THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ARTS. VIII AND IX]

Proposed Amendment of Pa.R.E. 803(6), (8), (10) with Revision of the Comment to Pa.R.E. 803(7) and New Pa.R.E. 902(13)

Proposed amendment of Pa.R.E. 803(6), (8), (10) with revision of the Comment to Pa.R.E. 803(7) and new-Pa.R.E. 902(13) governing exceptions to the rule against hearsay are being published for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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All communications in reference to the proposal should be received by January 8, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Committee on Rules of Evidence

THOMAS W. DOLGENOS, Esq.,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803(6). Records of a Regularly Conducted Activity.

(6) *Records of a Regularly Conducted Activity.* A record (which includes a memorandum, report, or data compilation in any form) of an act, event or condition if**[,]:**

(A) the record was made at or near the time by—or from information transmitted by—someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a "business", which term includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit;

(C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and

(E) **[neither] the opponent does not show that** the source of information **[nor] or** other circumstances indicate a lack of trustworthiness.

Comment

Pa.R.E. 803(6) differs from F.R.E. 803(6). One difference is that Pa.R.E. 803(6) defines the term "record." In the Federal Rules this definition appears at F.R.E. 101(b). Another difference is that Pa.R.E. 803(6) applies to records of an act, event or condition, but does not include opinions and diagnoses. This is consistent with prior Pennsylvania case law. *See Williams v. McClain*, **[513 Pa. 300,]** 520 A.2d 1374 (**Pa.** 1987); *Commonwealth v. DiGiacomo*, **[463 Pa. 449,]** 345 A.2d 605 (**Pa.** 1975). A third difference is that Pa.R.E. 803(6) allows the court to exclude business records that would otherwise qualify for exception to the hearsay rule if **[neither]** the "source of information **[nor] or** *other circumstances* indicate lack of trustworthiness." The Federal Rule allows the court to do so only if **[neither] either** "the source of information **[nor] or** the method or circumstances of preparation indicate a lack of trustworthiness."

If offered against a defendant in a criminal case, an entry in a record may be excluded if its admission would violate the defendant's constitutional right to confront the witnesses against him or her**[. *See*], see** *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009)**; however, forensic laboratory reports may be admissible in lieu of testimony by the person who performed the analysis or examination that is the subject of the report, see Pa.R.Crim.P. 574**.

Rule 803(7). Absence of a Record of a Regularly Conducted Activity (Not Adopted).

(7) *Absence of a Record of a Regularly Conducted Activity (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 803(7) which provides:

> Evidence that a matter is not included in a record described in **[paragraph (6)] [F.R.E. 803(6)]** if:
>
> (A) the evidence is admitted to prove that the matter did not occur or exist; **[and]**
>
> (B) a record was regularly kept for a matter of that kind; and
>
> (C) **[neither]** the **opponent does not show that the** possible source of the information **[nor] or** other circumstances indicate a lack of trustworthiness.

Principles of logic and internal consistency have led Pennsylvania to reject this rule. The absence of an entry in a record is not hearsay, as defined in Pa.R.E. 801(c). Hence, it appears irrational to except it to the hearsay rule.

On analysis, absence of an entry in a business record is circumstantial evidence—it tends to prove something by implication, not assertion. Its admissibility is governed by principles of relevance, not hearsay. *See* Pa.R.E. 401, *et seq*.

Pennsylvania law is in accord with the object of F.R.E. 803(7), *i.e.*, to allow evidence of the absence of a record of an act, event, or condition to be introduced to prove the nonoccurrence or nonexistence thereof, if the matter was one which would ordinarily be recorded. *See Klein v. F.W. Woolworth Co.*, [**309 Pa. 320,**] 163 A. 532 (**Pa.** 1932) (absence of person's name in personnel records admissible to prove that he was not an employee). *See also Stack v. Wapner*, [**244 Pa. Super. 278,**] 368 A.2d 292 (**Pa. Super.** 1976).

Rule 803(8). Public Records [**(Not Adopted)**].

[**(8)** ***Public Records (Not Adopted)***

Comment

Pennsylvania has not adopted F.R.E. 803(8). An exception to the hearsay rule for public records is provided by 42 Pa.C.S. § 6104 which provides:

(a) ***General rule.*****—A copy of a record of governmental action or inaction authenticated as provided in section 6103 (relating to proof of official records) shall be admissible as evidence that the governmental action or inaction disclosed therein was in fact taken or omitted.**

(b) ***Existence of facts.*****—A copy of a record authenticated as provided in section 6103 disclosing the existence or nonexistence of facts which have been recorded pursuant to official duty or would have been so recorded had the facts existed shall be admissible as evidence of the existence or nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.**

Subsection (b) of the statute is limited to "facts." It does not include opinions or diagnoses. This is consistent with Pa.R.E. 803(6), and Pennsylvania case law. ***See*** **Comment to Pa.R.E. 803(6).**]

(8) ***Public Records*****. A record of a public office if:**

(A) the record describes the facts of the action taken or matter observed;

(B) the recording of this action or matter observed was an official public duty; and

(C) the opponent does not show that the source of the information or other circumstances indicate a lack of trustworthiness.

Comment

Pa.R.E. 803(8) differs from F.R.E. 803(8) insofar as it reflects the hearsay exception for public records provided in 42 Pa.C.S. § 6104. ***See*** **Rules 901(b)(7), 902(1)—(4) and 42 Pa.C.S. §§ 5328, 6103, and 6106 for authentication of public records.**

Rule 803(10). [**Absence**] **Non-Existence** of a Public Record [**(Not Adopted)**].

[**(10)** ***Absence of a Public Record (Not Adopted)***

Comment

Pennsylvania has not adopted F.R.E. 803(10) for the same reasons that it did not adopt F.R.E. 803(7). ***See*** **Comment to Pa.R.E. 803(7).**

42 Pa.C.S. § 6104(b), provides for admissibility of evidence of the absence of an entry in a public record to prove the nonexistence of a fact:

(b) ***Existence of facts.*****—A copy of a record authenticated as provided in section 6103 disclosing the . . . nonexistence of facts which . . . would have been . . . recorded had the facts existed shall be admissible as evidence of the . . . nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.**

Pennsylvania also has a complementary statute, 42 Pa.C.S. § 5328, entitled "Proof of Official Records," which provides, in pertinent part:

(d) ***Lack of record.*****—A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in this section in the case of a domestic record, or complying with the requirements of this section for a summary in the case of a record in a foreign country, is admissible as evidence that the records contain no such record or entry.**]

(10) ***Non-Existence of a Public Record.*** **Testimony—or a certification—that a diligent search failed to disclose a public record if:**

(A) the testimony or certification is admitted to prove that

(i) the record does not exist; or

(ii) a matter did not occur or exist, if a public office regularly kept a record for a matter of that kind.

(B) in a criminal case:

(i) the attorney for the Commonwealth who intends to offer a certification files and serves written notice of that intent upon the defendant's attorney or, if unrepresented, the defendant, at least 20 days before trial; and

(ii) defendant's attorney or, if unrepresented, the defendant, does not file and serve a written demand for testimony in lieu of the certification within 10 days of service of the notice.

Comment

Pa.R.E. 803(10)(A) differs from F.R.E. 803(10)(A) insofar as it does not include "statements." This rule is consistent with Pennsylvania law. ***See*** **42 Pa.C.S. §§ 5328(d) and 6103(b).** ***See also*** **Pa.R.E. 902(13) (authentication of certificate).**

Pa.R.E. 803(10)(B) differs from F.R.E. 803(10)(B) insofar as it is made consistent with aspects of Pa.R.Crim.P. 574. Like the federal rule, this rule is intended to provide a mechanism for a defendant to exercise the constitutional right to confront the witnesses against him or her. ***See Melendez-Diaz v. Massachusetts*****, 557 U.S. 305 (2009). Nothing in this evidentiary rule is intended to supersede procedural requirements within the Pennsylvania Rules of Criminal Procedure, see, e.g., Pa.R.Crim.P. 576 (Filing and Service by Parties), or limit the ability of the court to extend the time periods contain herein.**

Official Note**: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effec-**

tive immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended , effective .

***Committee Explanatory Reports*:**

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court's Order at 29 Pa.B. 1714 (April 3, 1999).

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court's Order at 31 Pa.B. 2789 (June 2, 2001).

Final Report explaining the November 2, 2001 amendments to paragraph 6 published with the Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the , 2015 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 published with the Court's Order at Pa.B. (, 2015).

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 902. Evidence That is Self-Authenticating.

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

* * * * *

(12) *Certified Foreign Records of a Regularly Conducted Activity.* In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) *Certificate of Non-Existence of a Public Record*—A certificate that a document was not recorded or filed in a public office as authorized by law if certified by the custodian or another person authorized to make the certificate.

Comment

* * * * *

Pa.R.E. 902(11) and (12) permit the authentication of domestic and foreign records of regularly conducted activity by verification or certification. Pa.R.E. 902(11) is similar to F.R.E. 902(11). The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. No. 76 rather than to Federal law. Pa.R.E. 902(12) differs from F.R.E. 902(12) in that it requires compliance with a Pennsylvania statute rather than a Federal statute.

Pa.R.E. 902(13) has no counterpart in the Federal Rules. This rule provides for the self-authentication of a certificate of the non-existence of a public record, as provided in Pa.R.E. 803(10).

***Official Note*:** Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2001, effective January 1, 2002; amended February 23, 2004, effective May 1, 2004; rescinded and replaced January 17, 2013, effective March 18, 2013**; amended , effective** .

Committee Explanatory Reports:

Final Report explaining the November 2, 2001 amendments adding paragraphs (11) and (12) published with Court's Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the February 23, 2004 amendment of paragraph (12) published with Court's Order at 34 Pa.B. 1429 (March 13, 2004).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the , 2015 addition of paragraph 13 published with the Court's Order at Pa.B. (, 2015).

REPORT

Proposed Amendment of Pa.R.E. 803(6), (8), (10) with Revision of the Comment to Pa.R.E. 803(7) and New-Pa.R.E. 902(13)

In 1998, the Court adopted the Pennsylvania Rules of Evidence. These rules incorporated the structure, format, and language of the Federal Rules of Evidence where identical or similar. Where the law of evidence differed, the rules were modified to reflect Pennsylvania evidentiary law. Within Article VIII, there were eight provisions of the Federal Rules that were not incorporated into the Pennsylvania Rules, including F.R.E. 803(6)—(8), and (10). Instead, these provisions were "reserved" to maintain parallel numbering between the two bodies of rules. Additionally, some of the Comments to these "reserved" or "unadopted" provisions provided reference to case law or statute on the topic.

Effective December 1, 2014, F.R.E. 803(6)—(8) were amended:

> [T]o clarify that if the proponent has established the stated requirements of the exception—regular business with regularly kept record, source with personal knowledge, record made timely, and foundation testimony or certification—then the burden is on the opponent to show a lack of trustworthiness. While most courts have imposed that burden on the opponent, some have not. It is appropriate to impose the burden of proving untrustworthiness on the opponent, as the basic admissibility requirements are sufficient to establish a presumption that the record is reliable.
>
> The opponent, in meeting its burden, is not necessarily required to introduce affirmative evidence of untrustworthiness. For example, the opponent might argue that a record was prepared in anticipation of litigation and is favorable to the preparing party without needing to introduce evidence on the point. A determination of untrustworthiness necessarily depends on the circumstances.

28 U.S.C. app. F.R.E. Committee Notes on Rules—2014 Amendment.

Effective December 1, 2013, F.R.E. 803(10) was amended:

> in response to *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). The *Melendez-Diaz* Court declared that a testimonial certificate could be admitted if the

accused is given advance notice and does not timely demand the presence of the official who prepared the certificate. The amendment incorporate[d], with minor variations, a "notice-and-demand" procedure that was approved by the *Melendez-Diaz* Court. *See* Tex. 36 Code Crim. P. Ann., art. 38.41.

28 U.S.C. app. F.R.E. Committee Notes on Rules—2013 Amendment.

These amendments prompted the Committee on Rules of Evidence to undertake an evaluation of the "reserved" Pennsylvania Rules of Evidence to identify whether any changes were warranted. As a result of this review, the Committee proposes amendment to Pa.R.E. 803(6), (8), and (10) with a revision to the Comment to Pa.R.E. 803(7) and new-Pa.R.E. 902(13).

Pennsylvania Rule of Evidence 803(6)

Prior to the restyling of the rules, 43 Pa.B. 620 (February 2, 2013), the Comment to Pa.R.E. 803(6) stated:

> Pa.R.E. 803(6) places the burden on an opposing party to show that the sources of information or other circumstances indicate that a business record is untrustworthy, and thus does not qualify for exception to the hearsay rule. The statute places the burden on the proponent of the evidence to show circumstantial trustworthiness.

The restyled rule did not carry over the above-Comment because it was not clear that the rule text placed the burden on the proponent. Moreover, 42 Pa.C.S. § 6108 did not specifically assign the burden of proving untrustworthiness on the opponent—that was inferred from the burden of proving trustworthiness on the proponent.[1] In *Folger v. Dugan*, 876 A.2d 1049, 1056 (Pa. Super. 2005), the Superior Court cited the Comment to Rule 803(6) when it stated: "Appellants bear the burden of demonstrating lack of trustworthiness." However citing a case in the Comment that cited the Comment to establish the burden shift was believed to be tautological. Therefore, the restyled rule remained silent on the burden of proving untrustworthiness.

Notwithstanding the lack of authority on the subject, the Committee renews its previously held belief that the proponent has the burden of proving Pa.R.E. 803(6)(A)—(D), which establish circumstantial evidence that a record is trustworthy given the manner in which it is created and maintained. Once this burden has been satisfied, the burden shifts to the opponent to show a lack of trustworthiness. Apportioning the burden eliminates a possible construction where the proponent would be required to prove both trustworthiness and the lack of untrustworthiness.

Given that this represents a definitive burden shift between the parties, the Committee recommends it be codified in the rule text rather than be re-inserted as interpretative guidance in the form of a Comment. Additionally, this amendment would be consistent with the recent amendment of F.R.E. 803(6). The Committee also favors expansion of the Comment to provide reference to Pa.R.Crim.P. 574.

[1] The operative aspect of this statute states:

> *General Rule.*—A record of an act, condition or even shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business at or near the time of the act, condition or event, and if, in the opinion of the tribunal, the sources of information, method and time of preparation were such as to justify its admission.

42 Pa.C.S. § 6108(b).

Pennsylvania Rule of Evidence 803(7)

The amendment of F.R.E. 803(7) prompted the Committee to reevaluate the Comment to Pa.R.E. 803(7), which contains the original rationale for not adopting a rule concerning the absence of a business record. First, unlike a public record, it should be recognized that neither Pennsylvania rule, common law, nor statute provide for the use of a certificate as conclusive proof of the absence of a business record. Second, as indicated in the Comment, documentary evidence to show the non-existence of a fact is merely circumstantial. For example, a proponent might have once used the absence of an entry in a telephone book as circumstantial evidence to prove that a person did not have a telephone. Of course, testimonial evidence from a custodian or other qualified witness about their personal knowledge of a compendium of business records and whether a particular record existed is not hearsay and not subject to Article VIII.

For these reasons, the Committee does not favor proposing a rule similar to F.R.E. 803(7). The Committee does favor making a correlative revision to the Comment to reflect the amendment of F.R.E. 803(7). Readers should note that the proposed bracketed citation to F.R.E. 803(6) is intend to indicate an alteration from the original text rather than a proposed deletion.

Pennsylvania Rule of Evidence 803(8)

When the Pennsylvania Rules of Evidence were first prepared in 1998, rules pertaining to the exclusion of public records from the hearsay rule were not adopted. Rather, the Comments to "reserved" Pa.R.E. 803(8) and Pa.R.E. 803(10) block quoted statutory provisions.

The Committee believes that the bench and bar would benefit from having the provisions of the statutes incorporated and organized into the rule text. However, in doing so, the Committee does not intend to make any substantive change from the statutory provisions. Therefore, the Committee is not recommending verbatim adoption of F.R.E. 803(8). Further, the Comment to the rule would be revised to eliminate the block quotations and add references to authentication provisions. Finally, the Committee believes that codification within Pa.R.E. 803(8) would be preferred given the proposed changes to Pa.R.E. 803(10).

Pennsylvania Rule of Evidence 803(10)

Under the F.R.E. 803(10), the absence of a public record can be proven by a certificate of non-existence of record (CNR). A CNR is an exception to the hearsay rule in so much as it does not require the testimony of a witness who conducted the record search. "A substantial majority of courts have held since *Melendez-Diaz* that clerk certifications attesting to the nonexistence of a public record are testimonial statements subject to confrontation." *State v. Jasper*, 271 P.3d 876, 886 (Wash. 2012). In reaction to a growing body of case law, F.R.E. 803(10) was amended December 1, 2013 to provide for a simple notice-and-demand procedure for the admission of CNRs.

In 1998, Pennsylvania did not adopt a corresponding Pa.R.E. 803(10); instead, the Comment to "reserved" Pa.R.E. 803(10) referred to existing statutes admitting such evidence. The stated rationale for not adopting a rule like F.R.E. 803(10) was the same reason that Pa.R.E. 803(7) was not adopted—this type of evidence was not considered hearsay.

Preliminarily, the proof of the absence of a public record can be distinguished from the proof of the absence of a business record. The former can be conclusively proven by documentary evidence (*i.e.*, certification) while the later

cannot. Next, the Committee is not persuaded that a written certification that there is no record is anything but an assertion—it is a statement for the truth of the matter asserted (*i.e.*, there is no record). Therefore, these certifications of the non-existence of public records are hearsay.

Given this conclusion, the Committee does not believe that the rationale in the Comment to Pa.R.E. 803(7) should continue to be incorporated into the Comment to Pa.R.E. 803(10). Consequently, the Committee favors removal of this statement from the Comment. Further, the Committee favors adoption of the language from F.R.E. 803(10)(A) because it is consistent with the statutory provisions concerning the absence of a public record.

The Committee also recommends inclusion of the concept set forth in F.R.E. 803(10)(B) concerning "notice and demand" in criminal proceedings into the rule text. However, the structure and language were modified to maintain consistency with Pa.R.Crim.P. 574 (Forensic Laboratory Report; Certification In Lieu of Expert Testimony). The Committee believes such a provision is necessary otherwise the rule may be unconstitutional in cases where a defendant had a right of confrontation.

Pennsylvania Rule of Evidence 902(13)

F.R.E. 803(10) includes "a certification under Rule 902." Upon review of Pa.R.E. 902, the Committee cannot discern a provision clearly applicable to the self-authentication of a certificate that a public record does not exist. Rules 902(1)—(4) all apply to public documents that exist, but the Committee does not favor a strained interpretation of these provisions to extend to non-existent public records. Therefore, the Committee proposes new-Pa.R.E. 902(13) to specifically provide for self-authentication of these certificates.

The Committee invites all comments, objections, and suggestions concerning this proposal.

[Pa.B. Doc. No. 15-1956. Filed for public inspection November 6, 2015, 9:00 a.m.]

[225 PA. CODE ART. VIII]

Proposed Amendment of Pa.R.E. 803.1 and Pa.R.E. 804

The proposed amendment of Pa.R.E. 803.1 governing the exclusion from the rule against hearsay of a prior statement by declarant-witness claiming an inability to remember the subject matter of the statement, together with correlative amendment of Pa.R.E. 804, is being republished for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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By the Committee on Rules of Evidence

THOMAS W. DOLGENOS, Esq., *Chair*

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 803.1. Exceptions to the Rule Against Hearsay—Testimony of Declarant Necessary.

The following statements are not excluded by the rule against hearsay if the declarant testifies and is subject to cross-examination about the prior statement:

Comment

A witness must be subject to cross-examination regarding the prior statement. *See Commonwealth v. Romero*, 722 A.2d 1014, 1017-1018 (Pa. 1999) (witness was not available for cross-examination when witness refused to answer questions about prior statement); *see also In re N.C.*, 105 A.3d 1199 (Pa. 2014) (unresponsive witness not available for effective cross-examination as required by the Confrontation Clause); *U.S. v. Owens*, 484 U.S. 554, 562 (1988) ("Ordinarily a witness is 'subject to cross-examination' when he is placed on the stand, under oath, and responds willingly to questions.").

(1) *Prior Inconsistent Statement of Declarant-Witness.* A prior statement by a declarant-witness that is inconsistent with the declarant-witness's testimony and:

(A) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition;

(B) is a writing signed and adopted by the declarant; or

(C) is a verbatim contemporaneous electronic, audiotaped, or videotaped recording of an oral statement.

Comment

The Federal Rules treat statements corresponding to Pa.R.E. 803.1(1) and (2) as "not hearsay" and places them in F.R.E. 801(d)(1)(A) and (C). Pennsylvania follows the traditional approach that treats these statements as exceptions to the hearsay rule if the declarant testifies at the trial.

Pa.R.E. 803.1(1) is consistent with prior Pennsylvania case law. *See Commonwealth v. Brady*, **[510 Pa. 123,]** 507 A.2d 66 (**Pa.** 1986) (seminal case that overruled close to two centuries of decisional law in Pennsylvania and held that the recorded statement of a witness to a murder, inconsistent with her testimony at trial, was properly admitted as substantive evidence, excepted to the hearsay rule); *Commonwealth v. Lively*, **[530 Pa.**

464,] 610 A.2d 7 (**Pa.** 1992). In *Commonwealth v. Wilson*, **[550 Pa. 518,]** 707 A.2d 1114 (**Pa.** 1998), the Supreme Court held that to be admissible under this rule an oral statement must be a verbatim contemporaneous recording in electronic, audiotaped, or videotaped form.

An inconsistent statement of a witness that does not qualify as an exception to the hearsay rule may still be introduced to impeach the credibility of the witness. *See* Pa.R.E. 613.

(2) *Prior Statement of Identification by Declarant-Witness.* A prior statement by a declarant-witness identifying a person or thing, made after perceiving the person or thing, provided that the declarant-witness testifies to the making of the prior statement.

Comment

Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(2) as an exception to the hearsay rule. F.R.E. 801(d)(1)(C) provides that such a statement is not hearsay. This differing organization is consistent with Pennsylvania law.

Pa.R.E. 803.1(2) differs from F.R.E. 801(d)(1)(C) in several respects. It requires the witness to testify to making the identification. This is consistent with Pennsylvania law. *See Commonwealth v. Ly*, 599 A.2d 613 (Pa. 1991). The Pennsylvania rule includes identification of a thing, in addition to a person.

(3) *Recorded Recollection of Declarant-Witness.* A memorandum or record made or adopted by a declarant-witness that:

(A) is on a matter the declarant-witness once knew about but now cannot recall well enough to testify fully and accurately;

(B) was made or adopted by the declarant-witness when the matter was fresh in his or her memory; and

(C) the declarant-witness testifies accurately reflects his or her knowledge at the time when made.

If admitted, the memorandum or record may be read into evidence and received as an exhibit, but may be shown to the jury only in exceptional circumstances or when offered by an adverse party.

Comment

Pa.R.E. 803.1(3) is similar to F.R.E. 803(5), but differs in the following ways:

1. Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(3) as an exception to the hearsay rule in which the testimony of the declarant is necessary. F.R.E. 803(5) treats this as an exception regardless of the availability of the declarant. This differing organization is consistent with Pennsylvania law.

2. Pa.R.E. 803.1(3)(C) makes clear that, to qualify a recorded recollection as an exception to the hearsay rule, the witness must testify that the memorandum or record correctly reflects the knowledge that the witness once had. In other words, the witness must vouch for the reliability of the record. The Federal Rule is ambiguous on this point and the applicable federal cases are conflicting.

3. Pa.R.E. 803.1(3) allows the memorandum or record to be received as an exhibit, and grants the trial judge discretion to show it to the jury in exceptional circumstances, even when not offered by an adverse party.

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. *See Commonwealth v. Cargo*, 444 A.2d 639 (Pa. 1982).

(4) *Prior Statement by a Declarant-Witness Who Claims an Inability to Remember the Subject Matter of the Statement.* A prior statement by a declarant-witness who testifies to an inability to remember the subject matter of the statement, if the court finds the claimed inability to remember is unsubstantiated and the statement:

(A) was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition;

(B) is a writing signed and adopted by the declarant; or

(C) is a verbatim contemporaneous electronic, audiotaped, or videotaped recording of an oral statement.

Comment

Pa.R.E. 803.1(4) has no counterpart in the Federal Rules of Evidence. It is intend to permit the admission of a prior statement given under demonstrably reliable and trustworthy circumstances, see, e.g., *Commonwealth v. Hanible*, 30 A.3d 426, 445 n. 15 (Pa. 2011), when the declarant-witness feigns memory loss about the subject matter of the statement. The purpose of this hearsay exception is to protect against the "turncoat witness" who once provided a statement, but now seeks to deprive the use of this evidence at trial.

A prior statement made by a declarant-witness having genuine memory loss about the subject matter of the statement, but able to testify that the statement accurately reflects his or her knowledge at the time it was made, may be admissible under Pa.R.E. 803.1(3). Otherwise, when a declarant-witness has a genuine or unsubstantiated memory loss about the subject matter of the statement, see Pa.R.E. 804(a)(3).

***Official Note*: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013; amended , effective .**

***Committee Explanatory Reports*:**

Final Report explaining the amendment to paragraph (1) and the updates to the Comment to paragraph (1) published with the Court's Order at 30 Pa.B. 1645 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the revision of the Comment and addition of paragraph (4) published with the Court's Order at Pa.B. (, 2015).

Rule 803.1(2). **[Prior Statement of Identification] (Reserved)**.

[(2) *Prior Statement of Identification by Declarant-Witness.* A prior statement by a declarant-witness identifying a person or thing, made after

perceiving the person or thing, provided that the declarant-witness testifies to the making of the prior statement.

Comment

Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(2) as an exception to the hearsay rule. F.R.E. 801(d)(1)(C) provides that such a statement is not hearsay. This differing organization is consistent with Pennsylvania law.

Pa.R.E. 803.1(2) differs from F.R.E. 801(d)(1)(C) in several respects. It requires the witness to testify to making the identification. This is consistent with Pennsylvania law. *See Commonwealth v. Ly*, 528 Pa. 523, 599 A.2d 613 (1991). The Pennsylvania rule includes identification of a thing, in addition to a person.]

Rule 803.1(3). **[Recorded Recollection] (Reserved)**.

[(3) *Recorded Recollection of Declarant-Witness.* A memorandum or record made or adopted by a declarant-witness that:

(A) is on a matter the declarant-witness once knew about but now cannot recall well enough to testify fully and accurately;

(B) was made or adopted by the declarant-witness when the matter was fresh in his or her memory; and

(C) the declarant-witness testifies accurately reflects his or her knowledge at the time when made.

If admitted, the memorandum or record may be read into evidence and received as an exhibit, but may be shown to the jury only in exceptional circumstances or when offered by an adverse party.

Comment

Pa.R.E. 803.1(3) is similar to F.R.E. 803(5), but differs in the following ways:

1. Pennsylvania treats a statement meeting the requirements of Pa.R.E. 803.1(3) as an exception to the hearsay rule in which the testimony of the declarant is necessary. F.R.E. 803(5) treats this as an exception regardless of the availability of the declarant. This differing organization is consistent with Pennsylvania law.

2. Pa.R.E. 803.1(3)(C) makes clear that, to qualify a recorded recollection as an exception to the hearsay rule, the witness must testify that the memorandum or record correctly reflects the knowledge that the witness once had. In other words, the witness must vouch for the reliability of the record. The Federal Rule is ambiguous on this point and the applicable federal cases are conflicting.

3. Pa.R.E. 803.1(3) allows the memorandum or record to be received as an exhibit, and grants the trial judge discretion to show it to the jury in exceptional circumstances, even when not offered by an adverse party.

Pa.R.E. 803.1(3) is consistent with Pennsylvania law. *See Commonwealth v. Cargo*, 498 Pa. 5, 444 A.2d 639 (1982).

***Official Note*: Adopted May 8, 1998, effective October 1, 1998; amended March 10, 2000, effective July 1, 2000; rescinded and replaced January 17, 2013, effective March 18, 2013.**

***Committee Explanatory Reports*:**

Final Report explaining the amendment to subsection (1) and the updates to the Comment to subsection (1) published with the Court's Order at 30 Pa.B. 1646 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).]

Rule 804. Exceptions to the Rule Against Hearsay—When the Declarant is Unavailable as a Witness.

(a) *Criteria for Being Unavailable.* A declarant is considered to be unavailable as a witness if the declarant:

(1) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;

(2) refuses to testify about the subject matter despite a court order to do so;

(3) testifies to not remembering the subject matter**, except as provided in Rule 803.1(4)**;

(4) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or

(5) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:

(A) the declarant's attendance, in the case of a hearsay exception under Rule 804(b)(1) or (6); or

(B) the declarant's attendance or testimony, in the case of a hearsay exception under Rule 804(b)(2), (3), or (4).

But this **[subdivision] paragraph** (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

Comment

[This rule is identical to F.R.E. 804(a).] Pa.R.E. 804(a)(3) differs from F.R.E. 804(a)(3) in that it excepts from this rule instances where a declarant-witness's claim of an inability to remember the subject matter of a prior statement is unsubstantiated, provided the statement meets the requirements found in Pa.R.E. 803.1(4). This rule is otherwise identical to F.R.E. 804(a). A declarant-witness with genuine or substantiated memory loss about the subject matter of a prior statement may be subject to this rule.

Rule 804(b). The Exceptions.

(b) *The Exceptions.* The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) *Former Testimony.* Testimony that:

(A) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and

(B) is now offered against a party who had—or, in a civil case, whose predecessor in interest had—an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

Comment

Pa.R.E. 804(b)(1) is identical to F.R.E. 804(b)(1).

In criminal cases the Supreme Court has held that former testimony is admissible against the defendant only if the defendant had a "full and fair" opportunity to examine the witness. *See Commonwealth v. Bazemore*, **[531 Pa. 582,]** 614 A.2d 684 (**Pa.** 1992).

Depositions

Depositions are the most common form of former testimony that is introduced at a modern trial. Their use is provided for not only by Pa.R.E. 804(b)(1), but also by statute and rules of procedure promulgated by the Pennsylvania Supreme Court.

The Judicial Code provides for the use of depositions in criminal cases. 42 Pa.C.S. § 5919 provides:

> *Depositions in criminal matters.* The testimony of witnesses taken in accordance with section 5325 (relating to when and how a deposition may be taken outside this Commonwealth) may be read in evidence upon the trial of any criminal matter unless it shall appear at the trial that the witness whose deposition has been taken is in attendance, or has been or can be served with a subpoena to testify, or his attendance otherwise procured, in which case the deposition shall not be admissible.

42 Pa.C.S. § 5325 sets forth the procedure for taking depositions, by either prosecution or defendant, outside Pennsylvania.

In civil cases, the introduction of depositions, or parts thereof, at trial is provided for by Pa.R.C.P. No. 4020(a)(3) and (5).

A video deposition of a medical witness, or any expert witness, other than a party to the case, may be introduced in evidence at trial, regardless of the witness's availability, pursuant to Pa.R.C.P. No. 4017.1(g).

42 Pa.C.S. § 5936 provides that the testimony of a licensed physician taken by deposition in accordance with the Pennsylvania Rules of Civil Procedure is admissible in a civil case. There is no requirement that the physician testify as an expert witness.

Rule 804(b)(2). Statement Under Belief of Imminent Death.

(2) *Statement Under Belief of Imminent Death.* A statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.

Comment

Pa.R.E. 804(b)(2) differs from F.R.E. 804(b)(2) in that the Federal Rule is applicable in criminal cases only if the defendant is charged with homicide. The Pennsylvania Rule is applicable in all civil and criminal cases, subject to the defendant's right to confrontation in criminal cases.

In *Crawford v. Washington*, 541 U.S. 36 (2004), the Supreme Court interpreted the Confrontation Cause in the Sixth Amendment of the United States Constitution to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule. However, in footnote 6, the Supreme Court said that there may be an exception, *sui generis*, for those dying declarations that are testimonial.

Rule 804(b)(3). Statement Against Interest.

(3) *Statement Against Interest.* A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.

Comment

This rule is identical to F.R.E. 804(b)(3).

Rule 804(b)(4). Statement of Personal or Family History.

(4) *Statement of Personal or Family History.* A statement made before the controversy arose about:

(A) the declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or

(B) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.

Comment

Pa.R.E. 804(b)(4) differs from F.R.E. 804(b)(4) by requiring that the statement be made before the controversy arose. *See In re McClain's Estate*, **[481 Pa. 435,]** 392 A.2d 1371 (**Pa.** 1978). This requirement is not imposed by the Federal Rule.

Rule 804(b)(5). Other exceptions (Not Adopted).

(5) *Other exceptions (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 804(b)(5) (now F.R.E. 807).

Rule 804(b)(6). Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.

(6) *Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability.* A statement offered against a party that wrongfully caused—or acquiesced in wrongfully causing—the declarant's unavailability as a witness, and did so intending that result.

Comment

This rule is identical to F.R.E. 804(b)(6).

***Official Note*:** Adopted May 8, 1998, effective October 1, 1998; Comment revised March 10, 2000, effective immediately; rescinded and replaced January 17, 2013, effective March 18, 2013**; amended , effective .**

Committee Explanatory Reports:

Final Report explaining the March 10, 2000 revision of the Comment to paragraph (b)(4) published with the Court's Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court's Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the amendment of paragraph (a)(3) published with the Court's Order at Pa.B. (, 2015).

REPORT

Proposed Amendment of Pa.R.E. 803.1 and Pa.R.E. 804

By notice of proposed rulemaking at 42 Pa.B. 6781 (November 3, 2012), the Committee on Rules of Evidence sought to recommend amendment of Pa.R.E. 803.1(1) to except from the rule against hearsay a prior statement by a witness when the witness is unable to recall the prior statement. The Committee received comments expressing concern that the proposal did not discern between feigned and genuine memory loss. The proposal raised an additional concern as to whether the admission of prior statements by a declarant-witness having a genuine memory loss might implicate a defendant's right of confrontation in a criminal trial.

In light of these concerns, the Committee proposes amendment of Pa.R.E. 803.1 to add new paragraph (4). This amendment is intended to protect against the "turncoat witness" who once provided a statement, but now seeks to deprive the use of this evidence at trial by feigning memory loss. "[T]he unwilling witness often takes refuge in a failure to remember." 3A J. Wigmore, Evidence § 1043, at 1061.

New paragraph (4) would exempt from the hearsay rule certain prior statements when the declarant-witness claims an inability to remember the substance of the statement and the claim is unsubstantiated. Whether the witness's claimed inability to remember is substantiated is a preliminary question to be resolved by the court pursuant to Pa.R.E. 104(a). It is anticipated that claims of memory loss can often be evaluated based upon the witness's demeanor and explanation for the memory loss. Factors in evaluating the genuineness of claimed memory loss may involve:

- The apparent mental acuity of the witness at the time of testimony.
- The extent or selectivity to which memory loss is claimed.
- The existence of an interceding illness, injury, or condition that may affect the witness's ability to recall past matters.
- The length of time between the matter witnessed and the testimony.
- Whether the matter witnessed was commonplace or extraordinary.
- The significance of the matter later impressed upon the witness.
- The existence of any motive for the witness to feign memory loss.

Additionally, new paragraph (4) would require the prior statement to be given under circumstances identical to paragraph (1). The Court has previously held that hearsay declarations under circumstances such as Rule 803.1(1)(a), (b), and (c) "are demonstrably reliable and trustworthy." *Commonwealth v. Lively*, 610 A.2d 7, 10 (Pa. 1992); *see also Commonwealth v. Chmiel*, 738 A.2d 406, 419 (Pa. 1999) (describing *Lively* as holding that a prior inconsistent statement of a non-party witness may be used as substantive evidence only if it was given under highly reliable circumstances); *Commonwealth v. Hanible*, 30 A.3d 426, 445 n. 15 (Pa. 2011) (describing Rule 803.1(1) as mirroring *Lively*).

Notwithstanding a witness's claimed memory loss about the subject matter of the prior statement, the witness must still be subject to cross-examination about the statement pursuant to Pa.R.E. 803.1. This requirement is not solely rule-based; it is also a principle recognized in case law and constitutional analysis. Therefore, the Committee proposes a Comment to Pa.R.E. 803.1 referencing cases wherein witnesses have been found to be unavailable for cross-examination.

"Ordinarily a witness is regarded as 'subject to cross-examination' when he is placed on the stand, under oath, and responds willingly to questions." *U.S. v. Owens*, 484 U.S. 554, 561 (1988) (discussing F.R.E. 801(d)(1)(C)). This Committee wishes to illuminate that the required scope for which the witness must be available for cross-examination under Pa.R.E. 803.1 is the prior statement, not the subject matter at issue. *Cf*. Pa.R.E. 804(a)(3) (witness does remember the subject matter). Cross-examination of the witness may include the circumstances in which the statement was given, the witness's state of mind, and other matters that may have bearing on the weight and credibility of the prior statement.

The Committee also proposes to amend Pa.R.E. 804(a)(3), which considers a declarant unavailable to testify as a witness if the declarant testifies to not remembering the subject matter at issue. By reference to Pa.R.E. 803.1(4), the amendment would create an exception to this criteria when the witness's claim to not remember the subject matter of a prior statement is unsubstantiated. A witness with a genuine or substantiated inability to remember the subject matter at issue would remain subject to Pa.R.E. 804(a)(3).

The Committee invites all comments, objections, and suggestions concerning this proposal.

[Pa.B. Doc. No. 15-1957. Filed for public inspection November 6, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 211 of the Rules of Civil Procedure; No. 632 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 26th day of October, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 44 Pa.B. 324 (January 18, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 211 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2016.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 211. Oral Arguments.

[Any party or the party's attorney shall have the right to argue any motion and the court shall have the right to require oral argument. With the approval of the court oral argument may be dispensed with by agreement of the attorneys and the matter submitted to the court either on the papers filed of record, or on such briefs as may be filed by the parties. The person seeking the order applied for shall argue first and may also argue in reply, but such reply shall be limited to answering arguments advanced by the respondent. In matters where there may be more than one respondent, the order of argument by the respondents shall be as directed by the court.]

Any interested party may request oral argument on a motion. The court may require oral argument, whether or not requested by a party. The court may dispose of any motion without oral argument.

EXPLANATORY COMMENT

Current Rule 211, if read literally, confers on a party the right to argue any motion before the trial court. However, the Superior Court and the Commonwealth Court have both held that any right to oral argument conferred by Rule 211 is only a qualified right subject to judicial discretion. *See Gerace v. Holmes Protection of Philadelphia*, 516 A.2d 354 (Pa. Super. 1986); *City of Philadelphia v. Kenny*, 369 A.2d 1343 (Pa. Cmwlth. 1977). To remedy any confusion between the text of the rule and actual practice supported by appellate precedent, Rule 211 has been amended to provide that a party has the right to request oral argument, and gives discretion to the trial court to require oral argument, whether requested or not, or to dispose of any motion without oral argument.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-1958. Filed for public inspection November 6, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CAMBRIA COUNTY

Local Rules of Civil Procedure for the 47th Judicial District; 2015-4357

Administrative Order

And Now, this 23rd day of October, 2015, it is hereby *Ordered* that the Local Rules of Civil Procedure for the 47th Judicial District (Cambria County) of Pennsylvania are amended promulgated as follows and any previous Local Rules that are inconsistent with these Amendments are hereby rescinded with regard to the subject areas of these Amendments; *And Further*, these said Amendments shall become effective on December 1, 2015.

By the Court

TIMOTHY P. CREANY,
President Judge

BUSINESS OF COURTS

Local Rule 200 CC. Business of the Courts. (former Local Rule 100 CC)

(a) There shall be no separate terms of court within any year.

(b) Docketing within the Court of Common Pleas shall be done in sequence throughout each calendar year, commencing with the first action initiated during each year. For example, 2011-1, 2011-2, etc.

(c) Scheduling of all matters before the Court shall be as set forth in the annual court calendar and as scheduled more specifically by the Court through the Court Administrator.

Local Rule 200.2 CC. Legal Periodical and Notices. (former Local Rule 100.2 CC)

(a) The *Cambria County Legal Journal* shall be the official legal periodical for the publication of notices.

(b) Where notice by publication is required in a newspaper and in a legal periodical, it shall be published in the *Cambria County Legal Journal* and in a newspaper of general circulation once per week for two (2) successive weeks, unless a statute, rule of court, or special order of court requires otherwise. The last publication shall be at least five (5) days before the time for the happening of the event for which publication is made.

(c) The prothonotary shall give notice to all counsel of record of the Argument Court list and other notices of general interest. In addition, the prothonotary shall give written notice of the same to any unrepresented parties.

Local Rule 200.3 CC. Admission to the Bar. (former Local Rule 100.3 CC)

The prothonotary shall keep and maintain a roll consisting of attorneys who have been admitted to the Bar of the Court of Common Pleas of Cambria County and maintain an office within the County. Only attorneys who are admitted to the Bar of this Court may be appointed arbitrator, counsel for indigent defendants, or master.

Local Rule 205.2 CC. Filing Legal Papers with the Prothonotary.

(a) *Physical Characteristics of Pleadings.*

(1) In addition to the rules set forth in Pa.R.Civ.P. 204.1, all documents filed with the prothonotary shall be bound by one single staple on the upper left hand corner unless the size of the document physically precludes this form of binding. No backers shall be necessary.

(2) The prothonotary has discretionary authority to accept or reject any document which does not conform to Pa.R.Civ.P. 204.1.

(3) The prothonotary shall accept filings by facsimile. A filing is not perfected until the original is filed with the prothonotary within seven (7) business days. The prothonotary shall strike filings that are not timely perfected.

(4) If a filing is not timely perfected, and if a hearing has been scheduled as a result of the facsimile filing, the Court has discretion whether said hearing will occur.

(b) *Cover Sheet.* All complaints in civil actions and proceedings filed and docketed in the prothonotary's office shall have a cover sheet substantially in the following form:

JOHN DOE and MARY DOE,	*	IN THE COURT OF COMMON PLEAS
Husband and Wife,	*	OF CAMBRIA COUNTY, PENNSYLVANIA
	*	
Plaintiffs,	*	CIVIL ACTION—LAW (or)
	*	CIVIL ACTION—EQUITY
v.	*	
	*	ACTION IN ____________
FRANK SMITH,	*	
	*	FOR TRIAL (or) FOR ARBITRATION (or)
Defendant.	*	FOR OTHER DISPOSITION
	*	
	*	TYPE OF DOCUMENT:
	*	
	*	COUNSEL FOR [MOVING PARTY]:
	*	NAME
	*	ADDRESS
	*	TELEPHONE NUMBER
	*	FACSIMILE NUMBER
	*	SUPREME COURT I.D. #
	*	
	*	COUNSEL FOR [OPPOSING PARTY]:[1]
	*	NAME
	*	ADDRESS
	*	TELEPHONE NUMBER
	*	FACSIMILE NUMBER
	*	SUPREME COURT I.D. #

NOTICE[2]

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by your attorney, and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the court, without further notice, for any money claimed in the Complaint, or of any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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.

[1] Counsel for opposing party is not required in original pleadings.
[2] For original pleadings only.

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.

Laurel Legal Services, Inc.
227 Franklin Street
Suite 400
Johnstown, PA 15901
Telephone: (814) 536-8917
Facsimile: (814) 535-3377

Local Rule 206.4(c) CC. Rule to Show Cause.

(1) A petition containing a rule to show cause shall be made returnable not less than ten (10) days after issuance, unless a statute or the rules of civil procedure require another return day.

(2) A rule to show cause shall not operate as a stay of proceedings unless the Court shall so order.

(3) The party obtaining said rule shall, within five (5) days, serve the rule and petition in compliance with Pa.R.Civ.P. 440 and 441.

(4) All subsequent proceedings shall be in accordance with Pa.R.Civ.P. 206.7.

(5) If no answer is filed by the return date, the Court, upon request, shall make the rule absolute.

(6) Any petition for rule to show cause that is filed prior to the case being assigned to a judge shall be scheduled in accordance with Motions Court procedure pursuant to Local Rule 208.3(a) CC.

(7) Any petition for rule to show cause that is filed after the case has been assigned to a judge shall be scheduled at the discretion of the assigned judge.

Local Rule 208.3(a) CC. Motions.

(1) Motions shall be in writing, shall include a proposed Order of Court, and shall comply with the requirements of Pa.R.Civ.P. 208.2.

(2) Motions Court shall be held every Monday at 9:00 a.m. at the Courthouse in Ebensburg before the judge assigned to Motions Court for that month. If Motions Court falls on a holiday, it will be scheduled on the next business day.

(i) All motions filed before 12:00 p.m. on Wednesday will be scheduled for Motions Court on the following Monday unless the moving party requests a later date.

(ii) Counsel shall file motions with the prothonotary and serve a copy thereof on opposing parties, or their counsel, with a certificate of service attached to the original motion certifying how service was effected.

(iii) Arguments shall be limited to five (5) minutes for each party. Should any party wish to rebut the opposing argument, he or she shall reserve rebuttal time from the initial five (5) minute time allotment. No testimony or evidence shall be accepted at argument, except at the discretion of the Court.

(iv) All counsel properly notified of a scheduled motion must appear at Motions Court, unless written consent to the motion is timely received by the Court or counsel is excused by the Court. The Court may, in its discretion, impose sanctions as it deems appropriate for failure to appear without good cause shown, to include counsel's payment of up to $1,000.00 to the Cambria County Special Administration Fund, or directing counsel to

appear at a rule to show cause hearing to determine the applicability of 42 Pa.C.S. § 4112 relating to contempt.

(v) All motions shall be heard at Motions Court, except as follows:

(A) Motions in cases that have been assigned to a judge will be heard by said judge, including cases involving asbestos and medical malpractice.

(B) Motions requiring an evidentiary hearing will be scheduled by the Court Administrator.

(C) Family law motions will be heard by the judge assigned to the Domestic Relations Section of the Court of Common Pleas during the regularly-scheduled time for Motions Court. (See also Domestic Relations, Local Rules 1910.12 CC through 1920.93 CC for other Rules regarding Domestic Relations.)

(D) Motions for summary judgment and motions for judgment on the pleadings will be scheduled for Argument Court (Local Rule 260 CC) or Collection Court (Local Rule 261 CC).

(E) Motions for continuance will be heard by the judge assigned to the case or by the judge assigned to the division of the court in which the case is filed.

Local Rule 212 CC. Pre-Trial and Settlement Conferences.

(a) *Initial Pre-Trial Conference—Call of the List.*

(1) On the first business day of each month, the prothonotary shall prepare of list of all civil cases, other than family law cases and Collection Court matters, in which an answer has been filed or ninety (90) days have elapsed from the date the complaint was filed, whichever shall first occur.

(2) This list shall be transmitted to the Court Administrator, who shall schedule a call of the list by the Court on the third Monday of that month at 9:00 a.m.

(3) At this call of the list, the following shall be discussed and, to the extent possible, resolved:

(i) The general facts of the case;

(ii) The status of discovery and the need for and establishment of a discovery schedule;

(iii) The discussion of any novel legal questions that are or may be at issue in the case; and

(iv) The status of any settlement discussions.

(4) Following the call of the list, the Court shall issue an order directing whether:

(i) The case shall be referred to arbitration;

(ii) The parties shall be permitted to engage in discovery for a period to be set by the Court, at which point the case shall be referred to the Court Administrator for assignment to a judge for trial;

(iii) The case is deemed complex, or for any other reason the Court deems it appropriate, and shall be referred to the Court Administrator for immediate assignment to a judge; or

(iv) Such other resolution as the Court deems appropriate.

(b) *Pre-Trial Statement.*

(1) The assigned judge shall set a conference and establish a schedule for the filing of narrative statements, which shall contain the following, where applicable:

(i) The issues involved, including a brief account of the facts to be proven in support of the pleadings.

(ii) The names and addresses of witnesses to be called at trial.

(iii) The documents and exhibits to be offered into evidence at trial, with copies attached where practical.

(iv) An itemized statement of damages and the relief requested.

(v) Copies of reports of experts, medical or otherwise, who will be called as witnesses. At trial, the testimony of the expert shall not exceed the scope of his or her report.

(2) If counsel fails to file the required narrative statement or fails to appear at the conference without cause shown, the judge shall sanction said counsel, which sanctions may include a grant of non-suit, striking of the case from the trial list, directing that certain disputed facts be deemed admitted by the delinquent party, preclusion of testimony or evidence, or such other action as may be appropriate, including fining counsel for non-compliance.

(3) Supplemental narrative statements may be filed.

(c) *Settlement Conference.*

(1) At the settlement conference, counsel shall be prepared to discuss possible settlement with the Court.

(2) The parties and/or persons authorized to settle the case shall be present or available by telephone, unless previously excused by the Court.

Local Rule 216 CC. Grounds for Continuance. (former Local Rule 216.1 CC)

Applications for continuance shall include a proposed order of court. The proposed order shall include space for a rescheduled hearing date, including the date, time, location, and judge before whom the matter will be heard. The requesting party shall indicate on the face of the application whether each party consents or objects to a continuance and, if applicable, the reason(s) for objecting. If efforts to reach opposing counsel or unrepresented parties are unsuccessful, counsel must outline the steps taken to contact opposing counsel or the party. Applications that do not substantially conform to the rules will be denied. A civil continuance request shall be in substantially the following form:

CIVIL CONTINUANCE REQUEST

___________ ,	*	No.
Plaintiff,	*	This case is presently scheduled for
v.	*	(type of proceeding) before (judge/hearing
___________ ,	*	officer/conference office) on (date).
Defendant.	*	

(1) Reason for Request (attach extra sheet if necessary): ____________________

(2) Number of Prior Continuances: By Plaintiff ______________ By Defendant ______________

(3) Requesting Attorney: ______________ Counsel for ______________ (name of client)

(Print) ______________ (Sign) ______________

(4) Opposing Counsel: Agrees _____ Objects _____ to the request.

(Print) ________________ (Sign) ________________

(5) Reason for Objecting (attach extra sheet if necessary): ________________

ORDER

AND NOW, this ____________ day of ____________, 20 _____, the above Civil Continuance Request is ________________ and, if applicable, proceedings in this matter are rescheduled for the ____________ day of ________________, 20 _____, at ___ o'clock ___ m., in Courtroom No. _____, Cambria County Courthouse, Ebensburg, Pennsylvania, before Judge ______________.

BY THE COURT:

____

cc: Original to the Court, cc: Counsel, Court Administrator

Local Rule 217 CC. Costs on Continuance (or Settlement of a Cause of Action).

(a) Except as noted in (b), when a continuance is granted upon application of a party or a case is settled, either within five (5) days of the date set for jury selection or after a jury has been impaneled, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(b) In asbestos cases, when a continuance is granted upon application of a party or a case is settled after 2:00 pm the day before jury selection, the Court may impose on the party making the application for continuance or on both parties, if the case is settled, the reasonable costs actually incurred by the County in impaneling said jury.

(c) When a continuance has been granted or a case has been settled under the circumstances outlined above and costs imposed, the party upon whom such costs have been imposed may not, so long as such costs remain unpaid, take any further step in such or any other suit without prior leave of court.

Local Rule 220.1 CC. Voir Dire. (former Local Rule 221.1 CC)

Counsel or an unrepresented party may submit, or if ordered by the Court, shall submit, proposed voir dire questions for the prospective jurors empanelled for the case. The proposed voir dire questions shall be submitted on or before the date set by the assigned judge for jury selection.

Local Rule 260 CC. Argument Court Procedure.[3]

(a) All motions for summary judgment and motions for judgment on the pleadings shall be heard, en banc, on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. See also Local Rules 1035.2(a) CC (Motion for Summary Judgment) and 1034(a) CC (Motion for Judgment on the Pleadings).

(b) All preliminary objections shall be heard before a single judge on the last Friday of every month except as noted in (c) of this rule and Local Rule 261 CC. See also Local Rule 1028(c) CC (Preliminary Objections).

(c) This rule shall not apply to cases involving medical malpractice or asbestos, which shall be scheduled before a single judge at the discretion of the Court Administrator.

(d) The prothonotary shall keep an argument list book and shall enter in it the names of all cases in which pre-trial or post-trial motions have been filed, except as noted in Local Rule 261 CC.

(e) Three (3) weeks before the day fixed for Argument Court, the prothonotary shall prepare a list of cases for argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. At least two (2) weeks before Argument Court, the prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(f) In the event that counsel for any party fails to appear at the assigned time for argument, without cause shown, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(g) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on the Monday, eleven (11) days before the Friday fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday, eleven (11) days before the Friday fixed for Argument Court.

(h) The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Four (4) copies of briefs for summary judgment motions and judgment on the pleadings motions shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court. Two (2) copies of briefs for preliminary objections shall be filed with the prothonotary on or before the Monday before the date fixed for Argument Court.

(i) The prothonotary shall list for general call at the first civil Argument Court held after January 1 of each year, all civil matters, except for divorce and custody matters, with no docket activity within two (2) years or more prior thereto, and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. 1901(c). Anyone objecting to a dismissal of the case shall file a praecipe setting forth the present status of the case, what further action needs to be done, and the time frame in which such action can be completed. If no praecipe objecting to the dismissal is docketed in such matter prior to the commencement of the general call on the first day of said Court, the prothonotary shall strike the matter from the list and, if no good cause for continuing the matter is shown, the Court shall enter an Order dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule.

Local Rule 261 CC. Collection Court Procedure.

(a) All motions for summary judgment, motions for judgment on pleadings and preliminary objections in cases involving default on a consumer credit line, or foreclosure of a residential mortgage shall be listed for Collection Court.

(b) Collection Court shall be heard before a single judge on the third Friday of every month.

(c) Three (3) weeks before the day fixed for Collection Court, the prothonotary shall prepare a list of cases for

[3] This Rule encompasses Local Rule 210 CC regarding briefs.

argument. Cases shall be listed for times certain and all counsel must be present at the time assigned. The prothonotary shall mail each counsel of record a printed list of all cases listed for argument, with the names of counsel for the respective parties. If a party is not represented by counsel, the prothonotary shall mail the list to the party at his or her address appearing in the proceeding.

(d) In the event that counsel for any party fails to appear at the assigned time for argument without cause, the Court may sanction said counsel in such manner as it deems appropriate, including fining the delinquent counsel.

(e) The movant is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on the Monday, eleven (11) days before the Friday fixed for Collection Court. The respondent is required to submit a short brief of the questions he or she intends to argue, with the authorities relied upon. Two (2) copies of briefs for summary judgment motions, judgment on the pleadings motions, and preliminary objections shall be filed with the prothonotary and one (1) copy to the opposing party on or before the Monday immediately before the date fixed for Collection Court.

Local Rule 270 CC. Fees for Transcripts.

For each page of transcript produced, the court reporter shall be paid $2.00 per page of original transcript. No fee shall be paid to such reporter for copies provided to the county.

Local Rule 271 CC. Request and Order for Transcripts.

Before a transcript of testimony is to be typed by a court reporter, unless directed to do so by the Court, counsel making the request must present an Order substantially in the form attached hereto to be signed by a judge. The original of the Order shall be filed in the prothonotary's office and a copy of same served upon the court reporter, the Court Administrator, and opposing counsel.

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

_______________ DIVISION

______________________	:	No.
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
______________________	:	
	:	
Defendant.	:	

APPLICATION FOR ORDER TO TRANSCRIBE RECORD

TO THE HONORABLE JUDGES OF SAID COURT:

1. Applicant is counsel for ______________________ .

2. Application is made for an order to transcribe the following portion of the record: ______________________

____ .

3. The transcribed record is wanted for the following purposes:

_____ An Appeal was filed in the ___________ Court by ____________ on the __________ day of ____________ , 20 _____ .

_____ Other Reason.

4. Applicant requests ________________ copy(s) to be paid for by:

_____ Applicant; or

_____ County, because Applicant is counsel for Commonwealth or indigent defendant in criminal case.

_____ County, because Applicant is counsel for an indigent in a civil case.

5. Date of hearing(s): __________________________ .

6. Date of Verdict, Judgment, Order or Sentence (if applicable): ______________________________ .

Date transcript is to be completed: ______________ .

Date: _________________ Applicant: __________________

Counsel for applicant: ______________________________

ORDER

AND NOW, on this _____ day of ________________ , 20 ___ , the application is ______________ . Cost of the original shall be paid by (Applicant/ County); cost of copies requested shall be paid by (Applicant/ County).

By the court:

____

List of Counsel:

CIVIL ACTIONS

Local Rule 1018.1 CC. Notice to Defend. Form.

The agency to be named in the notice from which legal help can be obtained shall be:

Laurel Legal Services, Inc.
227 Franklin Street
Suite 400
Johnstown, PA 15901
Telephone: (814) 536-8917
Fax: (814) 535-3377

Local Rule 1028(c) CC. Preliminary Objections.

(1) Preliminary objections shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Preliminary objections filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Preliminary objections filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Preliminary objections filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iv) Preliminary objections filed in family law cases shall be heard by the judge primarily responsible for family law motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceeding.

Local Rule 1034(a) CC. Motion for Judgment on the Pleadings.

(1) Motions for judgment on the pleadings filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for judgment on the pleadings filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for judgment on the pleadings filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Motions for judgment on the pleadings filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1035.2(a) CC. Motion for Summary Judgment.

(1) Motions for summary judgment filed with the prothonotary shall be scheduled by the prothonotary for Argument Court in accordance with the procedure set forth in Local Rule 260 CC, except as noted in (2).

(2) (i) Motions for summary judgment filed in cases involving default on a consumer credit line or foreclosure of a residential mortgage shall be scheduled by the prothonotary for Collection Court in accordance with the procedure set forth in Local Rule 261 CC.

(ii) Motions for summary judgment filed in asbestos cases shall be heard by the judge primarily responsible for asbestos motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(iii) Motions for summary judgment filed in medical malpractice cases shall be heard by the judge primarily responsible for medical malpractice motions. The hearing schedule and briefing schedule will be at the discretion of said judge.

(3) The prothonotary shall mail to all counsel of record, at least two (2) weeks before Argument Court and Collection Court, a printed list of all cases listed for argument, with the names of counsel for the respective parties, and a briefing schedule. If a party is not represented by counsel, the prothonotary shall mail the list to the party at the address appearing in the proceedings.

Local Rule 1038.4 CC. Summary Jury Trials.

(a) Individual parties shall attend the summary jury trial. An officer or other responsible lay representative of a corporate party or claims adjuster for a carrier shall attend the trial.

(b) The summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties, or shall constitute a waiver. Summary trials may be binding if agreed by all parties and the Court.

(c) The cases will be submitted to the summary juries by way of special verdict questions. Counsel shall submit a joint statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary trial need not be the same as those for the regular jury trial. The jury will determine the amount of damages. The Court will determine the format to be used and rule on disputed questions.

(d) The number of summary jurors is six (6). The number of preemptory challenges is two (2).

(e) Each side shall be entitled to one (1) hour for presentation of its case, unless counsel presents a compelling reason at pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence to be presented at the regular trial, and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. No live testimony will be presented, except in cases where credibility will determine the major issues. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross-examination. Counsel may quote from depositions and may use exhibits and videotapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first, and shall have a short rebuttal.

(f) The Court will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The attorneys shall agree upon the points for charge. The points for charge shall be submitted to the Court prior to the selection of the summary jury. The Court shall rule on any disputes on a point for charge.

(g) The jury will be asked to return a verdict if five (5) of the six (6) of the members agree to it. The same 5/6 majority must be in agreement with respect to each special verdict question.

(h) If the jury does not reach a 5/6 majority verdict within a reasonable time (2 hours), the Court will consider polling the jurors individually.

(i) After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered yes or no or by a dollar figure may be asked. The attorneys shall be limited to ten (10) questions each, unless a greater number is allowed by the Court for cause shown. No questions shall be asked to

which the answer will disclose the personal view of any particular member of the jury.

(j) Should the summary trial not result in a settlement, the regular trial shall not be held during the same calendar week unless the summary jury is dismissed and will not come into contact with the balance of the venire.

(k) The summary trial is an extension of the settlement conference, and the verdict will not be released to the media.

ARBITRATION

Local Rule 1300 CC. Arbitration Limits.

All civil actions which are at issue where the amount in controversy is $50,000 or less, (exclusive of interest and costs), except those involving title to real estate, equity actions, mandamus, quo warranto, and mortgage foreclosure, shall be tried and decided by a board of arbitrators consisting of three (3) attorneys.

Local Rule 1302 CC. Appointment of Arbitration Board—Preferred Method.

Upon praecipe of any party, the prothonotary shall select nine (9) names, in alphabetical order, from the list of attorneys available, and an additional three (3) for each additional party with an adverse interest. Each party shall then strike off three (3) attorneys. The remaining three (3) shall comprise the board of arbitration. In the absence of a specific request, this shall be the preferred method of selecting an arbitration panel.

Local Rule 1302.1 CC. Appointment of Arbitration Board—Alternative Method 1.

Upon praecipe, the prothonotary shall appoint a board of arbitrators, consisting of three (3) attorneys from the list of attorneys qualified to act. Immediately after appointment of the board of arbitrators, the prothonotary shall notify the attorney in writing of their appointment and shall notify counsel of record. In case any attorney is disqualified, or fails to act, the prothonotary shall appoint the next attorney on the list in his or her place. Any attorney disqualified in a case shall be put at the head of the list of attorneys available for the next case. Any attorney who fails to act and is replaced by the prothonotary shall be put at the bottom of the list of attorneys.

Local Rule 1302.2 CC. Appointment of Arbitration Board—Alternative Method 2.

In lieu of Local Rules 1302(b) CC and 1302(b).1 CC, counsel for all plaintiffs may name a competent arbitrator from the county arbitration list, and counsel for all defendants may then name a competent arbitrator from the county arbitration list. The two (2) so selected will select a third. If selection of the third arbitrator cannot be agreed upon within ten (10) days, either party may request that the selection be made by a judge from the county arbitration list. The three (3) arbitrators so selected shall designate which of them is to be the chairperson. The finally selected panel shall then be filed by the chairperson with the prothonotary who will then appoint the arbitrators who have been selected.

Local Rule 1302.3 CC. Arbitration Chairperson.

Except as provided in Local Rule 1302.2 CC, the first member named, who has been admitted to practice law for at least three (3) years, shall be chairperson of the board otherwise agreed upon by the panel.

Local Rule 1302.4 CC. Arbitrator Conflicts of Interest.

Not more than one (1) member of a firm or association of attorneys shall be appointed to the board, nor shall any attorney be appointed who is associated with, or who maintains a common office, in whole or in part, with any counsel of record.

Local Rule 1303 CC. Hearing. Notice.

The chairperson shall fix a time for hearing after conferring with counsel and the other arbitrators as to suitable dates and shall notify the parties, or their counsel, in writing, at least thirty (30) days before the hearing of the time and place of hearing. The first hearing shall be scheduled within ninety (90) days of the appointment of the board. Hearings shall be held either at the Courthouse at Ebensburg or at the Judges' Chambers in Johnstown, unless the parties, by agreement, shall designate another place and the arbitrators concur in such designation. Note: See Pa.R.Civ.P. 248, as to the shortening or extending of time for the giving of notice. Notice of the Hearing shall be sent to the Court Administrator.

Local Rule 1303.1 CC. Arbitration Motions for Continuance.

Unless agreed to by all counsel, only a judge may continue an arbitration hearing. It shall be the obligation of the party or counsel requesting the continuance to notify the board of arbitrators and other counsel of the request for continuance.

Local Rule 1307 CC. Arbitration Award.

The board of arbitrators shall make its report and render its award within twenty (20) days after the conclusion of the hearing.

Local Rule 1308.1 CC. Arbitrator Compensation.

Each arbitrator shall be entitled to receive $200.00 for each half day or part thereof involved in hearing a case, except the chairperson, who shall receive $250.00 for each half day or part thereof. The time spent on the case shall be certified by the chairperson. Upon the filing of their report and award, the prothonotary shall certify the arbitrators' fee for payment under the procedure followed as to other debts of the county. One-half day shall constitute three (3) hours or less.

Local Rule 1332 CC. Noncompulsory Arbitration.

Cases which are not otherwise eligible for compulsory arbitration may be referred to a Board of Arbitration by agreement of referral signed by counsel for both sides of the case or by Order of Court following the initial status conference and call of the list conducted pursuant to Local Rule 212 CC. The agreement of referral shall define the issue involved for determination by the board, and when agreeable, shall also contain stipulations with respect to facts submitted or agreed, or defenses waived. In such cases, the agreement of referral shall be filed of record.

Local Rule 1333 CC. Arbitration Fees.

The prothonotary shall charge the same fees for cases on the Arbitration List as charged for cases on the Trial List.

DOMESTIC RELATIONS

ACTIONS FOR SUPPORT

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

(a) The procedures set forth in Pa.R.Civ.P. 1910.12 shall be utilized.

(b) The Court will select, appoint, and establish the duties of hearing officers in support actions. The compen-

sation of the standing hearing officers shall be set by the Cambria County Salary Board.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY, AND VISITATION OF MINOR CHILDREN

Local Rule 1915.3 CC. Commencement of Action. Hearing Officers. Fees.

(a) Any party filing a complaint in an action for custody, partial custody and visitation of minor children, or a pleading requesting modification of an existing court order pertaining to the same, shall file an original and one (1) copy of the pleading in the prothonotary's office. The prothonotary shall immediately forward a certified copy of the pleading to the Cambria County Domestic Relations Office.

(b) The Court may appoint a hearing officer to hear the matter. (Pa.R.Civ.P. 1915.4-1). When a hearing officer is appointed, the matter shall thereafter proceed in accordance with Pa.R.Civ.P. 1915.4-2.

(c) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of $100.00 shall be paid to the prothonotary simultaneously with the filing of a complaint in an action for custody, partial custody, or visitation of minor children, or a petition for modification of an existing order involving custody, partial custody, and visitation of minor children. The initial fee of $100.00 shall entitle the parties to one (1) hour of the appointed hearing officer's time. Should the hearing officer's time exceed one (1) hour, an additional fee of $100.00 per hour will be assessed and paid by the parties in proportions to be determined by the hearing officer.

(d) At the pre-hearing custody conference, testimony may be taken if exigent circumstances exist or if such circumstances are plead in the complaint or the petition to modify.

(e) See also Business of Courts, Local Rule 208.3(a) CC (Motions) for procedures regarding Family Law Motions Court.

Local Rule 1915.4(f) CC. Custody Hearing.

A complaint, counterclaim, or petition for modification, which makes a request for shared or primary physical custody shall:

(1) Be heard before a hearing officer except noted in (2).

(i) The hearing officer shall receive evidence, hear testimony, and file with the Court a report containing a recommendation and a proposed order of court with respect to the entry of an order of custody.

(ii) Within twenty (20) days of the filing of the report by the hearing officer, any party may file exceptions to the report or any part thereof, to rulings on evidentiary objections, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(iii) Within twenty (20) days of the filing of the report by the hearing officer, any party may move for a de novo hearing before a judge in lieu of or in addition to the filing of exceptions.

(2) Be heard before a judge in lieu of a hearing officer upon application of any party.

Local Rule 1915.4-4 CC. Pre-Hearing Procedures.

(h) During the pre-hearing conference, the hearing officer may, at his or her discretion, receive evidence and/or argument regarding exigent custodial circumstances. A party must notify the hearing officer and opposing party at least seven (7) calendar days prior to the scheduled pre-hearing conference if he or she intends to offer evidence, unless the parties agree otherwise, but subject to the final approval of the hearing officer. The hearing officer may recommend to the Court an interim order awarding temporary legal and/or physical custody.

Local Rule 1915.13 CC. Special Relief—Emergency Petition for Special Relief Summary Hearing.

(a) At any time after commencement of the action, a party may file an Emergency Petition for Special Relief Summary Hearing by Wednesday at 12:00 p.m. to be considered by the judge assigned to Domestic Relations matters, at the Court's discretion, for a summary hearing including fifteen (15) minutes of oral argument on the following Monday starting at 9:15 a.m. or as subsequently scheduled by the Court. No summary hearing will take place unless the moving party serves opposing counsel or pro se litigant with notice.

(b) At the conclusion of a summary hearing, the Court may grant appropriate interim or special relief. This relief may include, but is not limited to, the award of temporary legal or physical custody; the issuance of appropriate process directing that a child or a party or person having physical custody of a child be brought before the Court; and a direction that a person post security to appear with the child when directed by the Court or to comply with any Order of Court.

(c) The hearing officer conducting the custody hearing shall not be bound by the Court's granting or denial of relief at a summary hearing.

Local Rule 1915.30 CC. Child Custody Education Program.

(a) Every party to an initial custody action shall attend Cambria County's approved, education program for separating or divorcing parents.

(b) Upon application, the Court will consider a request for a party's attendance at an alternative program.

(c) Failure to attend the education program will result in a contempt of court proceeding.

(d) The filing of a custody consent agreement shall not relieve the parties of their obligation to attend Cambria County's approved education program.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

Local Rule 1920.51(f) CC. Divorce Master.

(1) Any party filing a complaint or counterclaim in an action of divorce (other than a one-count divorce) or for annulment of marriage shall file an original and one (1) copy of the pleading in the prothonotary's office. The Court will, on its own motion, appoint a master with respect to those matters contained in the action in those instances where the appointment of a master is permitted. The matter shall thereafter proceed in accordance with Pennsylvania Rules of Civil Procedure.

(2) In addition to the filing fee assessed for the filing of a complaint, an administrative fee in the amount of $500.00 shall be paid to the Cambria County Prothono-

tary simultaneously with the filing of a divorce complaint or counterclaim which raises for the first time any issue other than a count for divorce under Section 3301(c) and/or (d) of the Divorce Code. If a claim is filed to preserve an issue and a party requests in writing that no hearing is needed then the counterclaim shall be accepted without payment of Master's Fees. The initial fee of $500.00 shall entitle the parties to a one (1) hour pre-hearing conference and a three (3) hour hearing. If any additional time is needed, an additional fee of $100.00 per hour will be assessed and paid by the parties in proportions to be determined by a master.

(3) Upon a filing of a complaint or counterclaim for alimony pendente lite, either party may petition to defer or apportion fees assessed under Section (2) of this rule based on financial need.

(4) The Court will select, appoint, and establish the duties of the standing master. The compensation of the standing masters shall be set by the Cambria County Salary Board.

Local Rule 1920.93 CC. Pre-Hearing Conferences and Pre-Hearing Statements.

(a) The order scheduling a pre-hearing conference shall require the parties and their attorneys to meet one-half hour prior to the conference starting time. The parties shall attempt a good faith resolution of the action during the meeting.

(b) If an action is not resolved at a pre-hearing conference, the hearing officer/master shall:

(1) Estimate the total amount of time needed for hearing;

(2) Determine the amount of additional fee to be paid; and

(3) Submit a proposed order to the Court regarding payment of the estimated additional fee.

(4) All additional fees must be paid in full no later than thirty (30) days prior to the scheduled hearing.

(i) Nonpayment by the moving party may result in the Court's continuance of the scheduled hearing and rescheduling of the hearing only upon payment of said fees.

(ii) Nonpayment by the nonmoving party may not preclude the Court from directing the prothonotary from scheduling the hearing or issuing a Rule to Show Cause as to why the nonmoving party should not be subject to a default judgment for nonpayment.

(iii) All actions requiring additional fees shall be reviewed by the judge assigned to the Domestic Relations Section of the Court of Common Pleas to determine whether to delay the matter for nonpayment.

(c) Upon motion of either party or if appointment is recommended by a standing master, the Court may appoint a special master in a divorce action. A proposed order should be submitted to the Court for the appointment of a special master. The total Master's Fees shall be decided on a case-by-case basis.

(d) A pre-hearing statement must be filed by each party in divorce cases involving equitable distribution where a hearing has been scheduled. The original pre-hearing statement shall be filed with the prothonotary at least thirty (30) days prior to hearing. Each party shall serve copies of the pre-hearing statement on the master and opposing counsel, or on the unrepresented adverse party, by first class mail on the same day as filing. The pre-hearing statement shall contain at least the following (in addition to any other requirements established by the master):

(1) Narrative statement of the pertinent facts;

(2) Description of the property in controversy, including valuations of the date of separation and as of the date of the hearing;

(3) List of witnesses, including name, address and telephone number;

(4) Identification of all reports;

(5) Proposed schedule of distribution;

(6) List of exhibits; and

(7) Copies of federal and state income tax returns complete with all schedules and attachments for the preceding three (3) tax years; and certificate of service indicating service on the same day of filing.

DISCOVERY

Local Rule 4007.1 CC. Place of Depositions.

If the parties do not agree, the place of the taking of any depositions in an action shall be in the Cambria County Courthouse in Ebensburg, Pennsylvania, or in the Judge's Chambers in Johnstown, Pennsylvania, unless the Court otherwise directs.

[Pa.B. Doc. No. 15-1959. Filed for public inspection November 6, 2015, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 15-00006

Order

And Now, this 15th day of October, 2015, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L205.2(b)B shall be amended as set forth as follows. (Bracketed bold is deleted language.)

2. The Prothonotary is directed to:

a. Transmit one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee, along with a computer disk containing the text of the rule.

b. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revision to Rule L205.2(b)B shall become effective immediately after its posting on the Pennsylvania Judiciary's Web Application Portal.

By the Court

NANCY L. BUTTS,
President Judge

L205.2. Filing Legal Papers with the Prothonotary.

(a) * * *

(b) *Required cover sheets*.

A. * * *

B. *Motion Cover Sheet*.

* * * * *

7. The form of the cover sheet shall be substantially as follows:

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA
MOTION COVER SHEET

Caption (may be abbreviated)

vs.

Docket No. ____________________

Case assigned to Judge ________________
☐ none
☐ Family Court Hearing Officer

1. Name of filing party
2. Filing party's attorney
3. Type of filing:

4. The following is/are requested:	6. Names and addresses of all counsel of record and unrepresented parties:
☐ Argument ☐ Evidentiary Hearing ☐ Court conference ☐ Rule to show cause ☐ Entry of uncontested order (attach supporting documentation) ☐ Expedited consideration. State the basis: ____________________ ____________________ ____________________ ☐ Video conferencing requested. Request form has been submitted. See Lyc.Co.R.G.C.B. L8. ☐ Attach this cover sheet to original motion previously filed on: ________________ 5. Time required:	**[Court Scheduling Technician]** ☐ Continued on separate sheet.

ORDER

1. _____ An ____ argument ____ factual hearing ____ court conference is scheduled for ________________ at _____ m. in courtroom no. _____ , Lycoming County Courthouse, Williamsport, PA.

2. _____ Briefs are to be filed by the following dates:

Filing party ________________________________ .

Responding party(ies) ________________________________ .

3. _____ A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.

4. _____ A response to the motion/petition shall be filed as follows: ____________________ .

5. _____ See order attached. _____ See separate order issued this date.

6. _____ Other ____ .

________________________ ____________
Judge Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

NOTICE: The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

[Pa.B. Doc. No. 15-1960. Filed for public inspection November 6, 2015, 9:00 a.m.]

LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 15-00006

Order

And Now, this 15th day of October, 2015, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rules of Civil Procedure L212, L1007, L1302, L1302.1, L1303, L1304.1, L1308, L1311 and L1315 shall be amended as set forth as follows. (Bold is new language; bracketed bold is removed language.)

2. Lycoming County Rule of Civil Procedure L1301.1 is rescinded.

3. The Prothonotary is directed to:

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

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

4. The revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

By the Court

NANCY L. BUTTS,
President Judge

L212. Pretrial Conferences and Trial Scheduling.

A. * * *

B. * * *

[C. *Listing of cases*. At least one week before the session of trial commences, the court administrator shall serve upon all counsel and pro se parties a final list of cases to be tried during the term. The listing will have prior approval from the trial judge.

D.] C. *Re-pretrials of continued cases.* Where a continuance is allowed under rule L216 after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

[E.] D. *Striking cases from trial list.* Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.

[F.] E. *Extensions.* For settlement purposes the court in its discretion may extend the pretrial conference to a settlement conference date or for a summary jury trial.

L1007. Case Monitoring Notice. Scheduling Order. Trial/Hearing Scheduling.

A. * * *

B. A request for a revision of the scheduling order may be made by filing a motion that sets forth the reason for the request, along with a rule L205.2(b)B. motion cover sheet. **[The motion shall be accompanied by a proposed amended scheduling order.]** The motion shall indicate whether or not all other parties concur with the request**, and shall set forth the requested trial term and proposed deadlines**. If the motion is uncontested, the parties shall so indicate on the motion cover sheet. If the motion is contested, the court may schedule a conference which may, upon prior arrangement, be conducted by telephone. If the only relief requested is a continuance of trial, the procedure to be followed is that required by rule L216.

[C THE FORM IS DELETED]

***Note*: The current schedule of civil trial terms and standard deadlines are posted on the Lycoming Law Association website at www.lycolaw.org/court/scheduling/trial_term_schedule.PDF.**

[L1301.1. Agreement of Reference.

Cases, whether or not in litigation, regardless of the amount in controversy, may be heard by a board of arbitration upon agreement of counsel for all parties in the case. Such agreement shall be evidenced by a writing signed by counsel for all sides and shall be filed with the prothonotary, who will forward a copy to the deputy court administrator with a proposed rule L1007 scheduling order. Said agreement shall define the issues involved for determination by the board and shall also contain any stipulations with respect to facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.]

L1302. List of Arbitrators.

A. The court administrator shall keep a current list of all members of the bar qualified and willing to act as arbitrators. **Any new member of the bar will be automatically placed on the list, by the court administrator.**

B. Any attorney not wishing to serve as an arbitrator shall notify the court administrator in writing **and his or her name will be removed from the list, except that such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has already been appointed by the court**.

[C. An attorney may remove his or her name from the arbitrator's list and such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has been appointed by the court.]

L1302.1. **[Selection of Arbitrators.] Appointment of Arbitration Panels. Substitution.**

[A. Upon receipt of a scheduling order directing arbitration, the court administrator shall nominate from the list of attorneys a board of potential arbitrators. The nominations shall be made at random, except where an attorney is excused by reason of incapacity, illness, or other disqualification. No more than one member of the family, firm, professional corporation, or association shall be nominated to serve on one potential board.

B. The court administrator shall nominate to the potential board four attorneys plus three attorneys for each party involved. The list of attorneys nominated to the potential board shall be sent by the court administrator to each party or his or her attorney. Each party in the case or counsel for each

party may strike off up to three attorneys so named and return the list to the court administrator within five days of receipt. If any or all parties strike the same name or fail to exercise their right to strike off three names from the potential board, the first three remaining names will make up the board of arbitrators. The fourth listed attorney shall become an alternate arbitrator, who shall serve only if one of the first three is unable to serve or is disqualified from serving.]

A. Once every four months, the court administrator shall select the names of sixty-four attorneys from the list of arbitrators, for appointment to one of sixteen panels of four attorneys each. No more than one member of a particular family, firm, professional corporation, or association shall be nominated to serve on one panel.

B. Each panel will consist of three arbitrators and a substitute. Notice of the appointment shall be sent to the members of the panel by the court administrator's office.

C. In the event an arbitrator is unable to serve as appointed, he or she must notify the substitute of the conflict and then notify the court administrator, as well as the other members of the panel and the parties or counsel of record, of the substitution. In the event the substitute has already been called into service by another arbitrator on that panel or is otherwise unable to serve, the arbitrator shall contact the court administrator for the selection of an alternate arbitrator.

D. Each panel will be appointed to sit for one full day during the four-month period and hear up to two cases on that day, which will be scheduled for one-half day each.

L1303. Scheduling of Hearings and Notice of Appointment.

[A. The court calendar shall reflect that two rooms will be reserved for two days out of each month, for the purpose of holding simultaneous arbitration hearings, to the extent that there are cases to be heard.

B. Upon receipt of the completed strike lists (or after five days if a list is not returned), the court administrator shall schedule the case to be arbitrated for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m., in one of the two rooms reserved. Notice of the hearing and of the appointments shall be sent to the parties or their attorneys and to the arbitrators appointed.

C. After having been identified as a member of an arbitration panel and after having been scheduled to serve on an arbitration panel on a date certain, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, it shall be that panel member's responsibility to notify the court administrator who shall then advise the alternate of his or her substitution. If further substitution is required, the court administrator shall select an arbitrator.

D. Arbitrators who fail to appear for service without having followed the procedures set forth above, shall not be paid, and may be removed from the court administrator's list of eligible arbitrators.]

A. The court calendar shall set aside four days per month for arbitration hearings, providing for the scheduling of eight half-day hearings each month.

B. Upon receipt of an order directing the scheduling of an arbitration hearing, the court administrator shall schedule the case for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m. Notice of the date and time of the hearing and of the arbitrator appointments shall be sent by the court administrator's office to the parties or their attorneys and to the members of the panel designated to sit that day, at least sixty days prior to the date of the hearing.

L1304.1. Continuances.

A. Continuances shall be granted only by court order for good cause shown. **[Requests for continuances shall be submitted in writing on forms provided by the court administrator. An application for continuance should be filed not later than three days prior to the scheduled date for the arbitration hearing.] A continuance request shall be submitted in writing to the court scheduling technician as required by rule L216C, not later than one week prior to the scheduled arbitration hearing, and served on all arbitration panel members and all parties or counsel of record. If the request is granted less than one week prior to the hearing, the requesting party or counsel shall contact the panel members and all parties or counsel of record by telephone, fax or email to inform them of the continuance.**

B. When an arbitration has been continued, the court administrator shall reschedule the arbitration for an available arbitration day, at least sixty days from the date of the continuance.

[B.] C. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed ex parte and render an award on the merits.

L1308. Compensation for Arbitrators.

A. Each of the three members of an arbitration panel shall receive compensation in the amount of $200.00 per case for which the member actually serves as an arbitrator, or $100.00 if the arbitrator appears at the date and time of the hearing but no hearing is held because either (1) the matter is settled, withdrawn or otherwise terminated at that time, or (2) was previously settled, withdrawn or otherwise terminated but the arbitrator was not so notified. If the case is settled, withdrawn or otherwise terminated and the arbitrators are so notified prior to the date scheduled for hearing, they shall not be entitled to any fee.

B. A substitute arbitrator who does not serve shall receive $50.00, unless notified prior to the date of the hearing that his or her services will not be needed.

C. Each arbitrator shall be entitled to receive additional compensation at the rate of $50.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours.

D. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the arbitrators and substitute arbitrator to be paid and the amounts to be paid to each. The county shall then pay fees as noted on the prothonotary's certification**. If an arbitrator has previously submitted a prop-**

erly executed authorization form directing the donation of his or her fee to the Lycoming Law Association Foundation, the prothonotary shall so note on the certification and the county shall submit payment of that attorney's fee to the Foundation.

L1311. Appeals.

The prothonotary shall notify the court administrator of all appeals from arbitration. **[All arbitration appeals shall immediately be scheduled for pre-trial conference and trial by the court administrator at the earliest practical date.] All arbitration appeals shall immediately be scheduled for pre-trial conference by the court administrator, for the next available trial term.**

L1315. Settlements.

In all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, the attorney for the plaintiff (or the plaintiff if acting pro se) shall so notify the court administrator and the arbitrators (including any substitute). **[In the event of settlement, withdrawal or termination on the date of hearing, or should] Should** the arbitrators appear for the hearing due to lack of notice that the matter had been previously settled, withdrawn or otherwise terminated, the disposition and the fact of their appearance shall be noted by the arbitrators on the award form and delivered to the prothonotary.

[Pa.B. Doc. No. 15-1961. Filed for public inspection November 6, 2015, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Civil Procedure *200; Amendment of Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a) and 1035.2(a)

Order

And Now, this 19th day of October, 2015, the Court hereby Amends Montgomery County Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a), and 1035.2(a), and Adopts Montgomery County Local Rule of Civil Procedure *200. These Amended and Adopted Local Rules shall become effective on January 1, 2016, following timely publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239 and 239.8, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. 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 Civil Procedural Rules Committee. The amendments to Local Rules of Civil Procedure 206.4(c), 1028(c), 1034(a) and 1035.2(a) shall also be published on the UJS Web Portal at http://ujsportal.pacourts.us. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Rule *200. Trial Readiness.

(1) *Application.* This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;

(2) *Within Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "within arbitration limits" (excepting those involving title to real estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 9 months of the transfer date;

b) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecipe, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;

e) Any extension beyond the maximum time limit for the placement of the case into the Arbitration Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.

(3) *Outside Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "outside arbitration limits", shall be praeciped for Trial by the parties, pursuant to Local Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 18 months of the transfer date;

b) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecipe, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;

e) Any extension beyond the maximum time limit for the placement of the case into the Civil Trial Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.

(4) *Track Transfer.* If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;

2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;

3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;

4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."

Rule 206.4(c). Issuance of a Rule to Show Cause.

(1) *Issuance.* The issuance of a Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:

(a) a cover sheet in the form set forth in Rule 205.2(b),

(b) a brief or memorandum of law, as set forth in Rule 210, and

(c) a proposed order in the following form:

See Form Proposed Order

The petition and proposed order shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of execution pending disposition of a petition to open default judgment, or any other petition governed by this rule, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

(2) *Disposition.* Forty-five (45) days from the filing of the petition, the matter shall be referred to the assigned Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the petition. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If discovery or oral argument were not requested by either party, the assigned Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings. If the respondent did not file an answer to the petition within the timeframe outlined in the proposed order, the Court will consider the petition without an answer, and enter an appropriate order in accordance with Rule 206.7(a).

(3) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the petition where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comment: the forms referenced in this rule are available online at www.montcopa.org/courts.

Rule 1028(c). Preliminary Objections.

(1) *Filing.* All preliminary objections shall be filed:

(a) in accordance with Pa.R.C.P. 1028,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service.

(2) *Response.* The respondent shall file an answer to preliminary objections, if required:

(a) in accordance with Pa.R.C.P. 1028 and Pa.R.C.P. 1029,

(b) within twenty (20) days of the service of the preliminary objections,

(c) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service.

(3) *Disposition.* Forty-five (45) days from the filing of preliminary objections, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of preliminary objections. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If discovery or oral argument were not requested by either party, the Court may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the Judge may:

(a) Dismiss the preliminary objections where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Preliminary Objections may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Preliminary Objections involving Senior Judges.

Rule 1034(a). Motion for Judgment on the Pleadings.

(1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:

(a) in accordance with Pa.R.C.P. 1034,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service

(2) *Response.* An answer to a motion for judgment on the pleadings is required from the non-moving parties:

(a) in accordance with Pa.R.C.P. 1034,

(b) within thirty (30) days of the service of the motion,

(c) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service

(3) *Disposition.* Forty-five (45) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Motions for Judgment on the Pleadings may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Motions for Judgment on the Pleadings involving Senior Judges.

Rule 1035.2(a). Motion for Summary Judgment.

(1) *Filing.* After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:

(a) in accordance with Pa.R.C.P. 1035.2,

(b) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service.

(2) *Response.* An answer to a motion for summary judgment is required from the adverse parties:

(a) in accordance with Pa.R.C.P. 1035.3,

(b) within thirty (30) days of the service of the motion,

(c) along with:

(1) a cover sheet in the form set forth in Rule 205.2(b),

(2) a brief or memorandum of law, as set forth in Rule 210,

(3) a proposed order, and

(4) a certificate of service.

(3) *Disposition.* Forty-five (45) days from the filing of the motion for summary judgment, the matter shall be referred to the assigned Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the motion. If oral argument was requested by either party on their respective cover sheets, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply,

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,

(c) List the matter for argument, at which time only the complying party shall be heard.

Comment: the form referenced in this rule is available online at www.montcopa.org/courts.

[Pa.B. Doc. No. 15-1962. Filed for public inspection November 6, 2015, 9:00 a.m.]

WASHINGTON COUNTY

Local Civil Rule L-810—Washington County Civil Litigation Mediation Program; No. 2015-1

Order

And Now, this 19th day of October, 2015; *It Is Hereby Ordered* that the previously-stated Washington County Local Civil Rule is amended as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,
President Judge

L-810. Washington County Civil Litigation Mediation Program.

a. Cases listed for trial shall be submitted to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos cases, cases ordered to private mediation under this rule, or medical malpractice cases.

b. The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court in consultation with the Washington County Bar Association.

c. The District Court Administrator shall select the cases for mediation from the combined civil trial lists, with preference given for the oldest cases by date of filing. The Court may also at its discretion refer a case to mediation once it is placed on the trial list. The selection of a case for mediation shall not delay any scheduled trial of the matter.

d. Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance of trial counsel, the parties, and a representative, including an insurance carrier, with authority to enter into a full and complete compromise and settlement is mandatory. If trial counsel, the parties, or a representative fail to appear absent good cause, the mediation will not be held and sanctions shall be entered against the non-appearing individual(s) by the Court upon request of the mediator. Sanctions may include an award of reasonable mediator and attorney's fees and other costs.

e. At least ten (10) days prior to the mediation, each party shall file a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale.

1. This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to Washington County Local Rule 212.2, in which case the mediation statement shall only provide updated or additional information.

2. Failure to file a mediation statement may result in sanctions, if requested by the mediator.

f. Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the District Court Administrator for processing. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the District Court Administrator.

g. If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information: (1) Plaintiff's final settlement demand; (2) Defendant's final settlement offer; (3) the mediator's assessment of liability; (4) the mediator's assessment of damages; (5) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

h. If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

i. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

j. Notwithstanding the preceding subsections and L-1042.1—1042.20, the Court may in its discretion set a civil case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-

ordered private mediation; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

Note: When selecting a case for ADR before a private mediator, the Court should consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

(1) The method of ADR shall be addressed to the discretion of the private mediator.

(2) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator on their own initiative.

Explanatory Comment

This local rule reflects the strong judicial policy in favor of parties voluntarily settling lawsuits expressed by the Supreme Court of Pennsylvania in *Rothman v. Fillette*, 469 A.2d 543 (Pa. 1983). The use of Court-directed ADR processes reduce the expense of litigation and often times leads to a quicker and more satisfying alternative when compared to continuing on a more traditional path of litigation. An ancillary benefit to ADR is the potential of reducing the burden on the finite resources of the Court.

[Pa.B. Doc. No. 15-1963. Filed for public inspection November 6, 2015, 9:00 a.m.]

WASHINGTON COUNTY

Local Orphans' Court Rule L-1.4—Washington County Orphans' Court Mediation Program; No. 2015-1

Order

And Now, this 19th day of October, 2015; *It Is Hereby Ordered* that the previously-stated Washington County Local Orphans' Court Rule is adopted as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

KATHERINE B. EMERY,
President Judge

L-1.4. Washington County Orphans' Court Mediation Program.

a. Cases filed in the Orphans' Court division may be ordered into the Orphans' Court Mediation Program by the judge to whom the case is assigned.

b. The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on Orphans' Court matters. A list of mediators shall be maintained by the District Court Administrator, and selected by the Court in consultation with the Washington County Bar Association.

c. Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance of lead counsel, the parties, and a representative, including an insurance carrier, with authority to enter into a full and complete compromise and settlement is mandatory. If lead counsel, the parties, or a representative fail to appear absent good cause, the mediation will not be held and sanctions shall be entered against the non-appearing individual(s) by the Court upon request of the mediator. Sanctions may include an award of reasonable mediator and attorney's fees and other costs.

d. At least ten (10) days prior to the mediation, each party shall file a mediation statement which must include the following: (1) a succinct explanation of the facts and relief sought; (2) significant legal issues that remain unresolved; (3) summary of medical and expert reports (if applicable); (4) itemized list of damages; and (5) settlement posture and rationale. Failure to file a mediation statement may result in sanctions if requested by the mediator.

e. Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted to the Office of the District Court Administrator for processing. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the District Court Administrator.

f. If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the mediator's assessment of the case and the mediator's recommendation regarding settlement A copy of the report shall be provided to and maintained by the District Court Administrator until the case is closed.

g. If the case is resolved and a settlement agreed upon, the mediation shall send a letter to the Judge, with copies to counsel and the District Court Administrator.

h. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

i. Notwithstanding the preceding subsections the Court may in its discretion set a case for an alternative dispute resolution ("ADR") before a private mediator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered private mediation; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

Note: When selecting a case for ADR before a private mediator, the Court should consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

(1) The method of ADR shall be addressed to the discretion of the private mediator.

(2) The fact that a case is selected for ADR shall not delay the scheduling of any matter in the case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator on their own initiative.

[Pa.B. Doc. No. 15-1964. Filed for public inspection November 6, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 21, 2015, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of $200.00. The Order became effective October 21, 2015.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Aikens, Carla Dorsey
Vernon Hills, IL

Alberty, Michael Charles
Wheeling, WV

Alpha, Jennifer J.
Washington, DC

Apoldo, Louis James
Cherry Hill, NJ

Ashfield, Alicia T.
Ewing, NJ

Avelino, Alexander Jude
Summit, NJ

Badawy, Margo
Saipan

Baxter, Rachel LeAnn
Piscataway, NJ

Beach, Stephen C.
New York, NY

Berney, Elizabeth Ann
Great Neck, NY

BetzJitomir, Susan Marie
Bath, NY

Blasi, Gregory J.
New York, NY

Block, Peter H.
Santa Monica, CA

Boatright, Douglas Craig
Columbus, OH

Bradley, Elizabeth Bline
Washington, DC

Brent, Adam Luke
Franklinville, NJ

Brentzel, Cathy Marie
Washington, DC

Brown, Angela Kay
Ashburn, VA

Brown, David Jackson
Alexandria, VA

Brown, David Earl
Rockville, MD

Burger, James Daniel
Cherry Hill, NJ

Burke, Douglas Allen
Cape May Court House, NJ

Bush, Denise Marie
New York, NY

Bush, Raymond G.
Andover, MD

Callahan, Tracy Glenn
Warwick, NY

Chung, John Hae
Cherry Hill, NJ

Connell, Janine Marie
Gardiner, NY

Connors, Benjamin John Gehr
Voorhees, NJ

Conrecode, Sean Thomas
Aventura, FL

Corsi, Christopher
Marlton, NJ

Daniel, Maria Antoinette
Barboursville, VA

Davis, Chad Barnett
Vineland, NJ

Davis, Charlene Essie Diane
Ewing, NJ

DeBenedictis, Michael John
Haddonfield, NJ

Degnan, Philip J.
Pennsauken, NJ

DeMaio, Patricia Marie
Baltimore, MD

Diaz, Luis P.
Greer, SC

DiCenso, Happy Melissa
Pepper Pike, OH

Dobbs, Jolisa Melton
Dallas, TX

Dohn, Kathleen Elizabeth
Mount Holly, NJ

Downey, Glen Stephen
Des Moines, IA

Dronson, Kevin John
Haddon Heights, NJ

Edmonds, Timothy DeLoache
Arlington, VA

Edwards, Nicole Chiara
Los Angeles, CA

Elder, III, Albert L.
Washington, DC

Evangelista, Jennifer Choi
Staten Island, NY

Finley, Patrick Galbraith
San Jose, CA

Fiore, Celeste
Montclair, NJ

Galietta, Marian
Marlton, NJ

Galloway, Gerard Melvin
Ellicott City, MD

Gebhard, Susanna Pierce
Bethesda, MD

Givens, Emory
Suitland, MD

Goldstein, Jeffrey M.
Washington, DC

Golub, Franchot A. S.
Haddonfield, NJ

Gordon, Michael Evan
Los Angeles, CA

Goulet, Jr., Robert G.
Acton, MA

Graves, Lisa Rachelle
Cross Plains, WI

Greco, Leonard Paul
New York, NY

Griesacker, James Christopher
Sherman, WV

Gudis, Charlotte L.
New York, NY

Hagerty, Robert John
Moorestown, NJ

Hale, Daniel G.
Livonia, MI

Hamilton, Jr., James J.
Orlando, FL

Handwerker, Gavin Ira
Westfield, NJ

Harris, Nirvana India
Arlington, VA

Harrison, Gina Ceceil
Fulton, MD

Hendriksen, James Andrew
Oakland, CA

Hindson, Matthew William
Sicklerville, NJ

Homola, Steven Charles
Silver Spring, MD

Huang, Nelson L.
Pasadena, CA

Hughes, Scott Thomas
Cranbury, NJ

Hull, IV, John Daniel
San Diego, CA

Jackson, Gianna S.
Williamstown, NJ

Jacob, Benjamin Thomas
San Jose, CA

Jefferis, Jason Michael
Newark, DE

Jenkins, III, Paul Francis
Cherry Hill, NJ

Johnson, Marc Christian
Longport, NJ

Jones, Michael John
Hackensack, NJ

Kagan, Rachel Elizabeth
New York, NY

Kattner, Jeremy Paul-Francis
Roswell, GA

Kaur, Simran
Richmond Hill, NY

Kehrli, Christopher Robert
Morristown, NJ

Klemm, Paul John
Roseland, NJ

Koory, Gregory Anthony
Troy, MI

Krasowski, Kristy L.
Williamstown, NJ

Laine, Heikki Kalervo
Pittstown, NJ

Lappas, Alexandria Julia
Silver Spring, MD

LeConey, Meredith Myers
Mullica Hill, NJ

Lee, Mark McKelvie
Wilmington, DE

Lee, Sungkyu Scott
Flemington, NJ

Lieberman, Nina Ellen Abraham
New York, NY

Love, James H.
Tucson, AZ

Lynde, Marc Randy
New York, NY

Macdonald, Alexander George
Chicago, IL

Margolis, Joshua Peter
Las Vegas, NV

Marshall, Husniyyah Johnson
Alpharetta, GA

Martynowski, Sarah Katherine
Freehold, NJ

McAvoy, Cozette Marie
East Hanover, NJ

McCaffrey, Michael Paul
West Deptford, NJ

McCartney, Justin Michael
Browns Mills, NJ

McCarty, Jr., William H.
Bristow, VA

McCloskey, Kevin Edward
Morgantown, WV

McCowan, Allison Jean
Wilmington, DE

Milligan, Gina Marie
New Bedford, MA

Min, Joyce
North Brunswick, NJ

Min, Leah Ann HyungJu
Philippines

Mitchell, Cheryl Ann
New York, NY

Moles, Justin Michael
Robbinsville, NJ

Mure, James Anthony
Moorestown, NJ

Murphy, James E.
Mount Laurel, NJ

Murphy, Robert Emile
Washington, DC

Nagele-Piazza, Lisa Ann
Arlington, VA

Nwadiora, Chinwe
Hollywood, CA

O'Connell, Thomas B.
Collingswood, NJ

Ostrelich, Michelle Lynne
Niskayuna, NY

Pak, Robert Young
Mount Holly, NJ

Pavri, Cavas Shapur
Washington, DC

Pemberton, Christian A.
Sicklerville, NJ

Pendleton, Jr., Brian John
Short Hills, NJ

Perry, III, Enoch
Mitchellville, MD

Renneisen, Michael G.
Shreveport, LA

Riband, Herbert Francis
Switzerland

Riley, Matthew Barker
Alexandria, VA

Santoro, Eric
Wilmington, DE

Schatz, Gordon Brick
Washington, DC

Seem, Steven Joseph
Palo Alto, CA

Seigel, Michael L.
Tampa, FL

Shapiro, Marc Simon
Columbia, MD

Silver, Howard J.
Lexington, MA

Singleton, Carolyn Marie
Merchantville, NJ

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Winick, Zachary Leonard
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SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 15-1965. Filed for public inspection November 6, 2015, 9:00 a.m.]