

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 467 Judicial Administration Doc.

Order

Per Curiam

And Now, this 23rd day of September, 2016, *It Is Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2015 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2015 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 467 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2015 was 0.7% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 20, 2016.)

[Pa.B. Doc. No. 16-1711. Filed for public inspection October 7, 2016, 9:00 a.m.]

PART II. GENERAL ADMINISTRATION [204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 468 Judicial Administration Doc.

Order

Per Curiam

And Now, this 23rd day of September, 2016, *It Is Ordered* pursuant to Article V, Section 10(c) of the

Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2017.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2017, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$51.50
- (2) Actions involving more than \$500 but not more than \$2,000 \$69.00
- (3) Actions involving more than \$2,000 but not more than \$4,000 \$86.00
- (4) Actions involving between \$4,001 and \$12,000 \$129.00
- (5) Landlord-tenant actions involving \$2,000 or less \$77.50
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 \$94.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000 \$129.00
- (8) Order of execution \$39.00
- (9) Objection to levy \$17.50
- (10) Reinstatement of complaint \$9.00

(11) Entering Transcript on Appeal or Certiorari. \$4.50
 Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2017, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v) \$8.00

(b) *Criminal cases.*—In calendar year 2017, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$49.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) \$39.00
- (3) Summary conviction, motor vehicle cases, hearing demanded \$47.00
- (4) Misdemeanor \$56.00
- (5) Felony \$64.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2017, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$9.00
- (2) Marrying each couple, making record thereof, and certificate to the parties \$43.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$17.50
- (4) Issuing a search warrant (except as provided in subsection (d)) \$17.50
- (5) Any other issuance not otherwise provided in this subsection \$17.50

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2017, Commonwealth portion of fines, etc.

* * * * *

- (c) *Costs in magisterial district judge proceedings.*
- (2) Amounts payable to the Commonwealth:
 - (i) Summary conviction, except motor vehicle cases \$17.10
 - (ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$17.10
 - (iii) Summary conviction, motor vehicle cases, hearing demanded \$17.10
 - (iv) Misdemeanor \$22.40
 - (v) Felony \$34.40
 - (vi) Assumpsit or trespass involving:
 - (A) \$500 or less \$21.50
 - (B) More than \$500 but not more than \$2,000 \$34.50

- (C) More than \$2,000 but not more than \$4,000 \$51.60
- (D) Between \$4,001 and \$12,000 \$86.00
- (vii) Landlord-tenant proceeding involving:
 - (A) \$2,000 or less \$34.50
 - (B) More than \$2,000 but not more than \$4,000 \$42.95
 - (C) More than \$4,000 but not more than \$12,000 \$60.20
- (viii) Objection to levy \$8.75
- (ix) Order of execution \$26.00
- (x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) \$12.25
- (xi) Order of possession \$15.00
- (xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.40

[Pa.B. Doc. No. 16-1712. Filed for public inspection October 7, 2016, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 81]

Amendment of Rule 1.17 of the Pennsylvania Rules of Professional Conduct; No. 145 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 23rd day of September, 2016, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend Pa.R.P.C. 1.17 having been published for comment in the *Pennsylvania Bulletin*, 45 Pa.B. 6583 (November 14, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.17 of the Rules of Professional Conduct 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 in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.17. Sale of Law Practice.

A lawyer or law firm may, for consideration, sell or purchase a law practice, **or an area of practice**, including good will, if the following conditions are satisfied:

- (a) The seller ceases to engage in the private practice of law, **or in the area of practice that has been sold**,

in Pennsylvania; however, the seller is not prohibited from assisting the purchaser in the orderly transition of active client matters for a reasonable period after the closing without a fee.

(b) The seller sells the entire practice [as an entirety to a single lawyer], or the entire area of practice, to one or more lawyers or law firms. [For purposes of this Rule, a practice is sold as an entirety if the purchasing lawyer assumes responsibility for all of the active files except those specified in paragraph (g) of this Rule.]

(c) [**Actual written notice is given**] The seller gives written notice to each of the seller's clients, which notice must include at a minimum:

(1) notice of the proposed transfer of the client's representation, including the identity and address of the [**purchasing lawyer**] purchaser;

(2) a statement that the client has the right to representation by the [**purchasing lawyer**] purchaser under the preexisting fee arrangements;

(3) a statement that the client has the right to retain other counsel or to take possession of the file; and

(4) a statement that the client's consent to the transfer of the representation will be presumed if the client does not take any action or does not otherwise object within 60 days of receipt of the notice.

If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The fees charged clients shall not be increased by reason of the sale. Existing agreements between the seller and the client concerning fees and the scope of work must be honored by the purchaser, unless the client gives informed consent confirmed in writing.

(e) The agreement of sale shall include a clear statement of the respective responsibilities of the parties to maintain and preserve the records and files of the seller's practice, including client files.

(f) In the case of a sale by reason of disability, if a proceeding under Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement has not been commenced against the [**selling lawyer, the selling lawyer**] seller, the seller shall file the notice and request for transfer to voluntary inactive status, as of the date of the sale, pursuant to Rule 219(j) thereof.

(g) The sale shall not be effective as to any client for whom the proposed sale would create a conflict of interest for the purchaser or who cannot be represented by the purchaser because of other requirements of the Pennsylvania Rules of Professional Conduct or rules of the Pennsylvania Supreme Court governing the practice of law in Pennsylvania, unless such conflict, requirement or rule can be waived by the client and the client gives informed consent.

(h) For purposes of this Rule [:], the term "seller" means an individual lawyer or a law firm that sells a law practice or an area of law practice, and includes both the personal representative or estate

of a deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.

[(1) the term "single lawyer" means an individual lawyer or a law firm that buys a law practice, and

(2) the term "seller" means an individual lawyer or a law firm that sells a law practice and includes both the personal representative or estate of a deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.]

(i) Admission to or withdrawal from a law partnership or professional association, retirement plan or similar arrangement or a sale limited to the tangible assets of a law practice is not a sale or purchase for purposes of this Rule 1.17.

Comment:

(1) The practice of law is a profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this Rule, when a lawyer or a law firm ceases to engage in the private practice of law or ceases to practice in an area of law in Pennsylvania and [**another lawyer or firm takes**] other lawyers or firms take over the representation of the clients of the seller, the seller, including the personal representative or estate of a deceased or disabled lawyer, may obtain compensation for the reasonable value of the practice similar to withdrawing partners of law firms. See Rules 5.4 and 5.6. Admission to or retirement from a law partnership or professional association, retirement plans and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this Rule.

[*Sale of Entire Practice*] *Termination of Practice by the Seller*

(2) The requirement that all of the private practice, or all of an area of practice, be sold is satisfied if the seller in good faith makes the entire practice, or the area of practice, available for sale to the [**purchaser**] purchasers. The fact that a number of the seller's clients decide not to be represented by the [**purchaser**] purchasers but take their matters elsewhere, therefore, does not result in a violation of this Rule. **Return to private practice as a result of an unanticipated change in circumstances does not necessarily result in a violation. For example, a lawyer who has sold the practice to accept an appointment to a judicial office does not violate the requirement that the sale be attendant to cessation of practice if the lawyer later resumes private practice upon being defeated in a contested or a retention election for the office or resigns from a judiciary position.**

[*Single Purchaser*]

(3) **The requirement that the seller cease to engage in the private practice of law does not prohibit employment as a lawyer on the staff of a public agency or a legal services entity that provides legal services to the poor, or as in-house counsel to a business.**

(4) **This Rule also permits a lawyer or law firm to sell an area of practice. If an area of practice is sold and the lawyer remains in the active practice of law, the lawyer must cease accepting any matters in the area of practice that has been sold, either as counsel or co-counsel or by assuming joint respon-**

sibility for a matter in connection with the division of a fee with another lawyer as would otherwise be permitted by Rule 1.5(e). For example, a lawyer with a substantial number of estate planning matters and a substantial number of probate administration cases may sell the estate planning portion of the practice but remain in the practice of law by concentrating on probate administration; however, that practitioner may not thereafter accept any estate planning matters. Although a lawyer who leaves this jurisdiction typically would sell the entire practice, this Rule permits the lawyer to limit the sale to one or more areas of the practice, thereby preserving the lawyer's right to continue practice in the areas of the practice that were not sold.

Sale of Entire Practice or Entire Area of Practice

[(3)] (5) This Rule requires [a single purchaser] that the seller's entire practice, or an entire area of practice, be sold. The prohibition against [piecemeal sale of a practice] sale of less than an entire practice area protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee generating matters. The [purchaser is] purchasers are required to undertake all client matters in the practice, or practice area, subject to client consent. If, however, the purchaser is unable to undertake all client matters because of nonwaivable conflicts of interest, other requirements of these Rules or rules of the Supreme Court governing the practice of law in Pennsylvania, the requirement [that there be a single purchaser] is nevertheless satisfied.

Client Confidences[, Consent and Notice]

[(4)] (6) Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms with respect to which client consent is not required. See Rule 1.6(c)(6) and (7). Providing the purchaser access to the client-specific detailed information relating to the representation, such as the client's file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given [actual] written notice of the contemplated sale and file transfer including the identity of the purchaser and any proposed change in the terms of future representation, and must be told that the decision to consent or make other arrangements must be made within 60 days. If [actual] notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed.

Notice and Consent

[(5)] (7) Once an agreement is reached between the seller and the purchaser, the client must be given written notice of the contemplated sale and file transfer including the identity of the purchaser, and must be told that the decision to consent or make other arrangements must be made within 60 days. If notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed. The Rule provides the minimum notice to the seller's clients necessary to make

the sale effective under the Rules of Professional Conduct. The [person responsible for notice] seller is encouraged to give sufficient information concerning the purchasing law firm or lawyer who will handle the matter so as to provide the client adequate information to make an informed decision concerning ongoing representation by the purchaser. Such information may include without limitation the [buyer's] purchaser's background, education, experience with similar matters, length of practice, and whether the [lawyer(s) are] purchaser is currently licensed in Pennsylvania.

[(6)] (8) No single method is provided for the giving of [actual] written notice to the client under paragraph (c). It is up to the [person undertaking to give notice] seller to determine the most effective and efficient means for doing so. For many clients, certified mail with return receipt requested will be adequate. However, with regard to other clients, this method may not be the best method. It is up to the [person responsible for giving notice] seller to make this decision.

[(7)] (9) The party responsible for giving notice is likewise not identified in the Rule. In many cases the seller will undertake to give notice. However, the Rule permits the purchasing lawyer or law firm to fulfill the notice requirement.

[(8)] (9) All of the elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice or area of practice.

Fee Arrangements Between Client and Purchaser

[(9)] (10) The sale may not be financed by increases in fees charged to the clients of the practice. This protection is underscored by both paragraph (c)(2) and paragraph (d). Existing agreements between the seller and the client as to the fees and the scope of the work must be honored by the purchaser, unless the client gives informed consent confirmed in writing.

Other Applicable Ethical Standards

[(10)] (11) Lawyers participating in the sale of a law practice or a practice area are subject to ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the seller's obligation to exercise competence in identifying a purchaser qualified to assume the practice and the purchaser's obligation to undertake the representation competently (see Rule 1.1); the obligation to avoid disqualifying conflicts, and to secure [client] the client's informed consent for those conflicts which can be waived by the client (see Rule 1.7 regarding conflicts and Rule 1.0(e) for the definition of informed consent); and the obligation to protect information relating to the representation. See Rules 1.6 and 1.9.

[(11)] (12) If approval of the substitution of the purchasing attorney for the selling attorney is required by the Rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale. See Rule 1.16.

Applicability of the Rule

[(12)] (13) This Rule applies to the sale of a law practice by representatives of a deceased[,] or disabled [or disappeared] lawyer. Thus, the seller may be

represented by a non-lawyer representative not subject to these Rules. Since, however, no lawyer may participate in the sale of a law practice which does not conform to the requirements of this Rule, the representatives of the seller as well as the [**purchasing lawyer**] purchaser can be expected to see to it that they are met.

[(13)] (14) This Rule does not apply to transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice or an area of practice.

[Pa.B. Doc. No. 16-1713. Filed for public inspection October 7, 2016, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Judicial Administration 1901—Prompt Disposition of Matters; Termination of Inactive Cases; 15-0149; CP-13-AD-0000003-2015; 15-9033

Administrative Order No. 14-2016

And Now, this 20th day of September, 2016, it is hereby

Ordered and Decreed that, effective December 31, 2016, Carbon County Amends Local Rule of Judicial Administration 1901 governing the prompt disposition of matters and termination of inactive cases.

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

1. File one (1) copy electronically to adminrules@pacourts.us of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish the Rule on the Carbon County Court website at <http://www.carboncourts.com>.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Administrative Order and Rule in the Clerk of Courts Office.

7. Incorporate the Rule no later than thirty (30) days after publication in the *Pennsylvania Bulletin* with this Court's complete set of Rules of Court published at <http://www.carboncourts.com>.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 1901. Prompt Disposition of Matters; Termination of Inactive Cases.

A. Cases before the Court of Common Pleas:

The Prothonotary, Register of Wills/Clerk of Orphans Court, and Clerk of Courts shall prepare and forward to

the District Court Administrator a list of all cases in which no steps or proceedings have been taken for two years or more prior to the 15th day of August of each year for call on the following first Monday of December, or on such other date as the Court by special order may direct. Notice of the proposed termination as provided by Pa.R.J.A. 1901(c), and as provided by Pa.R.C.P. 230.2 for actions governed by the Pennsylvania Rules of Court Procedure, shall be given by the Prothonotary, Register of Wills/Clerk of Orphans Court, and Clerk of Courts, as applicable, to all parties and/or attorneys prior to the call, including, where required, by publication in the *Carbon County Law Journal*. If no action is taken, or written objection or statement of intention to proceed is filed, prior to the call, or if good cause for continuing the matter is not shown at the call, the Court shall enter an order dismissing the proceedings.

B. Cases before the Magisterial District Courts:

1. On or before the 15th day of November of each year, each Magisterial District Court shall:

a. Identify all summary citations or tickets issued, including these for violation of any local ordinance, where no plea has been entered or other disposition rendered, and there is no evidence of activity for the immediately preceding three year period.

b. Compile a list for all cases identified in subparagraph (a) above and attach a secure docket sheet that indicates the name of the affiant, the name of the defendant, the docket number and the charge(s) associated with the docket number.

c. Forward this list with attachments to the District Court Administrator.

2. Upon receipt of this list, the District Court Administrator shall:

a. Publish the list in the *Carbon County Law Journal*.

b. Provide a copy of the list to the Carbon County District Attorney.

3. The publication shall include a notice that the matters listed shall be terminated after thirty (30) days of publication unless a party to the proceeding requests a hearing from the appropriate Magisterial District Court.

a. If the defendant requests a hearing, the matter shall promptly be scheduled for such hearing or other disposition pursuant to the Rules of Criminal Procedure.

b. If the Commonwealth requests a hearing to oppose termination, the matter shall promptly be scheduled to determine if termination is appropriate.

c. Disposition of any hearing, including hearings where a citation or ticket is dismissed over the objection of the Commonwealth, shall be filed of record in the MDJS.

d. The Commonwealth shall have the right to appeal any determination to the Court of Common Pleas within the time period for Summary Appeals pursuant to the Rules of Criminal Procedure.

4. In the event a hearing is not requested within thirty (30) days of publication, the Magisterial District Judge shall:

a. Dismiss any summary traffic and non-traffic citation or parking violation filed which was issued three years prior to November 15th of each respective year.

b. Vacate any active warrant issued for the dismissed summary citation or ticket and promptly remove the warrant from MDJS.

c. Forward notice to the Pennsylvania Department of Transportation that the citation or ticket has been dismissed and request withdrawal of the defendant's license suspension, if applicable, pursuant to Pa.R.Crim.P. 470.

d. Promptly forward to the District Court Administrator a list of all cases which have been dismissed.

[Pa.B. Doc. No. 16-1714. Filed for public inspection October 7, 2016, 9:00 a.m.]

CLINTON COUNTY

Local Rules No. 29 January Term 1976; No. 29 January Term 1976

Order

And Now, this 19th day of September, 2016, *It Is Hereby Ordered* that the following amendments to the Clinton County Local Rules of Court are adopted and shall become effective 30 days after the publication of same in the *Pennsylvania Bulletin*:

1) Clinton County Rule of Miscellaneous Procedure No. 401 (Compulsory Submission-Arbitration) is re-numbered as Clinton County Rule of Civil Procedure No. 1301.1 (see following).

2) Clinton County Rule of Miscellaneous Procedure No. 402 (Arbitrators) is re-numbered as Clinton County Rule of Civil Procedure No. 1301.2 (see following).

3) Clinton County Rule of Miscellaneous Procedure No. 403 (Consolidation of Arbitration Actions) is re-numbered and *Amended* as Clinton County Rule of Civil Procedure No. 1301.3 (see following).

4) Clinton County Rule of Miscellaneous Procedure No. 404 (Place of Arbitration Hearing) is re-numbered as Clinton County Rule of Civil Procedure No. 1301.4 (see following).

5) Clinton County Rule of Miscellaneous Procedure No. 405 (Fees of Arbitrators) is re-numbered as Clinton County Rule of Civil Procedure No. 1301.5 (see following).

6) Clinton County Rule of Civil Procedure No. 203 (Counsel's Pre-Trial Conference) is re-numbered and *Amended* as Clinton County Local Rule of Civil Procedure No. 212.3 (see following).

7) New Clinton County Local Rule of Civil Procedure No. 205.2(a) (Redaction of Pleadings) (see following).

8) New Clinton County Local Rule of Civil Procedure No. 205.2(b) (Required Motion Cover Sheet) (see following).

9) New Clinton County Rule of Civil Procedure No. 1920.31 (Filing a claim for Alimony Pendente Lite) (see following).

10) New Clinton County Rule of Criminal Procedure No. 506.1 (Filing a Private Criminal Complaint for Violation of Protection from Abuse Order or Violation of Protection of Victims of Sexual Violence or Intimidation Act) (see following).

11) Clinton County Rule of Miscellaneous Procedure No. 801 (Termination of Inactive Cases) is *Vacated*.

12) Clinton County Rule of Criminal Procedure No. 507 (Approval of Felony Arrests by District Attorney) is *Vacated*.

13) All Clinton County Orphans' Court Rules are *Vacated* (Rules 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 1.9, 3.1, 3.4, 3.6, 6.3, 6.4, 6.6, 6.9, 6.10, 6.11, 7.1, 8.1, 8.6, 8.7, 9.1, 10.2, 11.1, 12.1, 12.2, 12.3, 12.5, 12.6, 12.7, 12.9, 12.10, 12.11, 14.2, 14.3, 16.1).

It Is Further Ordered that one copy of this Order and attachments shall be sent via email to the Administrative Office of Pennsylvania Courts (adminrules@pacourts.us), that two copies of this Order and attachments shall be sent to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and one copy emailed to bulletin@palrb.us, that one copy of the Order and attachments be filed with the Office of the Prothonotary of Clinton County, Pennsylvania, and that the new and amended rules be incorporated into the Court Rules section of the Clinton County Court website (http://www.clintoncountypa.com/departments/court_services/county_courts/) within 30 days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Clinton County Local Rule of Civil Procedure No. 1301.1. Compulsory Submission.

All cases which are at issue where the amount in controversy is Fifty Thousand (\$50,000.00) Dollars or less, except those involving title to real estate, shall first be submitted to and heard by a Board of three members of the Bar of this Court, as provided by 42 Pa.C.S.A. 7361. Unless a party has demanded a jury trial, the President Judge may dispense with compulsory arbitration and order the matter tried as a non-jury trial. At such non-jury trial, the parties may proceed pursuant to Pa.R.C.P. 1305 with respect to evidentiary matters.

Clinton County Local Rule of Civil Procedure No. 1301.2. Arbitrators.

1. All members of the Clinton County Bar shall constitute the Board of Arbitrators and all members shall act as arbitrators. No two members from the same firm or office, or related by blood or marriage, shall serve on the same board, unless this requirement is waived in writing by all parties in interest or their counsel.

2. The Prothonotary shall maintain, in alphabetical order, a list of all members of the Bar. Upon the filing of a praecipe for arbitration, the Prothonotary shall submit a list of five names to the plaintiff or the attorney for the plaintiff. In the event there are additional parties to the proceeding, the Prothonotary shall add an additional name for each additional party. This list shall be in the order in which the names appear on the Prothonotary's list, passing those who are disqualified to the next qualified. The plaintiff may strike one member from the list and forward the list to the defendant who may likewise strike one member. In the event of an additional party or parties, the defendant shall forward the list to that party who may likewise strike one member. When all parties have exercised the right to strike, the list shall be returned to the Prothonotary. In the event a party or parties do not exercise the right to strike, the first three remaining members shall constitute the Board and the first shall be the chairperson. Any stricken member, as well as any disqualified member, shall, in alphabetical order, be at the head of the list for the next and/or subsequent cases.

Clinton County Local Rule of Civil Procedure No. 1301.3. Consolidation of Arbitration Actions.

When the same transaction or occurrence, or series of transactions or occurrences, gives rise to more than one cause of action and separate actions have been commenced, all such actions shall be consolidated for arbitration, referred to the same board of arbitration, and heard together, unless the total amount in controversy exceeds Fifty Thousand (\$50,000.00), in which case none of them shall be submitted to arbitration. It shall be the duty of every board of arbitration, before proceeding with the hearing, to ascertain whether or not any such separate action has been commenced.

Clinton County Local Rule of Civil Procedure No. 1301.4. Place of Arbitration Hearing.

All hearings shall be held in the Clinton County Courthouse.

Clinton County Local Rule of Civil Procedure No. 1301.5. Fees of Arbitrators.

The fee of the chairperson shall be Two Hundred (\$200.00) Dollars. The fee of each other arbitrator shall be One Hundred Seventy-Five (\$175.00) Dollars. These fees shall be applicable in all cases, including those which have been consolidated as provided under Clinton R.C.P. 1301.3. In cases requiring lengthy hearings or involving unusual questions of law or fact, the Court may, on petition of the arbitrators, increase the fees to an amount which will reasonably compensate them for the services performed.

Clinton County Local Rule of Civil Procedure No. 212.3. Counsel's Pre-Trial Conference (Civil Jury and Non-Jury Trials).

1. Within twenty (20) days of the posting of the civil trial list or as otherwise directed by the Court, plaintiff's counsel shall contact all other counsel to arrange for a pre-trial conference between counsel which shall be completed within forty-five (45) days of the posting of the aforesaid trial list. Counsel's conference shall be conducted at the Clinton County Courthouse unless all counsel agree to another location. Arrangements for the availability of a room at the Courthouse shall be made through the Court Administrator. The failure of plaintiff's counsel to comply with the schedule provided herein shall upon motion be grounds for a non pros.

2. At counsel's conference the following matters shall be accomplished:

a. Counsel shall exchange lists of potential witnesses, their addresses, and a general statement of the proposed testimony of each witness. The lists shall indicate which witnesses will be called and which may be called. Only witnesses so listed will be permitted to testify at trial.

b. Counsel shall examine, number, and list all exhibits which they intend to introduce and use at trial, whether during the case in chief or in rebuttal. Exhibits shall be marked by using the labels then in use by the Court. Any party may use at trial any exhibit listed by any other party. Only exhibits so listed and numbered will be admitted into evidence at trial. Counsel shall make a good faith attempt to agree as to the authenticity and admissibility of exhibits which have been listed and marked. If such an agreement cannot be reached, the objecting party shall state in detail the reasons for an objection together with any authorities in support of that position.

c. Counsel shall agree upon a brief factual statement of the case to be read to the jury as a part of voir dire and

submit proposed questions to be used by the Court or counsel in conducting voir dire.

d. Each party shall submit to the other parties, in writing, the principles upon which they intend to rely at trial. If the parties disagree as to the applicability of a particular legal principle, a statement shall be prepared indicating the nature of said disagreement and each party's respective position.

e. Each party claiming damages shall submit to the party against whom the claim is asserted, an itemized list of special damages together with a list of the categories of general damages being sought and the estimated value of said general damages.

f. Counsel shall explore in depth the prospects for settlement and if a settlement cannot be achieved be prepared to explain to the Court the areas of difference in arriving at a settlement.

3. The Court may, in its discretion, sua sponte dispense with the requirement of Counsel's Pre-Trial Conference and request that the Court Administrator schedule a Pre-Trial Conference between the assigned Judge and Counsel.

Clinton County Local Rule of Civil Procedure 205.2(a). Required Redaction of Pleadings and Other Papers Filed with the Court.

Unless required by an applicable law or rule of court, or unless ordered by the court, any party or non-party filing a document in the Prothonotary's Office must redact identifying information appearing in the filing, including any attachments thereto, as follows:

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

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

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

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

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

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

Clinton County Local Rule of Civil Procedure No. 205.2(b). Motion Cover Sheet.

The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objec-

ORDER

1. ___ An ___ Argument ___ Factual Hearing ___ Court Conference is scheduled for _____ at _____ .M. in Courtroom No. _____, Clinton County Courthouse, Lock Haven, PA.
2. ___ Briefs are to be filed by the following dates:
 Filing Party _____
 Responding Party/Parties _____
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: _____.
- DATE: _____

JUDGE

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "7" ABOVE.

Clinton County Local Rule of Civil Procedure No. 1920.31. Filing a Claim for Alimony Pendente Lite.

(a.1) Upon request the Court of Common Pleas shall schedule a hearing to determine whether Alimony Pendente Lite shall be awarded. The Scheduling Order shall direct that the matter be referred to the Domestic Relations Office to determine the parties' incomes prior to the hearing before the Court. The Court in its discretion may decide the amount of Alimony Pendente Lite, or may refer the matter to the Domestic Relations Section to calculate the award.

(a.2) This Rule shall not apply to orders for spousal support which automatically convert to Alimony Pendente Lite upon the entry of a divorce decree where economic claims remain pending. See Pa.R.C.P. Rule 1920.31(d).

Clinton County Local Rule of Criminal Procedure No. 506.1. Private Criminal Complaint for Violation of Order or Agreement Entered Pursuant to the Protection from Abuse Act (23 Pa.C.S.A. § 6101, et seq.) or the Protection of Victims of Sexual Violence or Intimidation Act (42 Pa.C.S.A. § 62A01, et seq.).

(a) In lieu of filing a complaint with the police, a plaintiff may file a private criminal complaint against a defendant alleging indirect criminal contempt for a non-economic violation of any provision of an order or court-approved consent agreement issued under the Protection from Abuse Act, 23 Pa.C.S. § 6101 et seq., with the Office of District Attorney, the Court or the Magisterial District Judge in the district where the violation occurred in accordance with the following procedure:

(1) *With the Office of District Attorney*—The Plaintiff may file with the Office of District Attorney a private criminal complaint on a form approved by the Court. The District Attorney's Office shall review the complaint and approve or disapprove it without unreasonable delay. If the District Attorney approves the complaint, the attorney shall indicate this decision on the complaint form and shall docket the complaint with the Clerk of Courts. The Clerk of Courts shall forward it to the Judge who handled the original order or consent agreement. The Judge shall review the allegations and if the Judge finds that probable cause exists, the judge shall issue a warrant. The court shall forward the warrant to the Sheriff of Clinton County.

The Sheriff shall serve the warrant upon the defendant and take the Defendant before the Court without unne-

cessary delay. If the Court is not in session the Defendant shall be taken to the appropriate Magisterial District Judge. The defendant shall be afforded a preliminary arraignment pursuant to 23 Pa.C.S. § 6113(d) or 42 Pa.C.S.A. § 62A12(c) and bail shall be set (and the Court shall be notified if arraignment occurs in front of a Magisterial District Judge). The court shall schedule a hearing within ten (10) days of the filing of the private criminal complaint. If the Judge finds that sufficient grounds are not alleged in the complaint, the Judge may summarily dismiss the complaint without a hearing.

If the District Attorney disapproves the complaint, the attorney shall state the reasons on the complaint form and return it to the affiant. Thereafter, the affiant may petition the court of common pleas and proceed pro se in accordance with subsection (2).

(2) *With the Court or the Magisterial District Judge in the district where the violation occurred*—The Plaintiff may file with the Court or the Magisterial District Judge in the district where the violation occurred a private criminal complaint on a form approved by the court. After the complaint is filed, it shall be immediately forwarded to the Office of the District Attorney (unless the District Attorney has already disapproved the complaint, in which case the affiant shall proceed pro se), who shall review it and follow the procedure outlined in subsection (a)(1) of this Rule.

[Pa.B. Doc. No. 16-1715. Filed for public inspection October 7, 2016, 9:00 a.m.]

CUMBERLAND COUNTY

Rules of the Court of Common Pleas; Local Rules 1996-1335

Order of Court

And Now, this 19th day of September, 2016, effective November 11, 2016, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, Cumberland County Local Rules 1028(c), 1034(a) and 1035.2(a) are rescinded and replaced in the following form.

Pursuant to R.J.A. 103(d), the Court Administrator is directed to distribute two (2) paper copies of the rules and a copy on a computer diskette, CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

file one (1) copy of the rules with the Administrative Office of Pennsylvania Courts, publish a copy of the rules on the county website, incorporate the rules in the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*, and forward one (1) copy to the *Cumberland Law Journal*.

The rules shall be kept continuously available for public inspection and copying in the office of the prothonotary and on the county website.

By the Court

EDWARD E. GUIDO,
President Judge

Rule 1028(c). Preliminary Objections.

All preliminary objections shall be filed with the Cumberland County Prothonotary's Office. Thereafter, the issues raised will be disposed of at regular sessions of argument court, which shall be scheduled as part of the annual court calendar. The procedure for disposition of matters at argument court shall be as follows:

1) The Prothonotary shall maintain the argument court list.

2) A case shall be listed by filing a praecipe, in duplicate, with the Prothonotary. The party listing the case for argument shall serve a copy of the praecipe on all counsel and any unrepresented party.

3) A case may be listed for argument either after all briefing requirements are met or the time for the briefing schedule has elapsed, whichever occurs first. A brief with two copies, containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Prothonotary concurrently with the preliminary objections. The objecting party shall furnish the briefs and serve a copy of the brief upon opposing counsel and any unrepresented party. The responding party shall furnish briefs in a similar manner within twenty (20) days of the date of service of the objecting party's brief. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph. If the party seeking the order has not filed a timely brief in accordance with this rule, the Court may deny the relief sought on that basis alone.

4) The argument list shall be closed twenty (20) days prior to the date for argument. The list shall then be prepared by the Prothonotary and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties, who have cases listed for argument, of the listing by regular mail.

5) One week prior to argument, the Court Administrator, at the direction of the President Judge, shall prepare the final list of cases to be argued before either a single judge or an en banc panel of two judges, or three judges. The list of assigned cases shall be listed in the Prothonotary's Office and the Law Library six (6) days prior to the date for argument.

6) Issues raised, but not briefed, shall be deemed abandoned.

7) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear, e.g., "(r. pg. 30 l. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p. 2)."

8) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes unless prior permission is granted to extend argument in a complex case.

9) Prior approval of the Court must be obtained to present cases only on briefs. Any request is to be made to the Court Administrator no later than five (5) days prior to argument. Cases submitted for argument on briefs are subject to the briefing schedule set forth in paragraph (5).

10) Briefs will be retained by the Prothonotary and will be on the record.

11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no later than seven (7) days prior to argument court.

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

Motions for judgment on the pleadings shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Rule 1035.2(a). Motions for Summary Judgment.

All motions for summary judgment shall be filed with the Cumberland County Prothonotary's Office and disposed of in the same manner as preliminary objections in accordance with Rule 1028(c).

Note: The foregoing rules 206.1, 206.4(c), 208.2(d), 208.3(a), 1028(c), 1034(a) and 1035.2(a) are promulgated pursuant to Pa.R.C.P. 239.1 et seq. These Supreme Court Rules require that courts of common pleas adopt rules with respect to motions practice. The foregoing local rules retain current practices and are, to a large extent, existing rules renumbered and reconfigured in accordance with the requirements of the Pennsylvania Supreme Court. These rules are derived from and also rescind existing Cumberland County rules 205-1, 206-1 through 209-2, 210-1 through 210-14, 227.1-1, 227.1-2, and 4001-1.

1028(c)(5) amended February 3, 2011, effective February 3, 2011

1028(c)(5) amended July 27, 2011, effective July 27, 2011

1028(c) amended September 16, 2016, effective November 11, 2016.

[Pa.B. Doc. No. 16-1716. Filed for public inspection October 7, 2016, 9:00 a.m.]