

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Amendment of Rule 1.2 of the Rules of Professional Conduct; No. 147 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 26th day of October, 2016, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend Pa.R.P.C. 1.2 having been published for comment in the *Pennsylvania Bulletin*, 46 Pa.B. 2274 (May 7, 2016):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.2 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 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

* * * * *

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) A lawyer may counsel or assist a client regarding conduct expressly permitted by Pennsylvania law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct.

Comment:

* * * * *

[Pa.B. Doc. No. 16-1939. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1950]

Order Amending Rule 1959 of the Rules of Civil Procedure; No. 652 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 27th day of October, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1959 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 in 60 days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1950. ACTIONS PURSUANT TO THE PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ACT

Rule 1959. Forms for Use in Protection of Victims of Sexual Violence or Intimidation Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

* * * * *

(b) The petition in an action filed pursuant to the Act shall be identical in content to the following form:

(Caption)

PETITION FOR PROTECTION OF VICTIMS OF

- SEXUAL VIOLENCE
- SEXUAL VIOLENCE AGAINST A MINOR CHILD
- INTIMIDATION

* * * * *

10. Is [**there an**] **Plaintiff in** immediate and present danger [**for further acts of sexual violence or intimidation**] from Defendant [**against Plaintiff**]? If so, please describe:

* * * * *

[Pa.B. Doc. No. 16-1940. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200 AND 1200]

Order Amending Rules 1201, 1205, 1206 and 1208 and the Official Note to Rule 206 of the Rules of Civil Procedure before Magisterial District Judges; No. 403 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 28th day of October, 2016, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1201, 1205, 1206, 1208 and the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 31, 2016.

Chief Justice Saylor would approve the Minor Court Rules Committee's recommendation as submitted, which, in relevant part, tracked the statutory terms of 42 Pa.C.S. § 62A09(a) (providing that a minor judiciary hearing officer may grant emergency relief "to protect *the victim* upon good cause shown in an *ex parte* proceeding" (emphasis added)).

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 206. Costs; Proceedings in Forma Pauperis.

* * * * *

D. This rule shall apply to all civil actions and proceedings except actions pursuant to the Protection from Abuse Act or 42 Pa.C.S. §§ 62A01—62A20.

Official Note: "Execution" costs include those for executing an order for possession. The items constituting taxable costs in appeal or certiorari proceedings will be governed by law or general rule applicable in the court of common pleas.

Under subdivision B, "personal service...costs" refers only to personal service since mail costs are to be borne by the plaintiff in all cases in accordance with Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1.

This rule does not provide for the assessment of filing costs against an unsuccessful plaintiff who has been permitted to proceed in forma pauperis and who remains indigent. See *Brady v. Ford*, 451 Pa. Super. 363, 679 A.2d 837 (1996).

For special provisions governing actions pursuant to the Protection From Abuse Act, see Sections 6106(b) and (c) of the Domestic Relations Code, 23 Pa.C.S. §§ 6106(b) and (c). For special provisions governing actions seeking

relief [from] for victims of sexual violence or intimidation, see 42 Pa.C.S. §§ 62A01—62A20.

E. Proceedings in Forma Pauperis

* * * * *

CHAPTER 1200. [EMERGENCY RELIEF FROM ABUSE, SEXUAL VIOLENCE OR INTIMIDATION] ACTIONS FOR EMERGENCY PROTECTIVE RELIEF

Rule 1201. Applicability.

The rules in this chapter apply to the exercise by a hearing officer of jurisdiction under:

(1) Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, **granting emergency relief from abuse, and**

(2) Section 62A09 of Title 42, 42 Pa.C.S. § 62A09, [**to grant emergency relief from abuse,] granting emergency relief in connection with claims of sexual violence or intimidation.**

* * * * *

Rule 1205. Persons Who May Seek Emergency Relief.

[An] A. In actions brought pursuant to Section 6110 of the Protection From Abuse Act, 23 Pa.C.S. § 6110, an adult or an emancipated minor may seek emergency relief from abuse[, **sexual violence or intimidation**] for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief from abuse[, **sexual violence or intimidation**] on behalf of minor children. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

B. In actions brought pursuant to Section 62A09 of Title 42, 42 Pa.C.S. § 62A09 (providing for protection in connection with claims of sexual violence and intimidation), an adult or emancipated minor may seek emergency relief for himself or herself. Also, any parent, adult household member or guardian ad litem may seek emergency relief on behalf of a minor child. In addition, a guardian of the person of an incapacitated person as defined in 20 Pa.C.S. § 5501 may seek emergency relief on behalf of the incapacitated person.

Official Note: This rule is derived from Section 6106 of the Protection From Abuse Act, 23 Pa.C.S. § 6106, as well as 42 Pa.C.S. § 62A05.

Rule 1206. Commencement of Proceedings.

A. A proceeding for emergency relief

(1) from abuse, or

(2) in connection with claims of sexual violence or intimidation

shall be commenced by the filing of a petition by the plaintiff with the hearing officer on a form [**which**] that shall be prescribed by the State Court Administrator. The petition shall be signed by the plaintiff and shall set forth the names and addresses of the plaintiff and the defendant and the names, addresses and ages of any person on whose behalf the plaintiff is seeking relief. The plaintiff shall also allege in the petition, in general terms,

the cause for seeking emergency relief [**from abuse, sexual violence or intimidation**].

B. Upon issuance of an emergency order, the hearing officer shall provide the plaintiff with instructions regarding the commencement of proceedings in the court of common pleas and regarding the procedures for initiating a contempt charge should the defendant violate the emergency order. The hearing officer shall also advise the plaintiff of the existence of rape crisis centers in the county or in nearby counties in the case of sexual violence, as well as programs for victims of domestic or sexual violence in the county or in nearby counties and inform the plaintiff of the availability of legal assistance without cost if the plaintiff is unable to pay therefor.

C. The petition shall be filed and service shall be made without prepayment of costs.

Official Note: [**Subdivision**] **Paragraph B** is added to assure compliance with the requirement of Section 6110(d) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(d), as well as 42 Pa.C.S. § 62A09(d). Practice varies among the judicial districts as to what procedures the plaintiff must follow to continue in effect a protection order in the court of common pleas upon the certification of an emergency protection order to the court of common pleas. The hearing officer should provide clear instructions to the plaintiff as to what must be done to continue in effect the protection order in the court of common pleas. *See* Rule 1210 and Note and Rule 1211 and Note. [**Subdivision**] **Paragraph C** is derived from Section 6106(b) of the **Protection From Abuse Act**, 23 Pa.C.S. § 6106(b), as well as 42 Pa.C.S. § 62A05(b), and reflects the practice when a temporary order is issued at the common pleas level.

Rule 1208. Findings and Protection Orders.

[**A.**] **A.(1)** If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff [, **minor children, or victim from abuse, sexual violence or intimidation,**] or **minor children from abuse** the hearing officer may grant relief in accordance with Section 6110(a) of the Protection From Abuse Act, 23 Pa.C.S. § 6110(a) [or 42 Pa.C.S. § 62A09(a)], and make any protection orders necessary to effectuate that relief. Immediate and present danger of abuse [, **sexual violence or intimidation to the plaintiff, minor children, or victim**] to the plaintiff or minor children shall constitute good cause.

(2) If the hearing officer, upon good cause shown, finds it necessary to protect the plaintiff or another individual in connection with claims of sexual violence or intimidation, the hearing officer may grant relief in accordance with 42 Pa.C.S. § 62A09(a), and make any protection orders necessary to effectuate that relief. Immediate and present danger posed by the defendant to the plaintiff or another individual shall constitute good cause.

B. The hearing officer shall enter on the petition form the findings and any protection orders made or other action taken.

Official Note: [**Subdivision A** of this rule is derived from Section 6110(a) of the **Protection From Abuse Act**, 23 Pa.C.S. § 6110(a), which permits the hearing officer to grant limited relief in accordance with 23 Pa.C.S. § 6108(a)(1), (2) and (6) or (1) and (6) (relating to relief), as well as 42 Pa.C.S. § 62A07(b).]

Subparagraph A(1) of this rule permits the hearing officer to grant limited relief in accordance with 23 Pa.C.S. § 6108(a)(1), (2) and (6) or (1) and (6). Subparagraph A(2) of this rule permits the hearing officer to grant limited relief to plaintiffs in accordance with 42 Pa.C.S. § 62A07(b).

FINAL REPORT¹

Recommendation 3-2016, Minor Court Rules Committee

Amendment of Rules 1201, 1205-1206 and 1208, and of the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges

Emergency Protective Orders in Connection with Claims of Sexual Violence or Intimidation

I. Introduction

The Minor Court Rules Committee (“Committee”) recommended amendments to Rules 1201, 1205-1206 and 1208, and to the Official Note to Rule 206 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges (“Rules”). The amendments clarify the nature of the emergency relief available in connection with claims of sexual violence or intimidation, as provided for in recent legislation.

II. Background and Discussion

In 2014, the Committee learned of enacted legislation that permits a victim of sexual violence or intimidation to petition a court for protection from a defendant. *See* Act of Mar. 21, 2014, P.L. 365, No. 25, 42 Pa.C.S. §§ 62A01—62A20 (“Act”). The Act provides for emergency protective orders in connection with claims of sexual violence and intimidation, in much the same manner as existing emergency protection from abuse orders. The new law took effect July 1, 2015.

The Committee compared the provisions of the Act with the Protection From Abuse Act, 23 Pa.C.S. §§ 6101—6122, as well as current Rules 1201—1211, and drafted and recommended amendments to incorporate the new protective order provisions within existing Rules 1201—1211. The Court adopted the recommendation on June 29, 2015, and it took effect on July 1, 2015.²

After the adoption of the rule changes, the Committee was queried whether the allegation of harm required by the petition was stricter than that required by the Act. Specifically, the emergency petition contained a provision that “[e]mergency relief from sexual violence or intimidation is required because there is immediate and present danger of sexual violence or intimidation by the defendant to me and the above listed minor (child)(children) (incapacitated person).”

The Act’s general provision on commencement of proceedings provides that a person may seek relief “by filing a petition with the court alleging the need for protection from the defendant with respect to sexual violence or intimidation.” 42 Pa.C.S. § 62A05(a). Additionally, the provision of the Act addressing emergency relief by the minor judiciary provides that a hearing officer may grant relief “if the hearing officer deems it necessary to protect the victim upon good cause shown in an ex parte proceeding. Immediate and present danger posed by the defendant to the victim shall constitute good cause for the purposes of this subsection.” 42 Pa.C.S. § 62A09(a).

¹The Committee’s Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee’s Official Notes or the contents of the explanatory Final Reports.

²Order, *see* No. 387 Magisterial Rules Docket (June 29, 2015).

Upon further examination of the Act, the Committee agreed that its intent was to provide protection in connection with claims of sexual violence or intimidation, and that the protection granted is not be limited to providing protection from further acts of sexual violence or intimidation. Applying a narrow reading of 42 Pa.C.S. § 62A05(a), and requiring an allegation of immediate and present danger of further sexual violence or intimidation, could have the unintended consequence of denying protective relief to a person who may not fear further sexual violence or intimidation by the defendant, but rather bodily injury or death. The Committee agreed that the showing required by 42 Pa.C.S. § 62A09(a), “[i]mmediate and present danger” is the appropriate standard for emergency protective relief under the Act.

III. Rule Changes

The amendments clarify that the protective relief is in connection with claims of sexual violence and intimidation, and is not specifically protection from further sexual violence or intimidation. In Rules 1201, 1205-1206 and 1208, additional subparagraphs have been added to distinguish relief available under the Protection From Abuse Act, set forth in the Domestic Relations Code, 23 Pa.C.S. § 6101—6122, from relief available in connection with claims of sexual violence and intimidation under the Act. The Official Note to Rule 206 is amended to clarify that the general relief available under the Act is for victims of sexual violence or intimidation, and not specifically relief from further sexual violence or intimidation. Additionally, while the content of the petition and order forms are not contained within the Rules, those forms are being modified consistent with the changes described above.

[Pa.B. Doc. No. 16-1941. Filed for public inspection November 10, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

COLUMBIA AND MONTOUR COUNTIES Business of the Courts; Case No. X of 2016

Order

And Now, this 26th day of October 2016, it is hereby Ordered and Decreed that revisions to the 26th Judicial District’s Criminal Local Rules are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania. The following local rules will become effective upon publication in the *Pennsylvania Bulletin* and shall thereafter be published on the UJS Portal: L.R. Nos. 100, 106, 112, 576, 122, 520, 117. The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

- 1) File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
- 3) Publish the local rules on the court’s website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

- 4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

L.R. No. 100. Criminal Procedure Scope.

These rules supplement the Pennsylvania Rules of Criminal Procedure and are applicable to all criminal proceedings within the 26th Judicial District. In the event of conflict between these rules and the Pennsylvania Rules of Criminal Procedure or any applicable statute, such Rule or statute shall prevail over these rules. These rules are intended to apply in matters where the statute or the Pennsylvania Rules of Criminal Procedure are silent. The numbering of these rules are intended, so far as possible, to relate to the subject matter of relevant Pennsylvania Rules of Criminal Procedure.

L.R. No. 106. Continuances.

A. Requests for continuance in any criminal case shall be as provided by L.R. 216.

L.R. No. 112. Broadcasting in the Courtroom and Its Environs.

A. *Montour County*. The entire second floor of the Montour County Courthouse is Defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connection with any judicial proceedings.

B. *Columbia County*. The entire second floor of the Columbia County Courthouse is defined as “the courtroom or its environs.” The taking of photographs or video or audio recordings or radio or television recording or broadcasting is prohibited on the said second floor during the progress of or in connections with any judicial proceedings.

L.R. No. 576. Filing and Service by Parties.

A. All Petitions, Motions, or other Applications seeking relief from the Court shall be in writing and shall be filed with the Clerk of Court of the respective Court where trial will be or was held. Any such documents requiring immediate attention shall be forwarded directly to the appropriate Court Administrator by the attorney filing such papers.

B. Service shall be the responsibility of the Moving Party, and shall be in accordance with applicable law and other special instructions as directed by the Court.

L.R. No. 122. Notice to Defendants.

At the time of Preliminary Arraignment (in cases where an Arrest Warrant is issued) or at the time a Summons is served upon the defendant (in cases where a Summons is issued) the issuing authority shall give the following Notice to the Defendant:

NOTICE

To protect your legal rights, it is important that you promptly obtain an attorney to represent you at the preliminary hearing and any other proceedings in this case. If you believe that you cannot afford an attorney, you may qualify for representation by the Public Defender’s Office. To apply for representation, you should contact the following as soon as possible: (Name, address and phone number of the appropriate Public Defender’s Office to be inserted here.)

L.R. No. 520. Bail.

A. *Real Estate.* Real Estate shall not be accepted as surety for bail unless accompanied by:

1. A certification by an attorney licensed to practice in this Commonwealth stating the ownership of the real estate so offered and all liens against the same; and

2. An appraisal or opinion letter (at the discretion of the Court or issuing authority) of the real estate made within thirty (30) days of the bail motion by a licensed real estate broker or appraiser; and

3. All record owners of the real estate must execute the appropriate surety documents.

B. *Administrative Fee.* In all court cases where an amount of bail is set for release, a non-refundable administrative fee of twenty-five dollars (\$25.00) shall be paid to the Clerk of Courts of the respective county where trial will be held. The administrative fee shall be considered as earned at the time of bail undertaking is executed.

C. *Discharge.* When the conditions of a bail bond have been performed and the defendant has made all required appearances in the case, the Clerk of Court shall return to the person posting bail, unless the bail deposited, less any administrative costs. In the event a Judgment has been entered on any bail bond, upon receiving and Order that the defendant has been discharged from all obligations, the Clerk of Court shall, upon payment of the appropriate administrative, filing and satisfaction fees, mark the Judgment satisfied on the record.

D. *Accepting Bail.* Between the hours of 4:30 p.m. and 8:00 a.m., Monday through Friday, and on weekends and County Legal Holidays, the Warden of the County Prison, or his designee, shall be authorized to accept bail pursuant to and subject to the limitations, of the Pennsylvania Rules of Criminal Procedure. The Warden's authority is limited to accepting the bail deposit, delivering the bail and bond to the proper Issuing Authority (Magisterial District Judge) or the County Clerk of Courts, whichever has jurisdiction, and, under the Pennsylvania Rules of Criminal Procedure 525, releasing the defendant upon execution of the bail bond.

L.R. No. 117. Coverage; Issuing Warrants; Preliminary Arraignments; Setting and Accepting Bail.**1. Normal Business Hours.**

(a) Magisterial District Judge Offices shall be open for regular business Monday through Friday, excluding County Holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

(b) When during regular business hours the Magisterial District Judge who has jurisdiction over a particular matter is unavailable, authority to act is transferred to other Magisterial District, Judges in the 26th Judicial District pursuant to a Special Assignment schedule approved by the President Judge and amended from time to time. This schedule shall govern the appropriate jurisdiction for specific actions, unless the individual Magisterial District Judges specifically transfer that jurisdiction among themselves due to their own unavailability based on work schedule or other related convenience, in which case the Court approves that transferred Magisterial District Judge for authority over a particular action.

2. On Call Magisterial District Judge.

(a) An on-call Magisterial District Judge shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for the issuance of warrants, the holding of preliminary arraignments, the setting and accepting of bail, and the issuance of emergency orders under the Protection from Abuse Act.

(b) An on-call Magisterial District Judge shall be on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

3. Search Warrants and Arrest Warrants, and Protections From Abuse Petitions.

An on-call Magisterial District Judge shall be available without unreasonable delay for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 203, and Emergency Protection from Abuse Orders.

4. Preliminary Arraignments.

(a) For Arrests occurring between the hours of 8:00 a.m. and 4:30 p.m., the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(b) For arrests occurring after 4:30 p.m. but before 11:00 p.m., the on-call Magisterial District Judge shall be available without unreasonable delay at his/her office, or at the discretion of the Magisterial District Judge, by video conferencing from the Columbia County Prison or Montour County Prison.

(c) For arrests occurring after 11:00 p.m. but before 8:00 a.m., the arresting agency, including the state police, municipal police, sheriff or constable, is authorized to detain the prisoner at the Columbia County Prison or Montour County Correction Facility until arraignment. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the Preliminary Arraignment.

(d) The arresting agency detaining the Defendant shall provide to the Magisterial District Judge the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, a copy of the Defendants' criminal record, and any recommendation regarding bail for the Defendant, by depositing the documents at the Columbia County Prison or Montour County Prison for use by the Magisterial District Judge.

(e) The Columbia County Prison and Montour Prison are directed to identify a detention area for prisoners so detained.

(f) The Columbia County Prison or Montour County Prison is directed to make available to the Magisterial District Judge appropriate space for video conferencing availability between the hours of 9:00 a.m. and 10:00 a.m. to perform the Preliminary arraignment.

(g) Upon completion of the Preliminary Arraignment, the detention authorized by this rule shall terminate and the person detained shall be processed in accordance with the Order of the Magisterial District Judge at the Preliminary Arraignment.

5. Bench Warrants in Court Cases.

(a) Upon receiving notice from the Magisterial District Court that a bench warrant has been executed or that the Defendant has surrendered, the Court administrator shall schedule a hearing as soon as possible but not later than

seventy-two (72) hours after the Defendant has been lodged in the Columbia County Prison or Montour County Prison.

6. Summary Offense Arrest Warrants and Bench Warrants.

(a) Any individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Pa.R.Crim.P. 431 except as set forth hereafter.

(b) In the event the warrant is executed between the hours of 8:00 a.m. and 4:30 p.m. the Defendant shall be taken to the Magisterial District Judge having jurisdiction.

(c) For summary warrants executed after 4:30 p.m., the individual executing the arrest warrant shall:

(1) accept a signed guilty plea and the full amount of the fines and costs;

(2) accept a signed not guilty plea and the full amount of collateral; or

(3) allow the defendant to voluntarily appear before the Magisterial District Judge by 9:00 a.m. the next business day, or a bench warrant shall be issued.

(d) For summary bench warrants executed after 4:30 p.m., but before 8:00 a.m., the individual executing the arrest warrant is authorized to detain the prisoner at the Columbia County Prison or Montour County Prison until 9:00 a.m., the following morning. For Defendants so detained, the on-call Magisterial District Judge shall appear in person or by video conferencing at the Columbia County Prison or Montour County Prison at 9:00 a.m. to preside at the bench warrant hearing.

[Pa.B. Doc. No. 16-1942. Filed for public inspection November 10, 2016, 9:00 a.m.]

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COLUMBIA AND MONTOUR COUNTIES
Business of the Courts; Case No. X of 2016

Order

And Now, this 26th day of October, 2016, it is hereby *Ordered and Decried* that revisions to the 26th Judicial District's Local Rules of Judicial Administration are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

**Local Rules of Judicial Administration—26th
Judicial District Columbia/Montour Counties**

L.R. No. 4016. Court Reporter Notes Retention.

A. In the case of all Court Reporter notes taken of criminal matters where the crime charged is graded a misdemeanor of the first degree or lower, the Court Administrator is authorized to, no sooner than ten (10) years after the notes are taken, direct the destruction of any such notes.

B. In felony cases, the Court Administrator is authorized to direct the destruction of all Court Reporter notes no sooner than twenty-five (25) years after the notes were taken, or the expiration of the maximum sentence, whichever is the latter, with the exception of Homicide case notes, which shall be retained for seventy-five (75) years.

C. In all cases other than criminal cases, the Court Administrator is authorized to direct the destruction of all Court Report notes no sooner than ten (10) years after the date the notes were taken.

D. Notwithstanding Subsections A, B, or C of this rule in any matter where the notes or tapes have been transcribed and the transcription is approved by the Court and filed, the Court Reporter may, no sooner than thirty (30) days after filing, destroy any such notes or tapes. Any party who wishes to object to the transcription shall do so within the thirty (30) day period for serving a written objection upon the Court Reporter. If the objection cannot, be resolved to the satisfaction of the parties, any party may, by petition, request the Court to determine the objection. Court Reporter notes which are subject to objection shall be retained until all objections are resolved.

E. Notwithstanding Subsections A, B or C of this rule, a party may petition the Court, which may, in its discretion, order the retention of any particular Court Reporter notes for an additional period of time.

[Pa.B. Doc. No. 16-1943. Filed for public inspection November 10, 2016, 9:00 a.m.]

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COLUMBIA AND MONTOUR COUNTIES
Business of the Courts; Case No. X of 2016

Order

And Now, this 27th day of October, 2016, it is hereby *Ordered and Decried* that revisions to the 26th Judicial District's Civil Local Rules are adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

By the Court

HONORABLE THOMAS A. JAMES, Jr.,
President Judge

L.R. No. 51. Title and Citation of Rules.

These rules shall be known as the Local Rules for Columbia and Montour Counties, the 26th Judicial District, and shall be cited as "L.R. No."

L.R. No. 430. Notice by Publication.

A. The following are designated as newspapers of general circulation in and for Columbia County and thereby approved by the Court for legal notices, legal advertising, and related matters:

1. *Press-Enterprise*, Bloomsburg, PA

B. The following are designated as newspapers of general circulation in and for Montour County and thereby approved by the Court for purposes of legal notices, legal advertising, and related matters:

1. *The Danville News*, Danville, PA

2. *Press-Enterprise*, Bloomsburg, PA

3. *The Daily Item*, Sunbury, PA

L.R. No. 216. Continuances.

A request for continuance in any matter scheduled before a district justice, special master, Board of Arbitration, hearing officer, or any other specially presiding tribunal will not be entertained by the Court. Instead, all such requests shall be addressed to the appropriate specially presiding tribunal.

L.R. No. 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers.

A. All pleadings and legal papers filed within the 26th Judicial District shall be prepared on 8 1/2 × 11 inch white paper. Exhibits which have length longer than 11 inches shall be reduced. All papers shall be typewritten, double-spaced, and legible. Script and italic type are discouraged but not prohibited. Backers are optional. All paper must be stapled at the top and not on the side.

B. All papers shall be signed by the attorney submitting the paper. Immediately beneath the signature, there shall appear the attorney's typewritten name, office address, attorney identification number, and telephone number.

C. For a party proceeding pro se; immediately beneath the signature there shall appear the legibly printed or typewritten name, address and telephone number.

L.R. No. 205.3. Filing of Papers.

A. Domestic Relations papers will be filed only at the Domestic Relations Office.

B. Trial Briefs, Pretrial Memoranda, and trial documents such as Points for charge, Motions in Limine, and similar documents shall be stamped "Received but NOT FILED of record."

L.R. No. 206.4(c). Issuance of Rule to Show Cause.

(1) A rule to show cause for petitions governed by Pa.R.C.P. 206.1 et seq., shall issue as of course pursuant to Pa.R.C.P. 206.6. The petitioner shall attach to the front of the petition a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the within petition, it is hereby ordered as follows:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

(3) the petition shall be decided under Pa.R.C.P. 206.7;

(4) a pre-disposition conference shall be held on _____, at ____ .m. in the undersigned Judge's Chambers of the _____ County Court-house, _____ Pennsylvania; and,

(5) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

_____ J.

(2) If the petitioner requests a stay, the order may be modified accordingly.

(3) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending petition.

(4) A request for a stay of execution pending disposition of a petition to open a default judgment shall be presented to the duty Judge after notice to opposing counsel and any pro se parties of the intended date, time and place of presentation.

(5) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (3) above, the court shall issue an order providing for one or more of the following:

(i) The filing of affidavits, depositions and the like.

(ii) The scheduling of an evidentiary hearing.

(iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).

(iv) Any other matters deemed appropriate for disposition of the petition.

L.R. No. 208.2(c). Motion Content.

All motions filed shall include a brief statement of the applicable authority.

L.R. No. 208.2(d). Uncontested Motion.

All motions filed shall include a certification, signed by counsel for the moving party or by the pro se moving party, stating whether the motion is contested or uncontested. In the absence of the certification required by this rule, the motion shall be deemed contested.

L.R. No. 208.2(e). Contested Motions.

All motions filed relating to discovery shall include a certification, signed by counsel for the moving party or by the pro se moving party, stating that counsel or the pro se

party has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

L.R. No. 208.3(a). Alternative Procedures.

(1) All motions filed with a certification that the motion is contested or deemed contested pursuant to L.R. 208.2(d) shall have attached to the front thereof a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this day ___ of _____, _____, upon consideration of the within Motion, it is hereby ordered as follows:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within twenty (20) days of service upon the respondent;

(3) the motion shall be decided under Pa.R.C.P. No. 206.7;

(4) a pre-disposition conference shall be held on _____, ___ at ___ m., in the undersigned Judge's Chambers of the _____ County Court-house, _____, Pennsylvania.

(5) notice of entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

J.

(2) If the moving party requests a stay, the form of the order may be modified accordingly.

(3) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending motion.

(4) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (3) above, the court shall issue an order providing for one or more of the following:

(i) The filing of affidavits, depositions and the like.

(ii) The scheduling of an evidentiary hearing.

(iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).

(iv) Any other matters deemed appropriate for disposition of the motion.

L.R. No. 208.3.

(a) *Motions Requesting Ex Parte Relief*

A. A Moving Party intending to present to the Court a Motion requesting Injunctive Relief, a Stay of Proceedings, a Motion to Compel Discovery, or other ex parte relief shall make a diligent and conscientious effort to notify any known opposing counsel of the intent to present such a Motion at the earliest possible time.

B. Consistent with the requirement set forth in Subsection A, the Moving Party shall, at a minimum, speak with opposing counsel by telephone, or leave a specific message with his or her staff during regular business hours, or if such notice must be delivered after the close of regular business hours, the Moving Party shall make reasonable

attempts to speak with opposing counsel at this his or her home, or leave a specific message with a competent adjust residing therein.

C. A Motion presented to the Court pursuant to Subsection A shall include a Certificate signed by the Moving Party stating whether or not opposing counsel was notified of the time such Motion would be presented, and if opposing counsel was not personally notified, setting forth the efforts made by the Moving Party to do so. Failure to attach a Certificate in accordance with this subsection shall be grounds for denial of the relief sought.

D. In matters in which a party is unrepresented by counsel, counsel for the Moving Party shall follow the same procedures set forth above in Subsections A, B, and C in attempting to notify and unrepresented party.

E. Upon the filing of a motion to compel written discovery, the Court shall not issue an ex parte order granting the motion in less than ten (10) days after the filing of the motion to give the opposing party time to respond to the motion.

(b) *Motion Response*

If a motion is filed with a certification that the motion is contested or is deemed to be contested pursuant to L.R. 208.2(d), then any party opposing the relief requested shall file a written response to the motion within twenty (20) days after service of the motion. In the absence of a response, the court may consider the motion to be uncontested by any non-responding party.

L.R. No. 210. Form of Briefs.

All briefs shall contain the following information:

(1) The caption of the case.

(2) A brief procedural history and comprehensive statement of the relevant facts.

(3) The issues before the court.

(4) Comprehensive argument and discussion addressed to the issues with all relevant and recent authorities. The argument shall specifically cite and endeavor to distinguish all conflicting or opposing authorities.

L.R. No. 1018.1. Notice to Defend.

The addresses to be included in the Notice to Defend referred by Pa.R.C.P. 1018.1 shall be as follows:

NORTH PENN LEGAL SERVICES
168 EAST FIFTH STREET
BLOOMSBURG, PA 17815
(570) 784-8760

PENNSYLVANIA LAWYER REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
PO BOX 186
HARRISBURG, PA 17108
1-800-692-7375

L.R. No. 1028(c). Preliminary Objections.

(1)(A) All preliminary objections filed raising an issue or issues under Pa.R.C.P. 1028(a)(1), (5) or (6) (i.e., objections that cannot be determined from facts of record) shall be endorsed with a notice to plead and shall have attached to the front thereof a proposed order substantially in the following form:

(CAPTION)

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the within preliminary objections, it is hereby ordered as follows:

(1) the responding party shall file an answer to the preliminary objections within twenty (20) days of service upon the responding party.

(2) a pre-disposition conference shall be held on _____, ____ at ____ m. in the undersigned Judge's Chambers of the _____ County Courthouse, _____, Pennsylvania.

(3) notice of the entry of this order shall be provided to all parties by the party filing the preliminary objections.

BY THE COURT:

J.

(i) The court, in its discretion, at a time prior to the pre-disposition conference, may conduct a telephone conference call with counsel of record and any pro se parties regarding disposition of the pending preliminary objections.

(1)(B) At the conclusion of the pre-disposition conference, or after the telephone conference call provided for under subparagraph (1)(A)(i) above, the court shall issue an order providing for one or more of the following:

- (i) The filing of affidavits, depositions and the like.
- (ii) The scheduling of an evidentiary hearing.
- (iii) The listing of the case for argument court for disposition pursuant to L.R. 1028(c)(2)(E).
- (iv) Any other matters deemed appropriate for disposition of the preliminary objections.

(2)(A) All preliminary objections filed raising an issue or issues solely under Pa.R.C.P. 1028(a)(2), (3) or (4) (i.e., objections that may be determined from facts of record without further evidence) shall be accompanied by a brief in support of the objections and a praecipe for argument court in substantially the following form:

PRAECIPE

IN THE COURT OF COMMON PLEAS OF THE 26TH JUDICIAL DISTRICT OF PENNSYLVANIA

_____ COUNTY BRANCH

No. _____

Type of Action: _____

TO: _____, Prothonotary,

PLACE THE FOLLOWING CASE ON THE NEXT ARGUMENT LIST

_____ Plaintiff,
_____ Plaintiff's Attorney, Address & Telephone No.

Vs
_____ Defendant,
_____ Defendant's Attorney, Address & Telephone No.

By: _____

Date: _____

Attorney for: _____

(2)(B) If the preliminary objections are not accompanied by a brief and/or praecipe for argument court, the prothonotary shall time-stamp and docket the document and shall advise the filing party that no action will be taken on the matter until there has been compliance with the requirements of L.R. 1028(c)(2)(A).

(2)(C) The Prothonotary shall deliver a copy of the preliminary objections, praecipe for argument court and the brief to the court administrator.

(2)(D) The party filing the preliminary objections shall serve a copy of the preliminary objections, praecipe for argument court and brief on the opposing counsel or pro se opposing party or parties within five (5) days of the filing date and shall file a certificate of service in the Prothonotary's office.

(2)(E) Any matters subject to disposition by brief and oral argument under these Local Rules shall be disposed of at argument court at which all counsel of record and pro se parties shall be present. The Judge to whom the case has been assigned shall compile a list of cases to be heard at argument court and shall provide notice to counsel of record and pro se parties setting forth the following:

- (i) The date, time and place of oral argument.
- (ii) If necessary, the date upon which the moving party's brief is due.
- (iii) If necessary, the date upon which the responding/opposing party's brief is due.

At argument court, all parties shall be limited to fifteen minutes. The court, in its discretion, may grant a longer period of time for argument.

If the responding/opposing party does not file a brief as required by these Local Rules, the court, in its discretion, may determine that said party concurs in the matter.

A party may file a written request to the court for an extension of time to file a brief or for a continuance of oral argument. The request shall be in the form of a motion with a proposed order and shall indicate the reasons for the requested extension or continuance and shall further state whether the opposing counsel or opposing pro se party or parties agree or object to said request.

L.R. No. 1034(a). Motion for Judgement on the Pleadings.

(1) All motions for judgment on the pleadings shall be accompanied by a brief in support of the motion and praecipe for argument court in substantially the form set forth under L.R. 1028(c)(2)(A).

(2) If the motion for judgement on the pleadings is not accompanied by a brief and/or praecipe for argument court, the Prothonotary shall time-stamp and docket the document and shall advise the filing party that no action will be taken on the matter until there has been compliance with the requirements of L.R. 1034(a)(1).

(3) The Prothonotary shall deliver a copy of the motion for judgement on the pleadings praecipe for argument court and the brief to the court administrator.

(4) The party filing the motion for judgement on the pleadings shall serve a copy of the motion, praecipe for argument court and brief on the opposing counsel or pro se opposing party or parties within five (5) days of the filing date and shall file a certificate of service in the Prothonotary's office.

(5) The motion for judgement on the pleadings shall be disposed of in accordance with the procedures for argument court set forth in L.R. 1028(c)(2)(E).

L.R. No. 1035.2(a). Motion for Summary Judgment.

All motions for summary judgment shall be disposed of in accordance with the same procedures for disposition of

motions for judgment on the pleadings set forth in L.R. 1034(a), subparagraphs (1), (2), (3), (4) and (5).

L.R. No. 1301. Compulsory Arbitration.

A. *Scope.* All civil cases which see only monetary damages, where the amount in controversy shall be fifty thousand (\$50,000.00) Dollars or less, exclusive of costs and interest, shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) attorneys appointed at the discretion of the President Judge. No substitution of Arbitrators so selected is permitted.

B. *Time for Submission to Arbitration by Parties.* When the pleadings are closed and the case is at issue, either party may submit a request for arbitration to the Court Administrator. This request shall be made on forms to be prepared by the Court Administrator, and shall be time-stamped in the Office of the Prothonotary prior to presentation to the Court Administrator. One copy of the request shall be filed personally by the party or counsel to the Court Administrator, and a copy shall be served upon the opposing party or parties.

C. *Time for Reference to Arbitration by Court.* On its own Motion, or the Motion of either party, when it appears, after hearing, Deposition or Stipulation that the amount in controversy does not exceed fifty thousand (\$50,000.00) Dollars, the Court shall enter an Order of reference to a Board of Arbitration.

D. *Scheduling of Hearings.* The Court Administrator shall assign cases to each Board appointed and shall designate the date and location of the hearing. The Court Administrator shall give notice of the hearing date and location to the Arbitrators and each party or his attorney.

E. *Continuances.* Except for cause shown in special cases, only one (1) continuance of a case will be granted on behalf of one party or group of parties having similar interests, and in no instance shall, a continuance be granted to a party unless the request is made at least one (1) week prior to the date scheduled for the arbitration hearing. If an attorney has a scheduling conflict, he must notify the Court Administrator no less than 72 hours prior to the arbitration hearing. If an attorney does not appear for a scheduled arbitration hearing and the arbitration is therefore cancelled, a sanction will be imposed in the amount of the arbitration fee.

F. *Duty of Arbitrators.* In no instance will a continuance be granted to an Arbitrator. All Arbitrators are required to serve as appointed and may be relieved of their appointment only by being excused by the President Judge upon good cause shown.

G. *Compensation.* Each member of the Board of Arbitrators who has signed the report or files a minority report shall receive as compensation for his services in each case a fee of seventy-five (\$75.00) Dollars. In cases requiring hearing of unusual duration or involving questions or unusual complexity, the Court, on Petition of the members of the Board and for cause shown, may allow additional compensation. The Court may also, on Petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an Order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. Fees paid to Arbitrators shall not be taxed as costs nor follow the award as other costs.

L.R. No. 1302. Selection of Arbitrators.

A. The Court Administrator shall maintain a master list of arbitrators consisting of all Attorneys actively engaged in the practice of law in the 26th Judicial District arranged in a random manner. Each case for which a Certificate of Readiness for Arbitration has been filed shall be assigned by the Court Administrator to an Arbitration Board consisting of three (3) attorneys and chosen randomly from the master list. It is the intent of this Rule that the members of the Bar serving on an arbitration panel receive an equal number of appointments.

B. The Board shall be chaired by a member of the Bar admitted to the practice of law for at least three (3) years.

C. Not more than one (1) member or associate of a firm or association of attorneys shall be appointed to the same Board.

D. If any attorney wishes to be replaced as an arbitrator in any particular arbitration hearing, the attorney shall advise the Court Administrator, in writing, no later than ten (10) days before the scheduled arbitration setting forth the reasons why the attorney cannot be present at the arbitration and the attorney can be excused from serving on the Board of Arbitration for reasonable cause. If the reason why the attorney cannot appear at the scheduled arbitration arose after the seven (7) day period, the attorney shall immediately advise the Court Administrator of the reasons why he or she cannot attend the arbitration.

E. The Court Administrator shall excuse an attorney from an Arbitration only for the following reasons:

1. A conflict with a court appearance.
2. Illness.
3. Death of immediate family member. (Father, mother, husband, wife, child)

L.R. No. 212.1. Listing Matters for Trial.

A. Cases at issue shall be listed for trial by either party filing a Certificate of Readiness for Trial Listing with the Prothonotary and by mailing a copy to all opposing counsel and to the Court Administrator in accordance with the provisions of Rule of Civil procedure. No matter shall be listed for trial when discovery proceedings are pending. In the event that a matter is listed for trial in which there are pending discovery proceedings, it shall be stricken from the list upon Motion of a party.

B. Once a matter has been listed for trial, discovery requests or proceedings shall not be initiated except upon Order of Court or written agreement of counsel filed with the Court.

L.R. No. 212.3. Pretrial Conference.

A. In any civil action filed within the 26th Judicial District in which a Praecipe for Trial Listing has been filed, the Court shall hold a Pretrial Conference with counsel for the parties.

B. At least fifteen (15) days prior to the Pretrial Conference, counsel for Plaintiff shall contact all counsel and conduct a conference among counsel to exchange lists of witnesses to be called at trial, to resolve objections to deposition testimony, to mark all exhibits to be used at trial, to discuss the prospects for settlement and attempt to agree on the authenticity of said exhibits. Counsel who intends to try the case shall attend the attorney conference. Counsel shall make a good faith effort to agree on the authenticity and admissibility of the exhibits as well

as objections to deposition testimony. If such agreement cannot be reached, the objecting party shall be prepared to state in detail the reasons for the objection together with any authorities in support of his/her position at the Pretrial Conference.

C. Counsel for each party shall thereafter submit a Pretrial memorandum to the judge before whom the case is scheduled at least ten (10) days prior to the scheduled conference. The Pretrial Memorandum shall contain the following:

1. A concise statement of the claim or defense on liability and damages;
2. A separate list of the issues involved on liability and damages;
3. A separate list of those attorneys present at the attorney conference with identification of the party each represents and the date of the attorney conference;
4. A separate list of witnesses on liability and on damages, showing the address of each and a concise summary of each witness's proposed testimony;
5. A separate list of exhibits on liability and damages;
6. A list of all deposition transcripts to be used in lieu of testimony and a statement of known objections thereto;
7. A statement of all stipulations sought from opposing parties;
8. A statement of any special request, such as request for a view, special time for a witness, courtroom needs, etc.;
9. A list of any special voir dire examination of prospective jurors requested by counsel;
10. Identification of any unusual legal issues which counsel expect to arise in the case. Motions in Limine should be filed no later than the date for submission of the Pretrial Memorandum; and,
11. Statement of the status of settlement negotiations to date.

D. Clients shall be consulted by counsel in advance of the Pretrial Conference as to authority with respect to settlement, including definite minimum or maximum limits of amounts of authority, and respecting such other questions as may be reasonable and anticipated to be relevant.

E. At trial, each party will be limited to those witnesses, exhibits and documents set forth in the Pretrial Memorandum unless:

1. All parties affected by any change agree in writing, which shall be filed with the Court;
2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the trial Judge and servicing other counsel with a Supplemental Pretrial Memorandum;

F. At the conclusion of the Pretrial Conference, the Court may issue an Order deciding the action taken. The Order may reflect any amendments to the pleadings allowed, agreements between counsel, admissions of fact, notation of any exhibits which counsel stipulate may be received in evidence without formal proof, the limitation on the number of expert witnesses and other appropriate matters.

L.R. No. 212.5. Mediation.

In all medical malpractice cases (and other cases deemed appropriate by the Court) in which a Praecipe for

Trial Listing has been filed, the Court Administrator, in its discretion, or at the direction of the Court, may promptly refer the case to Mediation or a Settlement Conference under the direction of the Court as follows:

1. Trial counsel must attend the Mediation or Settlement Conference. No substitute counsel shall be permitted to attend in place of trial counsel.

2. Trial counsel must be authorized to discuss and conclude settlement at the Mediation or Settlement Conference. The parties or their insurance representatives shall be available either in person or by telephone if necessary to conclude settlement.

3. Notice of the date, time and place of the Mediation or Settlement Conference will be sent to counsel by the Court.

4. At least seven (7) days prior to the Mediation or Settlement Conference, counsel shall submit Pre-Conference Statements to the Court which shall contain all of the following:

- a. A brief statement of the facts and events out of which the party's claim or counterclaim arose or upon which the party's defense is based.
- b. A brief summary of the known special damages the party has incurred to date, if applicable.
- c. A list of witnesses who will testify at trial.
- d. An estimate of the trial time required.
- e. A statement of unusual legal issues presented, including significant questions of evidence.
- f. A list of exhibits to be introduced at trial.
- g. A statement of settlement negotiations to date, including the plaintiff's most recent demand and the defendant's most recent offer.
- h. Expert reports shall be attached to the Pre-Conference Statements.

L.R. No. 4005. Discovery Practice.

Interrogatories to a party, as a matter of right, shall not exceed forty (40) in number. Interrogatories inquiring as to the name and location of witnesses, or the existence, location and custodian of documents or physical evidence shall be construed as one interrogatory. All other interrogatories, including subdivisions of one number interrogatory, shall be construed as separate interrogatories. If counsel for a party believes that more than 40 interrogatories are necessary he shall consult with opposing counsel promptly and attempt to reach a written Stipulation as to a reasonable number of additional interrogatories. Counsel are expected to comply with this requirement in good faith. In the event a written Stipulation cannot be agreed upon, the party seeking to submit additional interrogatories shall file a Motion with the Court showing the necessity of relief.

L.R. No. 4007.1. Procedure in Deposition by Oral Examination.

A. A period of at least twenty (20) days is hereby determined by the Court to be "reasonable notice" required by Pa.R.C.P. 4007.1(b).

B. In the scheduling of any deposition, the party noticing the deposition is required to make reasonable efforts to first contact opposing counsel and agree upon a mutually convenient date, time and place of deposition before issuing a notice of deposition.

L.R. No. 4011. Objections to Discovery Request.

Any objection to an interrogatory, request for production of documents or request for admission shall be served upon opposing counsel within thirty (30) days of service of said request. Failure to service upon opposing counsel a timely objection in accordance with the provisions of this Rule shall be deemed a waiver of objection to the interrogatory, request for production of documents or request for admission. If no answers or objections to discovery requests have been served, and if no written extensions of time for providing responses to discovery requests have been granted, a Moving Party, pursuant to L.R. 26.3, may present a Motion to Compel Discovery *ex parte*.

L.R. No. 4014. Number of Requests for Admissions.

Requests for admissions to a party, as a matter of right shall not exceed (40) in number. If counsel for a party believes that more than (40) requests for admissions are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written Stipulation as to a reasonable number of additional requests for admissions. Counsel are expected to comply with this requirement in good faith. In the event a written Stipulation cannot be agreed upon, the party seeking to submit additional requests for admissions shall file a Motion with the Court showing the necessity for relief.

[Pa.B. Doc. No. 16-1944. Filed for public inspection November 10, 2016, 9:00 a.m.]

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LANCASTER COUNTY

Adoption of New Local Rules of Judicial Administration Governing Court Reporting and Transcripts; CPJ. No. 7, Page 1357; No. 23 AD 2016

Administrative Order

And Now, this 18th day of October 2016, it is hereby

Ordered and Decreed, that effective January 1, 2017, the Lancaster County Court of Common Pleas adopts the following local rules governing court reporting and transcripts for the 2nd Judicial District.

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

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

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

3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.

4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DENNIS E. REINAKER,
President Judge

Local Rules of Judicial Administration

Rule 101. Title and Citation.

These Rules shall be known as the Lancaster County Rules of Judicial Administration and may be cited as "L.C.R.J.A. . . ."

Rule 4007. Requests for Transcripts.

(B) For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the Clerk of Courts, Prothonotary, or Orphans' Court.

The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter(s) assigned to the proceeding
3. The Chief Court Reporter
4. Opposing counsel or party, if party is unrepresented

(D) Private Litigant Requests & Payment of Costs

(1) The litigant ordering the transcript shall make payment in the amount of 95% of the estimated total cost of the transcript.

Deposit checks are to be made payable to the County of Lancaster and shall be delivered to the Chief Court Reporter.

(2) Upon receipt of the 95% deposit, the court reporter(s) assigned to the proceeding shall be directed by the Chief Court Reporter to prepare the transcript.

(3) The court reporter(s) shall notify the ordering party and the Chief Court Reporter upon completion of the transcript and shall indicate the balance due.

(4) Checks for the final balance are to be made payable to the County of Lancaster and shall be delivered to the Chief Court Reporter.

Upon payment of the balance owed, the court reporter(s) shall obtain the signature of the presiding judge on the original transcript and shall deliver the original transcript to the appropriate filing office. After the original transcript has been delivered to the appropriate filing office, copies shall be delivered to the parties pursuant to L.C.R.J.A. 4008(E).

(E) Any requests by a litigant for a transcript pursuant to R.J.A 4007(E) alleging inability to pay due to economic hardship must be directed to the President Judge for determination as provided in L.C.R.J.A. 4008(B).

Rule 4008. Transcript Costs Payable by the Commonwealth or a Subdivision Thereof, shall be governed as follows:

(A) Costs Payable

(1) *Electronic Format.* The costs payable by the initial ordering party for a transcript delivered via electronic format shall not exceed:

- (a) For an ordinary transcript, \$2.50 per page
- (b) For an expedited transcript, \$3.50 per page
- (c) For a daily transcript, \$4.50 per page
- (d) For same-day delivery, \$6.50 per page
- (e) For a realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.00 per page
- (g) For rough drafts, \$1.00 per page

(2) *Paper Format.* The costs payable by the initial ordering party for a transcript delivered via paper format shall not exceed:

- (a) For an ordinary transcript, \$2.75 per page
- (b) For an expedited transcript, \$3.75 per page
- (c) For a daily transcript, \$4.75 per page
- (d) For same-day delivery, \$6.75 per page
- (e) For a realtime feed, \$1.00 per page
- (f) For complex litigation, \$3.25 per page
- (g) For rough drafts, \$1.25 per page

(B) *Economic Hardship*

(4) Legal Aid Services must provide the President Judge with a letter of certification verifying, as provided in R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

Self-represented litigants claiming economic hardship must attach to their request for transcript a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240.

(E) *Copies of Transcripts*

Any requests to the filing offices for copies of filed transcripts shall be directed and produced solely by the Court Reporters' Office.

[Pa.B. Doc. No. 16-1945. Filed for public inspection November 10, 2016, 9:00 a.m.]

MONROE COUNTY

Adoption of Administrative Order No. 46; Adm 47; No. 5 CV 2016

Order Pursuant to Pa.R.J.A. 103

And Now, this 27th day of *October*, 2016 it is *Ordered* that the Administrative Order, # 46, filed at docket number 5 CV 2016, of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe County, is promulgated to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is Further Ordered that the District Court Administrator shall:

1. File one copy of this order and one copy of the Administrative Order with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) paper copies and one computer diskette, CD-ROM, or other agreed upon alternate format that complies with the requirements of 1 Pa. Code § 13.11(b), containing the Administrative Order.

3. Publish a copy of the Administrative Order on the website of the 43rd Judicial District at www.monroe.pacourts.us.

4. Provide one (1) paper copy of the Administrative Order to the Monroe County Law Library.

5. Keep such Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any Administrative Order.

6. Arrange to have the Administrative Order published on the Monroe County Bar Association website at www.monroebar.org.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

[Pa.B. Doc. No. 16-1946. Filed for public inspection November 10, 2016, 9:00 a.m.]

MONROE COUNTY

Appointment of Office of Public Defender in Certain Matters; No. 5 Civil 2016; Admin No. 46

Order

And Now, this 13th day of *October*, 2016 the Monroe County Office of the Public Defender shall be appointed at the outset of each case in the following instances to represent the accused juvenile in all juvenile court/delinquency matters at the initiation of each new case.

This appointment process shall commence immediately and continue until revoked by order of court. The Monroe County Office of the Public Defender shall check for any conflict of interest and petition for appointment of conflict counsel as appropriate, and the Clerk of Courts shall then update the record accordingly.

By the Court

MARGHERITA PATTI-WORTHINGTON,
President Judge

[Pa.B. Doc. No. 16-1947. Filed for public inspection November 10, 2016, 9:00 a.m.]