

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CHS. 85 AND 93 ]

#### Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 77

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to shorten the length of time that informal admonitions are deemed relevant from six years to four years. In addition, Board Rule 85.5(b) is being amended to reflect the change of location of the District I Office of Disciplinary Counsel.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P. L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

(4) The amendments to Board Rule 93.104(d)(4) shall apply only to informal admonitions administered on or after the effective date of the amendments.

(5) This Order shall take effect immediately.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE M. BIXLER,  
*Secretary*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

##### CHAPTER 85. GENERAL PROVISIONS

#### § 85.5. Location of Office of Disciplinary Counsel.

\* \* \* \* \*

(b) *Disciplinary District Offices.* The present locations of the district offices of the Office of Disciplinary Counsel and the office of the Assistant Disciplinary Counsel for each such disciplinary district are:

(1) District I Office  
Office of Disciplinary Counsel  
The Disciplinary Board of the  
Supreme Court of Pennsylvania  
[ 16th Floor, Seven Penn Center ]  
[ 1635 ] 1601 Market Street  
Suite 3320  
Philadelphia, PA [ 19103-2202 ] 19103-2337  
(215) 560-6296  
(fax: (215) 560-4528)

\* \* \* \* \*

#### CHAPTER 93. ORGANIZATION AND ADMINISTRATION

##### Subchapter F. CONFIDENTIALITY

#### § 93.104. Access by judicial system agencies to confidential information.

\* \* \* \* \*

(d) *Restrictions on available information.* The fact that:

\* \* \* \* \*

(4) an informal admonition was administered more than four years or private reprimand was administered more than six years before the request for access is made shall not be deemed relevant if no other grievances or complaints resulting in the imposition of discipline were filed against the respondent-attorney during such four or six year period, **respectively**.

[Pa.B. Doc. No. 15-943. Filed for public inspection May 22, 2015, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1920 ]

#### Order Amending Rules 1920.17, 1920.31, 1920.33, 1920.42, 1920.54, 1920.55-2, 1920.71, 1920.72 and 1920.75 of the Rules of Civil Procedure; No. 622 Civil Procedural Rules Doc.

#### Amended Order

*Per Curiam*

And Now, this 6th day of May, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 43 Pa.B. 7244 (December 14, 2013) and republished for additional comment in the *Pennsylvania Bulletin*, 44 Pa.B. 4165 (July 5, 2014):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1920.17, 1920.31, 1920.33, 1920.42, 1920.54, 1920.55-2, 1920.71, 1920.72 and 1920.75 of the Pennsylvania Rules of Civil 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 on July 1, 2015.

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE**

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

**Rule 1920.17. Discontinuance. Withdrawal of Complaint.**

(a) The plaintiff may withdraw the divorce complaint and discontinue the divorce action by praecipe that includes a certification that:

(1) no ancillary claims or counterclaims have been asserted by either party; and

(2) grounds for divorce have not been established.

(b) A party may withdraw a claim of equitable distribution only:

(1) by written consent of both parties filed with the court, or

(2) after filing and serving on the other party a written notice that the party intends to withdraw the claim of equitable distribution 20 days after service of the notice.

(c) The notice required in subdivision (b) above shall be substantially in the following form:

(Caption)

**NOTICE OF INTENTION TO WITHDRAW CLAIM FOR EQUITABLE DISTRIBUTION**

TO: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

(Plaintiff) (Defendant) intends to withdraw (his) (her) pending claim for equitable distribution of property twenty days after the service of this notice. Unless you have already filed with the court a written claim for equitable distribution, you should do so within twenty days of the service of this notice, or you may lose the right to assert a claim for equitable distribution. If a decree in divorce is entered and you have not filed a claim for equitable distribution, you will forever lose the right to equitable distribution of property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

(d) In the event one party dies during the course of the divorce proceeding, no decree of divorce has been entered and grounds for divorce have been established, neither the complaint nor economic claims can be withdrawn except by the consent of the surviving spouse and the personal representative of the decedent. If there is no agreement, the economic claims shall be determined pursuant to the Divorce Code. If no personal representative has been appointed within one year of the decedent's death, then, upon motion of the surviving party, the court may allow the withdrawal or dismissal of the complaint and/or any pending economic claims.

**Official Note:** To the extent that *Tosi v. Kizis*, 85 A.3d 585 (Pa. Super. 2014) holds that 23 Pa.C.S. § 3323(d.1) does not prevent the plaintiff in a divorce action from discontinuing the divorce action following the death of the defendant after grounds for divorce have been established, it is superseded.

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

(a)(1) [ **Within thirty days after the service of the pleading or petition containing** ] **When either party has raised** a claim for alimony or counsel fees, costs and expenses, each party shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months, a completed Income Statement in the form required at Rule 1910.27(c)(1) and a completed Expense Statement in the form required by Rule 1910.27(c)(2)(B). **A party may not file a motion for the appointment of a master or a request for court action regarding alimony, alimony pendente lite or counsel fees, cost and expenses until at least 30 days following the filing of that party's tax returns, Income Statement and Expense Statement. The other party shall file the tax returns, Income Statement and Expense Statement within 20 days of service of the moving party's documents.** If a claim for child support, spousal support or alimony pendente lite is raised in a divorce complaint, no expense form is needed in a support action that can be decided pursuant to the support guidelines unless a party claims unusual needs or unusual fixed expenses or seeks deviation pursuant to Rule 1910.16-5 or apportionment of expenses pursuant to Rule 1910.16-6.

\* \* \* \* \*

**Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.**

(a) [ **Within ninety days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of the Divorce Code, each** ] **Each party shall file an inventory specifically describing all property owned or possessed at the [ time the action was commenced ] date of separation. A party may not file a motion for the appointment of a master or a request for court**

action regarding equitable distribution until at least 30 days following the filing of that party's inventory. The other party shall file the inventory within 20 days of service of the moving party's inventory. The inventory shall set forth as of the date of [ the filing of the complaint ] separation:

(1) a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person and all marital liabilities; [ and ]

(2) a specific description of all property [ in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property ] or liabilities that are claimed to be non-marital and the basis for such [ exclusion. ] claim; and

(3) the estimated value of each item of marital and non-marital property and the amount of each marital and non-marital liability.

Official Note: Subdivision (c) of this rule provides sanctions for failure to file an inventory as required by this subdivision. An inventory [ filed within the ninety day period ] may be incomplete where the party filing it does not know of all of the property involved in the claim for equitable distribution. Consequently, the rule does not contemplate that a party be precluded from presenting testimony or offering evidence as to property omitted from the inventory. The omission may be supplied by the pre-trial statement required by subdivision (b).

\* \* \* \* \*

Rule 1920.42. Affidavit and Decree under § 3301(c) or § 3301(d)(1) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in § 3301(c) and § 3301(d)(1)(i) Divorces. [ Counteraffidavit ] Counter-affidavit.

(a) If a complaint has been filed requesting a divorce on the ground of irretrievable breakdown and

(1) both parties have filed an affidavit under § 3301(c) of the Divorce Code substantially in the form prescribed by Rule 1920.72(b), or

(2) either party has filed a § 3301(d) affidavit under § 3301(d) of the Divorce Code substantially in the form prescribed by Rule 1920.72(d) [ the averments of which ] and has served it upon the other party along with a form counter-affidavit and the other party has admitted or failed to deny the averments of the § 3301(d) affidavit, the prothonotary on praecipe in the form prescribed by Rule 1920.73(b) shall transmit the record to the court, which shall review the record and enter [ an ] the appropriate decree. No master shall be appointed.

\* \* \* \* \*

(d)(1) Except as provided in (e), no decree shall be entered by the court under § 3301(c) or § 3301(d)(1)(i) of the Divorce Code unless a notice of intention to request entry of divorce decree, substantially in the form prescribed by Rule 1920.73(a), was mailed or delivered to the attorney of record of the party against whom the decree is to be entered or, if there is no attorney of record, to the party, along with a form counter-affidavit if none has been filed, at least twenty days prior to the date of the filing of the praecipe to transmit the record. [ The

praecipe ] A copy of the praecipe, which shall state the date and manner of service of the notice, [ a copy of which ] shall be attached.

(2) [ If the party against whom the decree is to be entered has no attorney of record, the notice required by subdivision (d)(1) shall be accompanied by a form counter-affidavit substantially in the form prescribed by Rule 1920.72(e). ] The affidavit required under § 3301(d) of the Divorce Code shall be filed with the prothonotary and served upon the other party, along with a form counter-affidavit. The moving party must wait a minimum of 20 days after service of the § 3301(d) affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and another form counter-affidavit or filing the waiver of notice pursuant to Rule 1920.72(c).

\* \* \* \* \*

Rule 1920.54. Hearing by Master. Report. Related Claims.

(a) If claims for child support, alimony pendente lite, or counsel fees and expenses have been referred to a master pursuant to Rule 1920.51(a), the master's report shall contain separate sections captioned "Child Support," "Alimony Pendente Lite," or "Counsel Fees and Expenses" as appropriate. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order stating

- (1) the amount of support or alimony pendente lite;
(2) by and for whom it shall be paid; and
(3) the effective date of the order.

[ The Income and Expense Statements shall be attached to the report. ]

(b) If a claim for alimony has been referred to a master, the report shall contain a separate section captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth

\* \* \* \* \*

Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.

(a) After conclusion of the hearing, the master shall:

- (1) file the record and the report within
(i) twenty days in uncontested actions or;
(ii) thirty days [ after ] from the last to occur of the receipt of the transcript by the master or close of the record in contested actions; and

\* \* \* \* \*

Rule 1920.71. Form of Notice.

The notice required by Rule 1920.12(c) shall be substantially in the following form:

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for

any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody [ or visitation ] of your children.

\* \* \* \* \*

**Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).**

\* \* \* \* \*

(e)(1) The [ **counteraffidavit** ] **counter-affidavit** prescribed by Rule [ **1920.42(c)(2)** ] **1920.42(d)(2)** shall be substantially in the following form in a § 3301(c) divorce:

(Caption)  
COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE  
DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)  
COUNTER-AFFIDAVIT  
UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because (Check (i), (ii), (iii) or [ **both** ] **all**):

(i) The parties to this action have not lived separate and apart for a period of at least two years.

(ii) The marriage is not irretrievably broken.

(iii) **There are economic claims pending.**

(2) Check [ **either (a) or (b)** ] (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

[ I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims. ]

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) **Economic claims have been raised and are not resolved.**

I verify that the statements made in this [ **counteraffidavit** ] **counter-affidavit** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

[ **NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you should not file this counteraffidavit. ]**

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

**Rule 1920.75. Form of Inventory.**

The inventory required by Rule 1920.33(a) shall be substantially in the following form:

(Caption)  
INVENTORY  
OF

\_\_\_\_\_  
(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the [ **time this action was commenced** ] **date of separation** and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
(Plaintiff) (Defendant)

ASSETS OF THE PARTIES

(Plaintiff) (Defendant) marks on the list below those items applicable to the case at bar and itemizes the assets on the following pages.

\* \* \* \* \*

( ) 24. [ **Debts due, including loans, mortgages held ] Accounts receivable, including loans and mortgages payable to a party**

( ) 25. Household furnishings and personalty (include as a total category and attach itemized list if distribution of such assets is in dispute)

( ) 26. Other

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date [ **this action was commenced** ] of separation:

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Owners</i>	<i>Estimated Value at Date of Separation</i>
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NON-MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reason for Exclusion</i>	<i>Estimated Value at Date of Marriage</i>	<i>Estimated Value at Date of Separation</i>
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PROPERTY TRANSFERRED

<i>Item Number</i>	<i>Description of Property</i>	<i>Date of Transfer</i>	<i>Consideration</i>	<i>Person to Whom Transferred</i>	<i>Estimated Value at Date of Separation</i>
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LIABILITIES

<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>	<i>Estimated Amount at Date of Separation</i>
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[Pa.B. Doc. No. 15-944. Filed for public inspection May 22, 2015, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Adoption of a Compliance Program for the Philadelphia Municipal Court Traffic Division; Administrative Doc. No. 01 of 2015

#### Order

And Now, this 4th day of May, 2015, in order to ensure that the reforms implemented at the Philadelphia Municipal Court Traffic Division since 2011 remain in effect, and further to ensure that the Philadelphia Municipal Court Traffic Division continues to operate with integrity and professionalism so as to promote public confidence in the administration of justice, it is hereby *Ordered* and *Decreed* that the Compliance Program described in the following document be implemented effective immediately.

It is further *Ordered* and *Decreed* that Joseph L. Hassett, Esquire, is appointed Compliance Officer pursuant to Section V of the Compliance Program.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of

this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

By the Court

HONORABLE GARY S. GLAZER,

*Administrative Judge*

*Philadelphia Municipal Court Traffic Division*

#### Philadelphia Municipal Court Traffic Division

#### Compliance Program

May 2015

#### I. Introduction

The Traffic Division of the Philadelphia Municipal Court adjudicates in excess of one hundred thousand motor vehicle citations annually and is the court that most Philadelphians encounter during their lives. Public confidence in the integrity and professionalism of the Traffic Division is essential to the court fulfilling its mission to adjudicate cases promptly, fairly and cost-effectively.

For decades the former Traffic Court was plagued with recurring scandals that undermined public confidence in the court. In 2011, following a raid by the Federal Bureau of Investigation, the Pennsylvania Supreme Court took

the unprecedented step of appointing a commissioned Court of Common Pleas judge as Administrative Judge of the Traffic Court with the mission of reforming the Traffic Court permanently and restoring public confidence in the adjudication of traffic citations in Philadelphia. Major reforms implemented since 2011 include:

- The enactment of legislation by the Pennsylvania General Assembly transferring jurisdiction for traffic offenses from the Traffic Court to the Philadelphia Municipal Court and initiating the process for amending Pennsylvania's Constitution to abolish the Traffic Court;
- Replacing elected non-attorney Traffic Court judges with state-level attorney hearing officers recruited through an open process and hired on the basis of merit;
- Arranging for the Philadelphia District Attorney's Office to represent the Commonwealth at all traffic proceedings;
- Revising case scheduling procedures to minimize the risk of case-fixing and ensure the integrity of the adjudicative process;
- Transferring appeals of traffic offense convictions from courtrooms in the Stout Center for Criminal Justice to a newly established Common Pleas courtroom at 800 Spring Garden staffed by specially designated Municipal Court judges who have been authorized to hear traffic appeals.
- Conducting mandatory training in ethics and professionalism for all employees of the Traffic Division.

As a result of these and other reforms, and the recent federal prosecutions of former Traffic Court judges and staff, there is, at present, a high level of confidence that the Traffic Division is operating with integrity and professionalism. However, history has shown that past efforts to reform the Traffic Court attenuated over time, and corruption—fueled by the insatiable desire of many Philadelphians to fix traffic tickets—always returned. To address the risk of corruption returning and to ensure that the Traffic Division continues to operate with integrity and professionalism into the future, the Traffic Division has adopted this Compliance Program, which is structured along the lines of compliance programs in the private sector. The program enlists the support of every employee of the Traffic Division in monitoring the integrity and professionalism of the court's operations.

## II. *Statement of Policy*

It is the policy of the Traffic Division that:

- All personnel are to adhere to the highest standards of ethical conduct and professionalism.
- Cases are to be adjudicated promptly and fairly and solely on the basis of evidence presented in open court and in hearing rooms.
- Ex parte communications regarding pending matters are strictly prohibited.
- Defendants and their attorneys are to be treated fairly and equally; no one shall receive special or preferential treatment.
- Defendants, their attorneys, the public at large, and fellow employees are to be treated with courtesy and respect at all times.

- Courtrooms and hearing rooms are to operate in a prompt and timely fashion to minimize inconvenience to the public.

- All employees have a role in maintaining the integrity and professionalism of the court and are required to report suspect conduct.

## III. *Potential Risk Areas*

This Compliance Program addresses the following risk areas that threaten to undermine the mission of the court:

- Ex parte communications with judges, hearing officers and staff regarding pending cases and matters.
- Attempts to secure special consideration for fellow employees, friends, family and the politically connected.
- Inquiries from public officials and their staffs regarding pending cases.
- Political campaign activity by judges, hearing officers and staff.
- Unauthorized access to confidential information such as the PennDOT driving record and the eTIMS case record information.
- Work hours abuse.
- Discourteous and unprofessional treatment of the public and fellow employees.
- Adjudication of citations involving court employees and their immediate family members.

## IV. *Standards of Conduct*

The Traffic Division operates in a complex regulatory environment established by the following:

- Article V of the Pennsylvania Constitution
- Orders of the Pennsylvania Supreme Court pursuant to its administrative authority
- The Pennsylvania Rules of Criminal Procedure promulgated by the Supreme Court
- Local Rules of Criminal Procedure adopted by the First Judicial District upon review and approval by the Supreme Court Criminal Procedural Rules Committee
- Orders of the Administrative Governing Board of the First Judicial District
- Written directives of the President Judge of the Philadelphia Municipal Court or the Administrative Judge of the Municipal Court Traffic Division
- Enactments of the Pennsylvania General Assembly including the State Ethics Act and the Pennsylvania Crimes Code
- Federal criminal statutes including Theft of Honest Services and Bribery

Compliance with every aspect of the above is critical to the Traffic Division fulfilling its mission. For the purposes of this program, which is focused on integrity and professionalism, the following codes of conduct incorporate the standards of conduct required by the regulatory scheme:

- Pennsylvania Code of Judicial Conduct: effective July 1, 2014

- Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014
- Code of Conduct for Employees of the Unified Judicial System
- Code of Conduct for Judicial Staff of the First Judicial District
- Code of Conduct for Non-Judicial Staff of the First Judicial District

Every employee must be fully knowledgeable about the code of conduct applicable to his or her position.

#### V. *Compliance Officer*

The program shall be overseen by the Compliance Officer, who shall report directly to the Administrative Judge on all matters relating to the program, unless the Supreme Court has not appointed an Administrative Judge for the Traffic Division, in which event the Compliance Officer shall report directly to the President Judge of the Municipal Court. The duties of the Compliance Officer are as follows:

1. Implement and administer the Compliance Program.
2. Develop and implement periodic training programs in the areas of ethics and professionalism for all Traffic Division employees.
3. Ensure that all employees execute an annual acknowledgement that they have read and understand the personnel policies of the FJD including the applicable Code of Conduct.
4. Implement the process for reporting alleged violations, including a method for anonymous reporting, pursuant to Section VI of this Program.
5. Develop and maintain a method for logging complaints of unethical conduct.
6. Ensure the protection of whistleblowers from retaliation.
7. Oversee the investigation and resolution of complaints.
8. Confer with the Administrative Judge regarding the action to be taken on complaints that have been determined to be founded, including personnel actions and referrals to appropriate authorities.
9. Meet monthly with the Administrative Judge to review matters relevant to compliance.

#### VI. *Procedures for Reporting*

The Program's reporting procedures are designed to encourage employees to report suspect activity. Reports may be made verbally or in writing, and on a named basis or anonymously. The Compliance Officer shall keep the Administrative Judge apprised of all complaints of suspect conduct. Specific provisions concerning reporting are as follows:

##### A. *Confidentiality*

An employee making a report shall not disclose to others that the report has been made. The requirement, applicable to the reporting employee, is intended to protect the integrity of the fact-finding process; to protect the reporting employee from retaliation; and to prevent reputational harm to the subject during the pendency of the investigation and after the investigation in the event that the report is determined to be unfounded. While the Compliance Officer is not bound by confidentiality, the

Compliance Officer shall, where possible, use discretion to minimize the risk of retaliation against the reporting employee.

##### B. *Named Reporting*

Suspect conduct may be reported in person or in writing to the Compliance Officer. If provided in writing, the report should be submitted on the appropriate form, a sample of which is attached. Within five days, or as soon as practicable, of receiving a named report, the Compliance Officer shall notify the reporting employee of the status of the matter.

##### C. *Anonymous Reporting*

Employees may also report suspect activity anonymously by sending a written but unsigned report to the Compliance Officer on the form provided, or by leaving a voicemail on the Traffic Division Compliance Program's Hotline at 215-686-1625.

##### D. *False Reporting*

The purpose of this program is to ensure the integrity and professionalism of the Traffic Division. While employees are encouraged to make good faith reports of suspected unethical or unprofessional conduct, intentional false reporting could lead to disciplinary action, up to and including termination.

#### VII. *Response, Monitoring and Tracking*

1. The Compliance Officer shall keep a log of all reports received. The log shall include the date and time of the report, the names of the reporter and the subjects, the date, time and place of the alleged conduct, and a narrative description of the conduct.
2. The Compliance Officer shall, within thirty days of the receipt of a report, conduct a preliminary review to determine whether the report is founded and whether further investigation is warranted.
3. If the Compliance Officer determines that the report is unfounded, the Compliance Officer will confer with the Administrative Judge and close the matter.
4. If the Compliance Officer determines that the report is founded, he/she shall consult with the Administrative Judge to determine appropriate action to be undertaken.

#### VIII. *Monitoring of Key Risk Indicators*

In addition to the reporting procedures set forth above, the Compliance Program includes the monitoring of key risk indicators for evidence of unethical activity. Key risk indicators are statistical measures that are applied to the data in the periodic reports generated by court administration.

[Pa.B. Doc. No. 15-945. Filed for public inspection May 22, 2015, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

**Local Rule of Judicial Administration 1901—  
Prompt Disposition of Matters; Termination of  
Inactive Cases—Civil Division Matters Only; Ad-  
ministrative Doc. No. AD-2015-74-PJ**

#### Order of Court

*And Now*, this 9th day of March, 2015, it is hereby *Ordered, Adjudged and Decreed* that the Court of Common Pleas of Allegheny County, Pennsylvania, adopted the following Local Rule of Judicial Administration 1901—Prompt Disposition of Matters; Termination of Inactive Cases—Civil Division Matters Only, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JEFFREY A. MANNING,  
*President Judge*

**Local Rule of Judicial Administration 1901. Prompt  
Disposition of Matters; Termination of Inactive  
Cases—Civil Division Matters Only.**

*And Now*, pursuant to the suspension of Pa.R.C.P. 230.2 by the Pennsylvania Supreme Court as of April 23, 2014, the Civil Division of the Court of Common Pleas of Allegheny County employs Rule 1901 of the Pennsylvania Rules of Judicial Administration and this local rule of Judicial Administration to terminate on this Court's docket stale claims which appear to have been abandoned or resolved by the parties without notice to the Court.

1. At the direction of the District Court Administrator, the Department of Court Records (DCR) shall prepare lists of civil matters that have been dormant for more than two (2) years beginning with the oldest filings.

2. Notice of the proposed termination of these cases shall be published in the *Pittsburgh Legal Journal*. Case listings shall be available at the websites of the Department of Court Records—Civil/Family Division (<http://dcr.alleghenycounty.us>) and the Fifth Judicial District ([www.alleghenycourts.us](http://www.alleghenycourts.us)). Further, copies of the lists shall be made available for inspection at the DCR—Civil/Family Division, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and Court Administration, 300 Frick Building, 437 Grant Street, Pittsburgh, PA 15219.

3. If no action is taken or no written objection is docketed as to any listed case within thirty (30) days after notice is published, all identified cases will be administratively terminated by order of court and so reflected on the docket.

4. All matters so terminated may not be reinstated except upon written motion to the Calendar Control Judge.

[Pa.B. Doc. No. 15-946. Filed for public inspection May 22, 2015, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

**Administrative Order 2015-1; Family Law Rule  
1915.19: Co-Parent Education Program; C-48-CV-  
2015-3645**

#### Order of Court

*And Now*, this 27th day of April, 2015, this Administrative Order is intended to replace/supersede the existing Court policy related to the Co-Parent Education Program.

All parties to a custody action (parents or other custodial resources), shall complete a program entitled "Co-Parent Education Program" hereinafter referred to as COPE and administrated through Family Divorce Services—Marilyn Davenport, ACSW, LSW (610-366-8868).

The moving party must register for COPE within thirty days of filing an applicable action. The responding party shall register for COPE within thirty days of service of the applicable pleading. Both parties, within sixty days of filing the applicable action, shall have completed COPE.

The moving party must serve upon the responding party with the applicable pleading, a copy of this rule and the registration form. Copies of this rule and registration form are available online at [www.nccpa.org/civil/child-custody](http://www.nccpa.org/civil/child-custody).

Payment of the fee is established by the court and is required for participation in COPE. Payment must be submitted with the registration form. Any request for waiver or reduction of the fee must be presented to Motions Court along with a verification in the form of the In Forma Pauperis Affidavit or other proof of financial hardship.

Any request for extension of time to complete COPE shall be made directly to the Northampton County Custody Conciliation Officer, Lisa Tresslar, Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania, 18042.

Failure to comply with the requirements of this rule as it relates to attending and completing the Co-Parent Education Program, may result in the applicable action being dismissed at the direction of the court.

A party who has previously completed the COPE Program, is excused from this rule providing the party files a copy of the Certificate of Completion within the time period set by this rule for completing COPE.

*By the Court*

STEPHEN G. BARATTA,  
*President Judge*



**Co-Parent Education Program**

- COPE: The program is provided by Family/Divorce Services. Register by mail only, using this form. If you have questions, call 610-366-8868.
- WHERE: The program is held at the Northampton County Courthouse. Security will direct you to the room location.
- PARKING/  
ENTRANCE: Park in the parking deck at the rear of the courthouse, and enter through the back door marked "Employee Entrance."
- WHEN: Second Wednesday of the month, 6:30 p.m. to 8:00 p.m.
- FEE: The cost is \$25 per person, payable by money order only.
- REGISTER: Enclose a money order with the form below, indicating the month in which you plan to attend, and one week in advance to Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087.
- CHILDREN: Children should NOT be brought to the courthouse.
- DVD: If you reside more than 90 minutes from the courthouse, you may take the course by viewing a DVD and completing a questionnaire. Order below only if you qualify.

DETACH

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Home/Cell Phone: \_\_\_\_\_  
 Guest(s): \_\_\_\_\_

\_\_\_\_\_ DVD Include \$60 for the course fee, shipping and handling, and \$25 deposit. The deposit will be refunded when the DVD is returned per instructions provided.

_____ January	_____ April	_____ July	_____ October
_____ February	_____ May	_____ August	_____ November
_____ March	_____ June	_____ September	_____ December

[Pa.B. Doc. No. 15-947. Filed for public inspection May 22, 2015, 9:00 a.m.]

**Title 25—LOCAL  
COURT RULES**

**NORTHAMPTON COUNTY**

**Administrative Order 2015-3; C-48CV2015-2333**

**Order of Court**

*And Now*, this 13th day of March, 2015, pursuant to Pa.R.C.P. 3129.2, the Court hereby adopts the following local rule for Exceptions to Divorce Master's Report in Northampton County.

**Rule N1920.55-2. Exceptions to Divorce Master's Report.**

(a) If exceptions are filed to the report of a Divorce Master, the excepting party shall within ten (10) days arrange for the transcribing of the testimony for filing with the court and pay to the stenographer within said time the estimated cost thereof, unless the court on motion shall grant an extension for cause shown. The completed transcript shall be filed within thirty (30) days of the filing of the exceptions unless the court on motion shall grant an extension for cause shown.

(b) Absent good cause shown, failure of the excepting party to act promptly in accordance with (a) above to pay the cost and secure the transcript shall result in the dismissal of said exceptions by the court upon motion.

**Order of Court**

*And Now*, this 13th day of March, 2015, Northampton County Administrative Order 2015-3, Northampton County Local Rule N1920.55-2, Exceptions to Divorce Master's Report, is hereby adopted as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the within Administrative Order shall be filed with the Administrative Office of Pennsylvania Court; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Civil Procedural Rules Committee. One (1) copy of the Administrative Order shall be kept available in the Office of the Prothonotary. A copy is directed to be published in the *Northampton County Reporter*.

*By the Court*

STEPHEN G. BARATTA,  
*President Judge*

[Pa.B. Doc. No. 15-948. Filed for public inspection May 22, 2015, 9:00 a.m.]