

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 33 ]

#### Amendment of Rules 4.1, 4.2, 4.3 and 4.4 of the Code of Judicial Conduct; No. 433 Judicial Administration Doc.

##### Order

*Per Curiam*

And Now, this 31st day of October, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 4.1, 4.2, 4.3 and 4.4 of the Code of Judicial Conduct of 2014 are 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 amendments 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 the amendments herein shall be effective immediately.

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

##### Subchapter A. CANONS

**Canon 4. A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.**

**Rule 4.1. Political and Campaign Activities of Judges and Judicial Candidates in General.**

(A) Except as permitted by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not:

\* \* \* \* \*

(6) use or permit the use of campaign contributions for the private benefit of the judge or others;

(7) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;

[ (7) ] (8) use court staff, facilities, or other court resources in a campaign for judicial office;

[ (8) ] (9) knowingly or with reckless disregard for the truth make any false or misleading statement;

[ (9) ] (10) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any court;

[ (10) ] (11) engage in any political activity on behalf of a political organization or candidate for public office except on behalf of measures to improve the law, the legal system, or the administration of justice; or

[ (11) ] (12) in connection with cases, controversies or issues that are likely to come before the court, make

pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

##### Comment:

\* \* \* \* \*

*Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office*

\* \* \* \* \*

(8) Rule [ 4.1(A)(11) ] 4.1(A)(12) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

\* \* \* \* \*

(11) Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph [ (A)(11) ] (A)(12) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph [ (A)(11) ] (A)(12), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

**Rule 4.2. Political and Campaign Activities of Judicial Candidates in Public Elections.**

\* \* \* \* \*

##### Comment:

*General Considerations*

\* \* \* \* \*

(2) Despite paragraph (B) and (C), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4) and [ (11) ] (12), and Rule 4.2(C), paragraph (3).

\* \* \* \* \*

*Statements and Comments Made During a Campaign for Judicial Office*

\* \* \* \* \*

(7) Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (C)(3) or (C)(4), or Rule 4.1, paragraph [ (A)(11) ] (A)(12), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

\* \* \* \* \*

**Rule 4.3. Activities of Candidates for Appointive Judicial Office.**

\* \* \* \* \*

**Comment:**

When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule [ 4.1(A)(11) ] 4.1(A)(12).

**Rule 4.4. Campaign Committees.**

\* \* \* \* \*

**Comment:**

(1) Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A)(7). This Rule recognizes that in Pennsylvania, judicial campaigns must raise campaign funds to support their candidates, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.

\* \* \* \* \*

[Pa.B. Doc. No. 14-2349. Filed for public inspection November 14, 2014, 9:00 a.m.]

**PART II. CONDUCT STANDARDS  
[ 207 PA. CODE CH. 51 ]**

**Amendment of Rules Governing Standards of Conduct of Magisterial District Judges; No. 377 Magisterial Rules Doc.**

**Order**

*Per Curiam*

And Now, this 31st day of October, 2014, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 4.1, 4.2, 4.3 and 4.4 of the Rules Governing Standards of Conduct of Magisterial District Judges are 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 amendments 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 the amendments herein shall be effective December 1, 2014.

**Annex A**

**TITLE 207. JUDICIAL CONDUCT**

**PART II. CONDUCT STANDARDS**

**CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES**

**Canon 4. A magisterial district judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.**

**Rule 4.1. Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General.**

(A) Except as permitted by Rules 4.2, 4.3, and 4.4, a magisterial district judge or a judicial candidate shall not:

\* \* \* \* \*

(6) use or permit the use of campaign contributions for the private benefit of the judge or others;

(7) personally solicit or accept campaign contributions other than through a campaign committee authorized by Rule 4.4;

[ (7) ] (8) use court staff, facilities, or other court resources in a campaign for judicial office;

[ (8) ] (9) knowingly or with reckless disregard for the truth make any false or misleading statement;

[ (9) ] (10) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any court;

[ (10) ] (11) engage in any political activity on behalf of a political organization or candidate for public office except on behalf of measures to improve the law, the legal system, or the administration of justice; or

[ (11) ] (12) in connection with cases, controversies or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

(B) A magisterial district judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the magisterial district judge or judicial candidate, any activities prohibited under paragraph (A).

**Comment:**

\* \* \* \* \*

*Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office*

\* \* \* \* \*

(8) Rule [ 4.1(A)(11) ] 4.1(A)(12) makes applicable to both magisterial district judges and judicial candidates the prohibition that applies to magisterial district judges in Rule 2.10(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

\* \* \* \* \*

(11) Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph [ (A)(11) ] (A)(12) does not specifically address judicial responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating paragraph [ (A)(11) ] (A)(12), therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if elected. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

**Rule 4.2. Political and Campaign Activities of Judicial Candidates in Public Elections.**

\* \* \* \* \*

**Comment:**

*General Considerations*

\* \* \* \* \*

(2) Despite paragraph (B) and (C), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4) and [ (11) ] (12), and Rule 4.2(C), paragraph (3).

\* \* \* \* \*

*Statements and Comments Made During a Campaign for Judicial Office*

\* \* \* \* \*

(7) Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (C)(3) or (C)(4), or Rule 4.1, paragraph [ (A)(11) ] (A)(12), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

\* \* \* \* \*

**Rule 4.3. Activities of Candidates for Appointive Judicial Office.**

\* \* \* \* \*

**Comment:**

When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are

inconsistent with the impartial performance of the adjudicative duties of the office. See Rule [ 4.1(A)(11) ] 4.1(A)(12).

**Rule 4.4. Campaign Committees.**

\* \* \* \* \*

**Comment:**

(1) Judicial candidates are prohibited from personally soliciting campaign contributions or personally accepting campaign contributions. See Rule 4.1(A)(7). This Rule recognizes that in Pennsylvania, judicial campaigns must raise campaign funds to support their candidates, and permits candidates, other than candidates for appointive judicial office, to establish campaign committees to solicit and accept reasonable financial contributions or in-kind contributions.

\* \* \* \* \*

[Pa.B. Doc. No. 14-2350. Filed for public inspection November 14, 2014, 9:00 a.m.]

**Title 249—PHILADELPHIA RULES**

**PHILADELPHIA COUNTY**

**Deferment of First Keystone Risk Retention Group and Its Insureds by Reason of Order of Liquidation; Civil Trial Division; Administrative Doc. No. 48**

*And Now*, this 27th day of October, 2014, upon consideration of the Order of Liquidation entered in the Court of Common Pleas, Fifth Judicial Circuit by the State of South Carolina, Richland County dated October 21, 2014, *Raymond G. Farmer, as Director of the South Carolina Department of Insurance v. First Keystone Risk Retention Group, Inc.*, C.A. No. 2014-CP-40-5987, it is hereby *Ordered and Decreed* that all cases in which First Keystone Risk Retention Group, Inc. is a named party shall be placed in deferred status.

It is further *Ordered and Decreed* that all actions currently pending against an insured of First Keystone Risk Retention Group, Inc. shall be placed in deferred status.

*By the Court*

JOHN W. HERRON,  
*Administrative Judge, Trial Division*

This Administrative Docket is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration Docket No. 1, Phila. Civ. \*51 and Pa.R.C.P. 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original Administrative Docket shall be filed with the Office of Judicial Records in a docket maintained for Administrative Dockets issued by the Administrative Judge of the Trial Division and copies shall be submitted to the Administrative Office of the Pennsylvania Courts, The Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Administrative Docket shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First

Judicial District. The Administrative Docket is also available on the Court's web site at <http://courts.phila.gov>.

[Pa.B. Doc. No. 14-2351. Filed for public inspection November 14, 2014, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Amendment of Local Rules of Criminal Procedure CARB.R.Crim.P. 106 Continuances in Summary and Court Cases; No. CP-13-AD-0000006-2014

##### Administrative Order No. 16-2014

*And Now*, this 23rd day of October, 2014, in order to preserve the same requirements for both civil and criminal continuances, it is hereby

*Ordered and Decreed*, that effective December 1, 2014, the Carbon County Court of Common Pleas *Amends* Local Rule of Criminal Procedure CARB.R.Crim.P. 106 governing criminal Continuances in Summary and Court Cases.

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

1. File one (1) certified copy of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Rule on the Unified Judicial System's website at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

#### Rule 106. Continuances in Summary and Court Cases.

All Motions for Continuance shall be filed at least two (2) working days before the scheduled event.

When a Motion for Continuance is requested because of an attachment of another Court, the Attorney shall provide a copy of said attachment with the Motion for Continuance.

Any motion filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not exist previously, the defendant was not aware of the grounds for the motion, or the interest of justice requires it.

[Pa.B. Doc. No. 14-2352. Filed for public inspection November 14, 2014, 9:00 a.m.]

### CARBON COUNTY

#### Approval to Sentence Eligible Offenders to Intermediate Punishment Program by Magisterial District Judges; No. CP-13-AD-0000005-2014

##### Administrative Order No. 13-2014

*And Now*, this 23rd day of October, 2014, pursuant to 42 Pa.C.S.A. § 9801 et seq, it is hereby

*Ordered and Decreed*, that effective December 1, 2014, the Carbon County Court of Common Pleas *Approves* the use of the Carbon County Intermediate Punishment Program by the Carbon County Magisterial District Judges to sentence eligible offenders.

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

1. File one (1) certified copy of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Rule on the Unified Judicial System's website at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 14-2353. Filed for public inspection November 14, 2014, 9:00 a.m.]

### LUZERNE COUNTY

#### Rule of Civil Procedure 205.2(a); No. 12167 of 2014

##### Order

*And Now*, this 22nd day of October, 2014, Luzerne County Rules of Civil Procedure are hereby revised as follows:

1. Luzerne County Rule of Civil Procedure 205.2(a) is hereby provided in the following copy of the same.

2. It is further Ordered that the Court Administrator shall file one (1) certified copy of this Rule with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau, one (1) certified copy to the Civil Procedural Rules Committee, one (1) certified copy to the Judicial Council of Pennsylvania Statewide Rules Committee, and one (1) copy to the *Luzerne Legal Register* for publication in the next issue.

3. It is further Ordered that the effective date of this order shall be effective upon publication on the UJS Portal.

4. It is further Ordered that these local rules shall be kept continuously available for public inspection and copying in the Office of Judicial Records and Services of Luzerne County.

*By the Court*

THOMAS F. BURKE, Jr.,  
*President Judge*

**Luzerne Co.R.Civ.P. 205.2(a)**

**Rule 205.2(a). Required Redaction of Pleadings and Other Papers Filed with the Court.**

Unless required by an applicable law or rule of court, or unless ordered by the court, any party or non-party making a paper or electronic filing of a legal paper as defined in Pa.R.C.P. No. 205.4(a)(2) in the Prothonotary's Office must redact identifying information appearing in the filing, including any attachments thereto, as follows:

(1) An individual's or business entity's social security number or taxpayer identification number must be redacted, provided that the filing may include the last four digits of the social security number or employer identification number;

(2) An individual's date of birth must be redacted, provided that the filing may include the year of an individual's birth;

(3) With respect to any financial account number, including but not limited to any bank account, investment account, or credit card account, the account number must be redacted, as well as any PIN, password or other number used to secure such account, provided that the filing may include the last four digits of the account number;

(4) The court may order, for good cause shown in a specific case, that additional information must be redacted from any filing, including but not limited to the home street address or driver's license number of a specified individual, medical records, treatment, diagnosis, individual financial information and proprietary or trade secret information;

(5) The court may order the person making a redacted filing to file, in addition, an unredacted copy under seal; and

(6) Where the court has permitted a filing to be made under seal, the court may later unseal the filing and may order the filing party to redact the filing at that time.

The responsibility for redacting the identifying information rests with the party or non-party making the filing and his or her counsel. Legal papers will not be reviewed by the Prothonotary for compliance with this Rule.

[Pa.B. Doc. No. 14-2354. Filed for public inspection November 14, 2014, 9:00 a.m.]