
 Rule 1910.12-2. Procedure on Exceptions.¹
 Rule 1910.25. Special Relief.
 Rule 1915.3(b) and (c). Commencement of the Action.
 Rule 1915.4-2. Procedures in Claims for Partial Custody and Visitation.
 Rule 1915.4-3. Procedures in Claims for Primary Physical or Shared Physical Custody.
 Rule 1915.4-4. Relocation Rules.
 Rule 1915.5. Jurisdiction and Venue. Responsive Pleadings.
 Rule 1915.11. Appointment of Attorney for Child.
 Rule 1915.19(e) and (f). Co-Parent Education Program.
 Rule 1920.3. Commencement of Action.
 Rule 1920.4. Service.
 Rule 1920.12. Complaint (a)(1), (a)(2), (a)(4), (b), and (c).
 Rule 1920.15. Counterclaim. Subsequent Petition.
 Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.
 Rule 1920.43. Special Relief.
 Rule 1920.45. Counseling.
 Rule 1920.53. Extension of Time for Filing Master's Report.

By the Court

CAROL K. MCGINLEY,
President Judge

[Pa.B. Doc. No. 14-1424. Filed for public inspection July 11, 2014, 9:00 a.m.]

MONROE COUNTY

Adoption of Local Rule of Judicial Administration 1901; 2014-CU-5

Order

And Now, this 11th day of June 2014, pursuant to the directive of Pa.R.J.A. 1901(b), *It Is Ordered* that effective 30 days after publication in the *Pennsylvania Bulletin*, Monroe County Rule of Judicial Administration 1901, Mon.R.J.A. 1901, regarding Termination of Inactive Cases is hereby adopted.

It Is Further Ordered that two (2) certified copies and one (1) CD-ROM shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; That one (1) certified copy shall be filed with the Administrative Office of the Pennsylvania Courts, and that one copy shall be filed with the Prothonotary of Monroe County.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

¹ Rule 1910.12-2 Procedure on Exceptions appears on the Court's website as a local rule. However, it was not promulgated in accordance with Pa.R.C.P. Rule 239. It will be repromulgated.

Local Rule of Judicial Administration 1901. Termination of Inactive Cases.

(a) *General Policy.* It is the policy of the Monroe County Court of Common Pleas to bring each pending civil action to a final conclusion as promptly as possible consistent with the interests of justice. When no docket activity has occurred in a civil case for a period of more than two years, the court will commence proceedings under this rule to terminate the action, pursuant to Pa.R.J.A. No. 1901.

(b) *Procedures for termination of a civil case for inactivity.*

(1) *Call of the list.* The Prothonotary shall prepare a list each year on or about July 1 of civil cases in which there has been no docket activity for more than two years. The Court will schedule a call of that list to give the parties an opportunity to be heard on the termination of a case. The call of the list will be scheduled for the third Monday of October at 9:00 a.m. or at such other date and time for which notice shall be given pursuant to this rule.

(2) *Published notice.* The Prothonotary shall publish notice of the moribund cases scheduled for the call of the termination list one time in the *Monroe Legal Reporter* at least thirty days before the scheduled call. The notice shall state a) the caption of each case and the names of the attorneys of record or pro se litigants, if any; b) the date, time and location of the call of the list; and c) the requirements of filing written objections and appearing at the call of the list in order to oppose termination, as stated below.

(3) *Written objections and the call of the list.* Any party wishing to oppose the termination of a matter must file written objections with the Prothonotary a minimum of one week prior to the call of the termination list and serve opposing counsel or pro se parties in accordance with the Rules of Civil Procedure. A certificate of service shall be filed with the Prothonotary. If no written objection to dismissal is timely filed, the Prothonotary shall enter an order terminating the case pursuant to Pa.R.J.A. 1901(c)(2), and that matter will not be heard at the call.

If an objection is timely filed and served, the Court will hold argument on that case at the time of the call of the termination list. The party opposing termination must attend the call of the termination list in person or by counsel to argue against the termination of the case. Opposing counsel or parties who wish to be heard may also present argument. The court will then enter an appropriate order.

(c) *Reinstatement.* Any matter terminated under this rule may be reinstated by the Court upon written petition for good cause shown.

(d) *Other remedies not affected.* This rule shall not prevent a party from seeking dismissal of an action due to inactivity through other procedures authorized by law or rule of Court.

[Pa.B. Doc. No. 14-1425. Filed for public inspection July 11, 2014, 9:00 a.m.]

SUPREME COURT

Modification of the Magisterial Districts within the 15th Judicial District; No. 302 Magisterial Rules Doc.

Amended Order

Per Curiam:

And Now, this 18th day of June, 2014, upon consideration of the Petition of the President Judge of the Fifteenth Judicial District (Chester County), to reconfigure magisterial districts within the Fifteenth Judicial District, it is hereby *Ordered and Decreed* that the Magisterial District 15-2-06 is eliminated and that Magisterial Districts 15-1-01, 15-1-04, and 15-4-02 shall be realigned. This order is effective August 1, 2014.

Said magisterial districts shall be as follows:

Magisterial District 15-1-01: East Bradford Township
West Bradford Township
West Chester Borough
(Wards 3, 6 and 7)

Magisterial District 15-1-04: West Chester Borough
(Wards 1, 2, 4 and 5)

Magisterial District 15-4-02: Caln Township
East Brandywine
Township
East Caln Township
Downingtown Borough

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