

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Relating to Misconduct

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Pennsylvania Rule of Professional Conduct (PA RPC) 8.4 relating to misconduct and amend PA RPC 8.4, as set forth in Annex A.

The proposed change to PA RPC 8.4 creates a new paragraph (g).

The genesis and development of the proposed amendments arose out of the American Bar Association's (ABA) adoption of new Model Rule of Professional Conduct 8.4(g). On August 8, 2016, the ABA House of Delegates approved a resolution by the Standing Committee on Ethics and Professional Responsibility to amend Model Rule 8.4 to bring into the black letter of the ABA Model Rules of Professional Conduct an anti-harassment and antidiscrimination provision.

New Model Rule 8.4(g) specifically provides that it is professional misconduct for a lawyer to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination, on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. Further, the paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Model Rule 1.16, and does not preclude legitimate advice or advocacy consistent with the Model Rules. The language of new Model Rule 8.4(g) derives from former Comment [3] to the Model Rule, which was adopted by the ABA in 1998. The impetus for new Model Rule 8.4(g) was to move the language of Comment [3] to the black letter of the rule, as comments are instructive and have no authority as rules. The ABA deemed it in the public's interest and the profession's interest to make clear that discrimination, harassment, bias and prejudice do not belong in conduct related to the practice of law.

An analysis of the Rules of Professional Conduct in other jurisdictions demonstrates that twenty-five jurisdictions have adopted antidiscrimination and/or anti-harassment provisions into the black letter of their rules of professional conduct.¹ Thirteen jurisdictions have a comment that addresses this issue.² Fourteen jurisdic-

tions, including Pennsylvania, do not address this issue at all.³

Historically, Pennsylvania has supported adoption of ABA Model Rule amendments to promote consistency in application and interpretation of the rules from jurisdiction to jurisdiction, except where controlling Pennsylvania precedent or other important policy considerations justify a deviation from the Model Rule language.

It is important to highlight for the entire legal profession that discriminating and harassing conduct is wrong and that lawyers should not engage in it, as it reflects poorly on the legal profession.

Proposed new paragraph (g) makes it misconduct for a lawyer to violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer's professional activities. Further, proposed paragraph (g) provides that if there is an alternative forum available to bring a complaint, no charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.

The proposed amendment is narrow in scope compared to the ABA Model Rule, because of the requirement of a judicial or administrative finding of discriminatory conduct. It is our opinion, after careful review and consideration, that the breadth of ABA Model Rule 8.4(g) will pose difficulties for already resource-strapped disciplinary authorities. The Model Rule broadly defines "harassment" to include any "derogatory or demeaning verbal conduct" by a lawyer, and the rule subjects to discipline not only a lawyer who knowingly engages in harassment or discrimination, but also a lawyer who negligently utters a derogatory or demeaning comment. A lawyer who did not know that a comment was offensive will be disciplined if the lawyer should have known that it was. Pennsylvania's proposed amendments will establish sufficient guidelines for the regulators charged with enforcement of this provision of RPC 8.4 and will eliminate the potential for Pennsylvania's lawyer disciplinary authority to become the tribunal of first resort for workplace harassment or discrimination claims against lawyers. Requiring a prior adjudication by tribunals and limiting the scope of the proposed rule allows both lawyers and disciplinary authorities to rely on established federal and state laws and precedent to guide their conduct and the proceedings. Other jurisdictions have adopted rules that require a

South Dakota RPC 8.4, cmt. [3]; Tennessee RPC 8.4, cmt. [3]; Utah RPC 8.4, cmt. [3]; Wyoming RPC 8.4, cmt. [3]; West Virginia RPC 8.4, cmt. [3].

³ The states that do not address this issue in their rules include Alabama, Alaska, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nevada, New Hampshire, Oklahoma, and Virginia.

¹ See California RPC 2-400; Colorado RPC 8.4(g); Florida RPC 4-8.4(d); Idaho RPC 4.4(a); Illinois RPC 8.4(j); Indiana RPC 8.4(g); Iowa RPC 8.4(g); Maryland Lawyer's RPC 8.4(e); Massachusetts RPC 3.4(i); Michigan RPC 6.5; Minnesota RPC 8.4(h); Missouri RPC 4-8.4(g); Nebraska RPC 8.4(d); New Jersey RPC 8.4(g); New Mexico RPC 16-300; New York RPC 8.4(g); North Dakota RPC 8.4(f); Ohio RPC 8.4(g); Oregon RPC 8.4(a)(7); Rhode Island RPC 8.4(d); Texas RPC 5.08; Vermont RPC 8.4(g); Washington RPC 8.4(g); Wisconsin RPC 8.4(i); D.C. RPC 9.1.

² See Arizona RPC 8.4, cmt.; Arkansas RPC 8.4, cmt. [3]; Connecticut RPC 8.4, Commentary; Delaware Lawyers' RPC 8.4, cmt. [3]; Idaho RPC 8.4, cmt. [3]; Maine RPC 8.4, cmt. [3]; North Carolina RPC 8.4, cmt. [5]; South Carolina RPC 8.4, cmt. [3];

prior, final determination of harassment or discrimination by a court or administrative agency.⁴

In Pennsylvania, a lawyer can still be disciplined for certain kinds of discriminatory or harassing conduct based on violation of other rules of professional conduct, even if there is no finding by a court or administrative agency. For example, RPC 4.4(a) prohibits a lawyer, in representing a client, from using means that have no substantial purpose other than to embarrass, delay or burden a third person, or use methods of obtaining evidence that violate the legal rights of a person. Under this provision, which is not limited to litigation or to the courtroom, a lawyer may not disregard the rights of a third person.⁵ RPC 8.4(d) prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice. The broad language of this proscription allows for application of the rule in a wide variety of contexts.⁶

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before February 3, 2017.

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

JULIA FRANKSTON-MORRIS, Esq.,
Secretary

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:

MAINTAINING THE INTEGRITY OF THE PROFESSION

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

* * * * *

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(g) violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer. Whether a discriminatory act reflects adversely on a lawyer's fitness as a lawyer shall be

determined after consideration of all the circumstances, including: the seriousness of the act; whether the lawyer knew that the act was prohibited by statute or ordinance; whether the act was part of a pattern of prohibited conduct; and whether the act was committed in connection with the lawyer's professional activities. If there is an alternative forum available to bring a complaint, no charge of professional misconduct may be brought pursuant to this paragraph until a court or administrative agency of competent jurisdiction has found that the lawyer has engaged in an unlawful discriminatory act, and the finding of the court or administrative agency has become final and enforceable and any right of judicial review has been exhausted.

Comment:

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[Pa.B. Doc. No. 16-2062. Filed for public inspection December 2, 2016, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Procedure, Discipline on Consent, and Annual Registration of Attorneys

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt amendments to Pennsylvania Rules of Disciplinary Enforcement 208, 215, and 219 relating to procedure, discipline on consent, and annual registration of attorneys, as set forth in Annex A.

Rule 208(g) pertains to costs assessed against respondent-attorneys. Rule 208(g)(1) provides that the Supreme Court has the discretion to direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposition of discipline shall be paid by a respondent-attorney. Currently, all expenses taxed under this paragraph must be paid by the respondent-attorney within thirty days of entry of the order taxing the expenses against the respondent-attorney. The proposed change to Rule 208(g)(1) provides that all expenses taxed under this paragraph pursuant to orders of suspension or disbarment shall be paid by the respondent-attorney within thirty days after notice transmitted to such individual of taxed expenses. In all other cases of discipline imposed by the Supreme Court, which includes public censure, expenses taxed under this paragraph must be paid within thirty days of entry of the Court's order taxing the expenses.

Rule 208(g)(2) pertains to proceedings concluded by informal admonition, private reprimand or public reprimand and provides that the Disciplinary Board has discretion to direct that the necessary expenses incurred in the investigation and prosecution of such proceedings be paid by a respondent-attorney. Currently, all expenses taxed under this paragraph must be paid by the respondent-attorney on or before the date fixed for the appearance of the respondent-attorney for the imposition of discipline. The proposed change provides that the

⁴ See Illinois RPC 8.4(j); Minnesota RPC 8.4(h); New York RPC 8.4(g), Washington RPC 8.4(g).

⁵ See *Office of Disciplinary Counsel v. John J. Koresko, V*, No. 119 DB 2013 (D. Bd. Rpt. 6/1/2015) (S. Ct. Order 9/4/2015).

⁶ See *Office of Disciplinary Counsel v. Edward Charles Malloy, III*, No. 178 DB 2014 (D. Bd. Rpt. 4/26/2016) (S. Ct. Order 6/30/2016); *Office of Disciplinary Counsel v. Robert Philip Tuerk*, No. 51 DB 2014 (D. Bd. Rpt. 7/20/2015) (S. Ct. Order 10/15/2015); *Office of Disciplinary Counsel v. Allen L. Feingold*, 92 DB 2005 (D. Bd. Rpt. 5/4/2006) (S. Ct. Order 8/22/2006).

expenses taxed must be paid within thirty days of entry of the order taxing the expenses against the respondent-attorney.

New paragraph 208(g)(3) provides that a respondent-attorney's failure to pay taxed expenses within thirty days after the date of the entry of the order in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Enforcement Rule 219(1).

Current paragraph 208(g)(3) is renumbered as new paragraph 208(g)(4), with no substantive changes to the provisions therein.

Rule 215(i) pertains to the costs of discipline on consent. Currently, the Disciplinary Board panel has the discretion to direct that the necessary expenses shall be paid by the attorney as a condition to the grant of the joint Petition for Discipline on Consent. The proposed change provides that all expenses taxed under the subdivision must be paid by the attorney in accordance with Rule 208(g).

The proposed change to Rule 219(1) provides that the Disciplinary Board shall transmit by certified mail to every attorney who fails to pay any taxed expenses under Rule 208(g)(3), notice that unless the attorney pays such expenses within thirty days after the date of the notice, such failure to pay will be deemed a request to be administratively suspended. This is a minor change to provide a link to new Rule 208(g)(3).

This packet of proposed changes to the procedures for taxing expenses and the consequences of a respondent-attorney's failure to pay taxed expenses will serve a dual purpose by streamlining the administrative process of assessing costs, thereby providing a cost savings to the Board, and enhancing the enforcement powers of the Board by giving an incentive to respondent-attorneys to pay costs in a timely manner or suffer the administrative suspension of their law licenses.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717) 231-3382, Email address Dboard.comments@pacourts.us on or before January 2, 2017.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JULIA FRANKSTON-MORRIS, Esq.,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

* * * * *

(g) *Costs.*

(1) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of a proceeding which results in the imposi-

tion of discipline shall be paid by the respondent-attorney. All expenses taxed under this paragraph pursuant to orders of suspension or disbarment shall be paid by the respondent-attorney within 30 days after notice transmitted to the respondent-attorney of taxed expenses. In all other cases, expenses taxed under this paragraph shall be paid by the respondent-attorney within 30 days of entry of the order taxing the expenses against the respondent-attorney.

(2) In the event a proceeding is concluded by informal admonition, private reprimand or public reprimand, the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the proceeding shall be paid by the respondent-attorney. All expenses taxed by the Board under this paragraph shall be paid by the respondent-attorney [on or before the date fixed for the appearance of the respondent-attorney before Disciplinary Counsel for informal admonition or the Board for private or public reprimand] within 30 days of entry of the order taxing the expenses against the respondent-attorney. The expenses which shall be taxable under this paragraph shall be prescribed by Board rules.

(3) Failure to pay taxed expenses within 30 days after the date of the entry of the order taxing such expenses in cases other than a suspension that is not stayed in its entirety or disbarment will be deemed a request to be administratively suspended pursuant to Rule 219(1).

[(3)] (4) The expenses under paragraph (1) or (2) may include an administrative fee except that an administrative fee shall not be included where the discipline imposed is an informal admonition. The administrative fee shall be \$250.

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Rule 215. Discipline on consent.

* * * * *

(i) *Costs.*—[The panel of the Board in its discretion may direct that the necessary expenses incurred in the investigation and prosecution of the matter shall be paid by the attorney as a condition to the grant of the Petition.] All expenses taxed under this subdivision shall be paid by the attorney [before the imposition of discipline under subdivision (f) or (g)] in accordance with Rule 208(g).

Rule 219. Annual registration of attorneys.

* * * * *

(1) The Board shall transmit by certified mail to every attorney who fails to pay any [expenses taxed pursuant to Enforcement Rule 208(g)] taxed expenses under Enforcement Rule 208(g)(3) (relating to costs), addressed to the last known address of the attorney, a notice stating:

* * * * *

[Pa.B. Doc. No. 16-2063. Filed for public inspection December 2, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Order Amending Rule 227.3 of the Rules of Civil Procedure; No. 653 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 16th day of November, 2016, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a) in the interest of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 227.3 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.3. Transcript of Testimony.

All post-trial motions shall contain a request designating that portion of the record to be transcribed in order to enable the court to dispose of the motion. Within ten days after the filing of the motion, any other party may file an objection requesting that an additional, lesser or different portion of the record be transcribed. If no portion is indicated, the transcription of the record shall be deemed unnecessary to the disposition of the motion. The trial judge shall promptly decide the objection to the portion of the record to be transcribed.

Official Note: [Pa.R.J.A. 5000.5(a) requires the request to be delivered to (1) the reporter, (2) the clerk of the trial court in which the proceeding took place or in which the reporter is employed, (3) the district court administrator or the administrator's designee, and (4) in the case of an appeal, to the clerk of the appellate court. The request for transcription of the record may also be made in open court. See Pa.R.J.A. 5000.5(b).]

For rules governing transcript fees and their payment, see Pa.R.J.A. 5000.6, 5000.7, and 5000.11.]

For rules governing transcript requests, and transcript fees and their payment, see Pa.R.J.A. Nos. 4007, 4008, and 4009.

Explanatory Report

On August 12, 2016, the Supreme Court of Pennsylvania adopted amendments to Pa.R.J.A. Nos. 4001—4016 governing court reporting and transcripts. These amendments have precipitated technical amendments to Pa.R.C.P. No. 227.3 governing the transcript of testimony, Pa.R.J.C.P. 380 governing the preservation of testimony after commencement of proceedings in delinquency actions, and Pa.R.J.C.P. 1380 governing the preservation of

testimony after commencement of proceedings in dependency actions to cross-references to the court reporting and transcript rules.

In Pa.R.C.P. No. 227.3, the note currently cross-references Pa.R.J.A. No. 5005.5 regarding the request for a transcript and provides additional information found in that rule. The note also cross-references to Pa.R.J.A. Nos. 5005.6, 5005.7, and 5005.11 governing the fees for transcripts and their payment. The amendment revises and simplifies the note to provide a cross-reference regarding the request for transcripts, the fees for transcripts and their payment to amended Pa.R.J.A. Nos. 4007, 4008, and 4009.

In Pa.R.J.C.P. 380 and Pa.R.J.C.P. 1380, the Comments to both rules cross-reference the current chapter of the Rules of Judicial Administration governing court reporter and transcripts: 5000.1—5000.13. The amendments update these cross-references to the appropriate numbers: 4001—4016. Additionally, the Comments are revised to reflect recent revisions to the Comment to Pa.R.Crim.P. 500.

[Pa.B. Doc. No. 16-2064. Filed for public inspection December 2, 2016, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendment of Pa.R.C.P. No. 1910.16-6

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania an amendment of Pa.R.C.P. No. 1910.16-6 governing allocation of child care expenses and additional expenses in support cases for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9531
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 24, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

[Additional expenses permitted pursuant to this Rule 1910.16-6] Adjustments to the Basic Support Obligation resulting from the additional expenses authorized by this rule may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) Child care expenses. Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their monthly net incomes [and added to his and her basic support obligation]. The court may order that the obligor's share be added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee. When a [parent] party is receiving a child care subsidy through the Department of [Public Welfare] Human Services, the expenses to be allocated between the parties shall be the amount actually paid by the parent receiving the subsidy.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is \$1,426 for two children. As Father's income is 64% of the parties' combined income, his share is \$913. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$1,133 (\$913 + \$220 = \$1,133).

(1) Documentation of the child care expenses shall be provided to the other party within a reasonable period of time after receipt unless the service provider invoices the parties separately for their proportionate share of the expense. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

[(1)] (2) Except as provided in subsection [(2)] (3), the total child care expenses shall be reduced to reflect the amount of the federal child care tax credit available to the eligible parent, whether or not the credit is actually claimed by that parent, up to the maximum annual cost allowable under the Internal Revenue Code.

[(2)] (3) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

* * * * *

(d) Private School Tuition. Summer Camp. Other Needs. [The support schedule does not take into

consideration expenditures for private school tuition or other needs of a child which are not specifically addressed by the guidelines. If the court determines that one or more such needs are reasonable, the expense thereof shall be allocated between the parties in proportion to their net incomes. The obligor's share may be added to his or her basic support obligation.] Expenditures for needs outside the scope of typical child-rearing expenses, e.g., private school tuition, summer camps, have not been factored into the Basic Child Support Schedule.

(1) If a party presents an expense for a need not factored into the Basic Child Support Schedule and the court determines the need and expense are reasonable, the court shall allocate the expense between the parties in proportion to the parties' monthly net incomes. The court may order that the obligor's share be added to his or her basic support obligation, paid directly to the service provider, or paid directly to the obligee.

(2) Documentation of the expenses allocated under (d)(1) shall be provided to the other party not later than March 31 of the year following the calendar year in which the invoice was received unless the service provider invoices the parties separately for their proportionate share of the expense. For purposes of subsequent enforcement, those expenses need not be submitted to the domestic relations section prior to March 31. Allocation of expenses for which documentation is not timely provided to the other party shall be within the discretion of the court.

(e) Mortgage Payment. The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. This rule shall not be applied after a final resolution of all outstanding economic claims. For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

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RECOMMENDATION 163
Publication Report

The Committee is proposing an amendment to Pa.R.C.P. No. 1910.16-6 as the rule relates to the allocation of child care expenses in subdivision (a) and other

additional expenses in subdivision (d). The proposal provides the court and the parties with the option to have the allocated expenses included in the basic support obligation, paid directly to the service provider, or paid to the obligee.

The Recommendation also proposes adopting a procedure similar to the documentation sharing mandate for unreimbursed medical expenses in subdivision (c). Requiring documentation of child care expenses in subdivision (a) and the additional expenses in subdivision (d), which are not included in the basic support obligation, to be shared between the parties on a timely basis should help eliminate exceedingly high reimbursements and payment of expenses in a more timely fashion, as well.

[Pa.B. Doc. No. 16-2065. Filed for public inspection December 2, 2016, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1915]

Proposed Amendment of Pa.R.C.P. Nos. 1915.1 and 1915.4-3

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. Nos. 1915.1—Scope, Definitions and 1915.4-3—Non-Record Proceedings. Trial for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being republished in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel
Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9531
domesticrules@pacourts.us

All communications in reference to the proposal should be received by February 24, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.1. Scope. Definitions.

* * * * *

(b) As used in this chapter, unless the context of a rule indicates otherwise,

“action” means **“action,”** all proceedings for legal and physical custody and proceedings for modification of prior orders of any court;

“child,” an unemancipated individual under 18 years of age;

“conciliator,” for purposes of these rules, a conciliator is synonymous with a conference officer as defined in this rule;

“conference officer,” an individual who presides over an office conference pursuant to Pa.R.C.P. No. 1915.4-2(a) or the initial non-record proceeding under Pa.R.C.P. No. 1915.4-3(a). For purposes of these rules, a conciliator is synonymous with a conference officer;

“custody” means **“custody,”** the legal right to keep, control, guard, care for and preserve a child and includes the terms “legal custody,” “physical custody,” and “shared custody;”

“hearing officer,” a lawyer who conducts a record hearing on partial custody cases pursuant to Pa.R.C.P. No. 1915.4-2(b);

“home county” means **“home county,”** the county in which the child [**immediately preceding the time involved lived with the child’s parents, a parent, or**] lived with either or both parents, a person acting as parent, or in an institution[,] for at least six consecutive months[, and in] **immediately preceding the filing of the action. In** the case of a child less than six months old, the county in which the child lived from birth with any of the persons mentioned. A period of temporary absence of the child from the physical custody of the parent, institution, or person acting as parent shall not affect the six-month or other period;

“in loco parentis,” a person who puts himself in the situation of a lawful parent by assuming the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of in loco parentis embodies two ideas: 1) the assumption of a parental status; and 2) the discharge of parental duties;

Official Note: A.S. vs. I.S., 130 A.3d 763 (Pa 2015).

“legal custody” means **“legal custody,”** the right to make major decisions on behalf of the child, including, but not limited to, medical, religious, and educational decisions;

“mediator,” an individual qualified under Pa.R.C.P. No. 1940.4 and who assists custody litigants independently from the procedures set forth in Pa.R.C.P. Nos. 1915.1—1915.25 by engaging the litigants in the mediation principals in Pa.R.C.P. No. 1940.2 to resolve custody matters in whole or in part;

“mediation,” as defined in Pa.R.C.P. No. 1940.2;

“non-record proceeding,” the initial office conference set forth in Pa.R.C.P. No. 1915.4-3. Mediation sessions referenced in Pa.R.C.P. No. 1940.1—1940.9 shall not be construed as non-record proceedings in Pa.R.C.P. No. 1915.4-3;

[“partial physical custody” means] “partial physical custody,” the right to assume physical custody of the child for less than a majority of the time;

[“person acting as parent” means] “person acting as parent,” a person other than a parent, including an institution, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody[;]. See also, the definition of *in loco parentis* and 23 Pa.C.S. § 5402;

[“physical custody” means] “physical custody,” the actual physical possession and control of a child;

[“primary physical custody” means] “primary physical custody,” the right to assume physical custody of the child for the majority of time;

[“relocation” means] “relocation,” a change in a residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights;

[“shared legal custody” means] “shared legal custody,” the right of more than one individual to legal custody of the child;

[“shared physical custody” means] “shared physical custody,” the right of more than one individual to assume physical custody of the child, each having significant periods of physical custodial time with the child;

[“sole legal custody” means the right of one] “sole legal custody,” the right of an individual to exclusive legal custody of the child;

[“sole physical custody” means the right of one] “sole physical custody,” the right of an individual to exclusive physical custody of the child; and

[“supervised physical custody” means] “supervised physical custody,” custodial time during which an agency or an adult designated by the court or agreed upon by the parties monitors the interaction between the child and the individual with those rights.

* * * * *

Rule 1915.4-3. Non-Record Proceedings. Trials.

(a) *Non-Record Proceedings.* In [those jurisdictions that utilize] judicial districts utilizing an initial non-record proceeding [such as a conciliation conference or], *i.e.*, office conference, if [no agreement is reached at] an agreement is not finalized prior to the conclusion of the proceeding, the conference officer [or conciliator] shall promptly notify the court that the matter should be listed for trial. [Any] A lawyer employed by, or under contract with, a judicial district or appointed by the court to serve as a [conciliator or mediator or] conference officer to preside over a non-record proceeding shall not practice family law before a conference officer, hearing officer, permanent or standing master, or judge of the same judicial district.

(b) *Trial.* The trial before the court shall be *de novo*. The court shall hear the case and render a decision within the time periods set forth in [Rule] Pa.R.C.P. No. 1915.4.

RECOMMENDATION 145

Proposed Amendments to Pa.R.C.P. Nos. 1915.1 and 1915.4-3

Republication Report

The Domestic Relations Procedural Rules Committee (“Committee”) proposes amendments to Pa.R.C.P. Nos. 1915.1 (Scope. Definitions) and 1915.4-3 (Non-Record Proceedings. Trial). This Recommendation had been published originally in the *Pennsylvania Bulletin*, Pa.B. 5676 (September 19, 2015), as a proposed amendment to Pa.R.C.P. No. 1915.4-3. Pa.R.C.P. No. 1915.4-3 precludes attorneys serving as conciliators, mediators, or presiding over a non-record custody proceeding from practicing family law before conference officers, hearings officers, and judges in the judicial district in which the attorney had been appointed or employed.

When this rule had been amended previously, the Committee understood that the judicial districts utilized various titles, including mediator, to identify the person presiding over non-record proceedings. As a result, the term mediator was added to the practice preclusion rule text. However, after the effective date of the earlier amendment, the Committee received input that Pa.R.C.P. No. 1915.4-3 operated to preclude attorneys who serve as mediators pursuant to Chapter 1940 from practicing family law. The comments suggested mediators, unlike persons presiding over non-record proceedings, had no contact with the court and did not make recommendations to the court. The comments further contended that court-established mediation programs successfully resolved a significant number of custody cases that would otherwise proceed through an already overburdened custody docket, and precluding family law attorneys from participating as custody mediators would adversely affect mediation programs by reducing the number of qualified mediators.

The Committee recognized the benefit that mediation provided to the courts and custody litigants in the amicable resolution of child custody cases. As set forth in Chapter 1940, mediation is a process for alternate dispute resolution of child custody cases; however, mediation is not a non-record proceeding as contemplated by Pa.R.C.P. No. 1915.4-3. The Committee proposed amending the Pa.R.C.P. No. 1915.4-3 to eliminate “mediator” from the rule in the original Recommendation 145. But since the original publication, the Committee received additional input that suggested merely deleting the term mediator from the rule text may not resolve the issue and could create other issues, as well.

This Recommendation proposes an amendment to Pa.R.C.P. No. 1915.4-3 for the exclusion from practicing family law in the judicial district based solely on whether the attorney is presiding over the initial non-record proceeding, irrespective of the title held by the attorney in that capacity. Mediators, as defined in the proposed amendment to Pa.R.C.P. No. 1915.1 and as qualified in Pa.R.C.P. No. 1940.4, do not preside over custody conferences, hearings and non-record proceedings; rather, mediators engage custody litigants in alternate dispute resolution pursuant to Chapter 1940 of the Rules of Civil Procedure and, as such, the preclusion from practicing family law in the same judicial district in which the mediator is appointed is inapplicable.

Additionally, the Committee proposes an amendment to Pa.R.C.P. No. 1915.1 by adding additional definitions. The inclusion of some of the definitions is to standardize the terminology used in the custody process and to identify the court personnel by title and, in some cases, qualifications.

[Pa.B. Doc. No. 16-2066. Filed for public inspection December 2, 2016, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 3 AND 13]

Order Amending Rules 380 and 1380 of the Rules of Juvenile Court Procedure; No. 716 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 16th day of November, 2016, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a) in the interest of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 380 and 1380 of the Pennsylvania Rules of Juvenile Court Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2017.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART F. PRESERVATION OF TESTIMONY AND EVIDENCE

Rule 380. Preservation of Testimony After Commencement of Proceedings.

* * * * *

B. By [*agreement of the parties*] *Agreement of the Parties.*

* * * * *

Comment

This rule is intended to provide the means by which testimony may be preserved for use at a current or subsequent stage in the proceedings, which includes the taking of a deposition during the adjudicatory hearing to be used at a later stage of the adjudicatory hearing.

When testimony is to be preserved by video recording, see also Rule 381.

Commencement of proceedings includes any action after the submission of a written allegation. *See* Rule 200 (Commencement of Proceedings).

This rule does not address the admissibility of the preserved testimony. The court is to decide all questions

of admissibility. [*See the Pennsylvania Rules of Evidence. Also see, e.g., Judicial Code § 5917, 42 Pa.C.S. § 5917 (1982); Commonwealth v. Scarborough, 421 A.2d 147 (Pa. 1980); Commonwealth v. Stasko, 370 A.2d 350 (Pa. 1977).*] *See* Pa.R.E. 104(a); *see also* 42 Pa.C.S. § 5917.

“May be unavailable,” as used in paragraph (A)(1), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at the adjudicatory hearing or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore cannot be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

Under paragraph (A)(4), the court should preside over the taking of testimony. The court, however, may order that testimony be taken and preserved without the court’s presence when exigent circumstances exist or the location of the witness renders the court’s presence impracticable. Furthermore, nothing in this rule is intended to preclude the juvenile’s attorney, the juvenile, and the court from agreeing on the record that the court need not be present. Paragraph (B)(3) permits the attorney for the Commonwealth, the juvenile, and the juvenile’s attorney to determine among themselves whether the court should be present during the taking of testimony. That determination should be made a part of the written agreement required by paragraph (B)(1).

Nothing in this rule is intended to preclude the juvenile from waiving his or her presence during the taking of testimony.

The means by which the testimony is recorded and preserved are within the discretion of the court under paragraph (A) and the parties under paragraph (B), and may include the use of electronic or photographic techniques such as videotape or digital video diskette. There are, however, additional procedural requirements for preservation of testimony by video recording mandated by Rule 381.

The party on whose motion testimony is taken should normally have custody of and be responsible for safeguarding the preserved testimony. That party should also promptly provide a copy of the preserved testimony to the other party. Additionally, this rule is not intended to conflict with the requirements of the Pennsylvania Rules of Judicial Administration. For reporting and transcripts by court-employed reporters, see [**the**] Pa.R.J.A. Nos. [**5000.1—5000.13**] **4001—4016**.

When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness. Counsel should not reserve objections for time of the adjudicatory hearing.

Paragraphs [**A(5) and B(5)**] **(A)(5) and (B)(5)** are intended to guard against pre-adjudicatory hearing disclosure of potentially prejudicial matters.

For the definition of “court,” see Rule 120.

Official Note: Rule 380 adopted April 1, 2005, effective October 1, 2005. **Amended November 16, 2016, effective January 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Chapter three, Part F published with the Court’s Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendment to Rule 380 published with the Court's Order at 46 Pa.B. 7526 (December 3, 2016).

Subpart B. DEPENDENCY MATTERS

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART E. PRESERVATION OF TESTIMONY AND EVIDENCE

Rule 1380. Preservation of Testimony After Commencement of Proceedings.

* * * * *

B. By [*agreement of the parties*] *Agreement of the Parties.*

* * * * *

Comment

This rule is intended to provide the means by which testimony may be preserved for use at a current or subsequent stage in the proceedings, which includes the taking of a deposition during the adjudicatory hearing to be used at a later stage of the adjudicatory hearing.

When testimony is to be preserved by video recording, see also Rule 1381.

This rule does not address the admissibility of the preserved testimony. The court is to decide all questions of admissibility. See [*the Pennsylvania Rules of Evidence*] Pa.R.E. 104(a).

"May be unavailable," as used in paragraph (A)(1), is intended to include situations in which the court has reason to believe that the witness will be unable to be present or to testify at the adjudicatory hearing or other proceedings, such as when the witness is dying, or will be out of the jurisdiction and therefore [**can not**] **cannot** be effectively served with a subpoena, **or is elderly, frail, or demonstrates the symptoms of mental infirmity or dementia**, or may become incompetent to testify for any **other** legally sufficient reason.

Under paragraph (A)(4), the court should preside over the taking of testimony. The court, however, may order that testimony be taken and preserved without the court's presence when exigent circumstances exist or the location of the witness renders the court's presence impracticable. Furthermore, nothing in this rule is intended to preclude the parties, their attorneys, and the court from agreeing on the record that the court need not be present. Paragraph (B)(3) permits the parties and their attorneys to determine among themselves whether the court should be present during the taking of testimony. That determination should be made a part of the written agreement required by paragraph (B)(1).

Nothing in this rule is intended to preclude the parties from waiving their presence during the taking of testimony.

The means by which the testimony is recorded and preserved are within the discretion of the court under paragraph (A) and the parties under paragraph (B), and may include the use of electronic or photographic techniques such as videotape or digital video diskette. There

are, however, additional procedural requirements for preservation of testimony by video recording mandated by Rule 1381.

The party on whose motion testimony is taken should normally have custody of and be responsible for safeguarding the preserved testimony. That party should also promptly provide a copy of the preserved testimony to the other parties. Additionally, this rule is not intended to conflict with the requirements of the Pennsylvania Rules of Judicial Administration. For reporting and transcripts by court-employed reporters, see [**the**] Pa.R.J.A. Nos. [**5000.1—5000.13**] **4001—4016**.

When testimony is taken under this rule, the proceeding should afford the parties full opportunity to examine and cross-examine the witness. Counsel should not reserve objections at the time of the adjudicatory hearing.

For the definition of "court," see Rule 1120.

Official Note: Rule 1380 adopted August 21, 2006, effective February 1, 2007. **Amended November 16, 2016, effective January 1, 2017.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1380 published with the Court's Order at 36 Pa.B. 5599 (September 2, 2006).

Final Report explaining the amendment to Rule 1380 published with the Court's Order at 46 Pa.B. 7526 (December 3, 2016).

Explanatory Report

On August 12, 2016, the Supreme Court of Pennsylvania adopted amendments to Pa.R.J.A. Nos. 4001—4016 governing court reporting and transcripts. These amendments have precipitated technical amendments to Pa.R.C.P. No. 227.3 governing the transcript of testimony, Pa.R.J.C.P. 380 governing the preservation of testimony after commencement of proceedings in delinquency actions, and Pa.R.J.C.P. 1380 governing the preservation of testimony after commencement of proceedings in dependency actions to cross-reference to the court reporting and transcript rules.

In Pa.R.C.P. No. 227.3, the note currently cross-references Pa.R.J.A. No. 5005.5 regarding the request for a transcript and provides additional information found in that rule. The note also cross-references to Pa.R.J.A. Nos. 5005.6, 5005.7, and 5005.11 governing the fees for transcripts and their payment. The amendment revises and simplifies the note to provide a cross-reference regarding the request for transcripts, the fees for transcripts and their payment to amended Pa.R.J.A. Nos. 4007, 4008, and 4009.

In Pa.R.J.C.P. 380 and Pa.R.J.C.P. 1380, the Comments to both rules cross-reference the current chapter of the Rules of Judicial Administration governing court reporter and transcripts: 5000.1—5000.13. The amendments update these cross-references to the appropriate numbers: 4001—4016. Additionally, the Comments are revised to reflect recent revisions to the Comment to Pa.R.Crim.P. 500.

[Pa.B. Doc. No. 16-2067. Filed for public inspection December 2, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Fee Schedule, Prothonotary; No. 2016-MS-132

Order of Court

And Now, this 14th day of November, 2016, the Fee Schedule of the Prothonotary of Adams County is hereby amended, as follows, effective January 1, 2017.

By the Court

MICHAEL A. GEORGE,
President Judge

Prothonotary of Adams County Fee Schedule		
Beverly Boyd, Prothonotary Adams County Courthouse 117 Baltimore Street, Room 104 Gettysburg, PA 17325 Phone: (717) 337-9834	Office Hours: 8:00 AM—4:30 PM Monday—Friday www.adamscounty.us Effective: January 1, 2017 All Passport Applicants Must Arrive Prior to 4:00 PM www.travel.state.gov	
Acknowledgements		\$10.75
Appeals		
Assessment Appeal		\$197.00
Driver's License & Registration Appeal		\$197.00
District Justice Appeal		\$197.00
Except Political Subdivision**		\$85.50
Liquor Control Board Appeal		\$197.00
Supreme, Superior, Commonwealth—Adams County Prothonotary's Fee		\$85.50
Appellate Court Fee (separate checks required)	Separate Checks Required	\$85.50
Except Political Subdivision—Adams County Prothonotary's Fee **		\$41.00
Zoning Appeal		\$197.00
Except Political Subdivision**		\$85.50
Arbitration Proceedings: \$50,000 Limit		
Motion To Appoint Arbitrators is required by the Court		\$28.00
Arbitration Appeal		\$650.00
Arbitration Award Judgment	Does NOT include Satisfaction Fee	\$25.50
Bench Warrants		\$9.25
Certification		\$6.25
Copies: 25 cents per page for file & docket copies	Copies from microfilm \$1.00 per page	
Commencement of Action		\$197.00
Abandoned Title, Vehicle, Boat, RVs, Motorcycles		\$197.00
Board of View	Commencement of Action	\$197.00
	Petition for appt of Board of View	\$28.00
	Required Deposit for Costs	\$1,000.00
Civil Complaint with Confession of Judgment	Satisfaction Fee for judgment NOT included	\$222.50
Civil Complaint (Law or Equity)		\$197.00
Except Political Subdivision		\$79.00
Reinstatement of Complaint		\$11.25
Custody Complaint		\$197.00
Petitions to Modify, Special Relief or Contempt		\$28.00
Home Study		\$75.00
Declaratory Judgment		\$197.00
Divorce Commencement of Action	Praecipe to Transmit	\$197.00

Prothonotary of Adams County Fee Schedule		
Additional Count (including adding APL)		\$58.50
Additional Count for Custody		\$79.00
Appointment of Master, Motions are required by the Court, along with Motion filing fee		\$500.00
Divorce with Custody Count	Praecepto to Transmit	\$276.00
Motions or Petitions: Including but not limited to: Special Relief, Modify, Contempt, Continuances, Enforcement		\$28.00
Except for payment of attorney or stenographer fees		
QDRO Fee—Petitions are required by the Court		\$28.00
Retake Maiden Name (filed to Divorce action)		\$20.50
Ejectment		\$197.00
Eminent Domain or Declaration of Taking		\$197.00
Liquor Control Board Appeal		\$197.00
Mechanics Liens	Satisfaction Fee for judgment NOT included	\$222.50
Minor's Compromise & Structured Settlement		\$197.00
Mortgage Foreclosure		\$197.00
Motions and Petitions	Except in Abuse cases, payment of attorney or stenographer fees	\$28.00
Name Change		\$197.00
Quiet Title		\$197.00
Writ of Summons		\$197.00
Judgments		
Assignments, Release, Satisfaction, Settlement, Strike, Vacate		\$10.25
Decree, Lis Pendens, Non Pros, Verdict		\$25.50
Default, Consent, Note, Foreign Judgment	Does NOT include Satisfaction Fee	\$25.50
Exemplified Record or Triple Seals		\$25.50
Motor Vehicle, License Reinstated, Certification to PaDOT		\$6.25
Transcript Judgment from Magisterial District Justice	Does NOT include Satisfaction Fee	\$25.50
Liens		
Building Agreements (Agreement, Waiver, Stipulation)		\$28.00
Federal and State, Municipal Liens	Discontinuance Fee	\$36.00
Miscellaneous		
Notary Public Registration & Acknowledgments		\$4.25
Petitions & Motions	Except in Abuse cases, payment of attorney or stenographer fees	\$28.00
Passports		
Book Adult (16 years old and above) US Dept of State Fee	check or money order required	\$110.00
Book Child (under 16 years of age) US Dept of State Fee	check or money order required	\$80.00
Card Adult (16 years old and above) US Dept of State Fee	check or money order required	\$30.00
Card Child (under 16 years of age) US Dept of State Fee	check or money order required	\$15.00
Prothonotary Fee	check, money order or cash	\$25.00
Poundage		
	Each dollar of the first \$1,000.00	\$0.03
	Each dollar thereafter	\$0.01
Reinstatement of Complaint		\$11.25

Prothonotary of Adams County Fee Schedule		
Statement of Intention to Proceed/Dismissals & Terminations		\$33.00
Subpoenas		\$4.25
Transfer Case To Another County		\$28.00
Writs		
Indexing of Out of County Writ		\$33.00
Reissue Writ of Summons, Execution, Scire Facias		\$11.25
Writ of Execution, Money Judgment, Mortgage Foreclosure		\$33.00
Writ of Possession		\$33.00
Writ of Revival (Adverse & Agreement)		\$33.00
Writ of Scire Facias	Discontinuance Fee	\$43.00
Writ of Summons		\$197.00
Writ of Wage Attachment for Garnishment		\$33.00

[Pa.B. Doc. No. 16-2068. Filed for public inspection December 2, 2016, 9:00 a.m.]

BUCKS COUNTY

Mortgage Foreclosure Diversion Program; Administrative Order No. 55

And Now, this 10th day of November, 2016, Paragraph 7 of Bucks County Civil Division Administrative Order No. 55, promulgated on June 5, 2009, is hereby amended to read as follows:

7. This Order shall remain in effect until further Order of Court.

This Amendment shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

JEFFREY L. FINLEY,
President Judge

[Pa.B. Doc. No. 16-2069. Filed for public inspection December 2, 2016, 9:00 a.m.]

CUMBERLAND COUNTY

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

Order of Court

And Now, this 17th day of November 2016, it is hereby Ordered and Decreed, that effective January 1, 2017, or thirty (30) days after publication in the *Pennsylvania Bulletin*, whichever is later, the Cumberland County Court of Common Pleas adopts the following local rules, 4002, 4007, and 4008, governing court reporting and transcripts for the 9th Judicial District.

The Cumberland 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@pa.courts.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 Cumberland County Court website at www.ccpa.net.

4. Incorporation of the local rule into the set of local rules on www.ccpa.net 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.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

Rule 4002. Definitions.

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

(A) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) Transcript includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an ordinary transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (C)(1) above.

(D) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

Rule 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted to the appropriate filing office, with a copy to the district

court administrator's office, utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter, court recorder or transcriptionist;
- (3) the district court administrator's office (electronic submission through the transcript web link is preferred); and
- (4) opposing counsel, or if not represented, the opposing party.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the court reporter.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make non-refundable, partial payment of 90% of the estimated transcript cost upon receipt of their invoice. Invoices will be sent within 6 business days after the receipt of the transcript request by the Court Administrator's office. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County, and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

(4) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Upon receipt of the final invoice, payment for the final balance shall be paid by cash, money order, certified check, or law firm check made payable to Cumberland County and shall be delivered to the Court Administrator's office within seven (7) calendar days from the date the parties are notified.

Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, expedited transcripts are only available if the court reporter is able to accommodate;
- (c) for a daily transcript, \$4.50 per page, daily transcripts are only available if the court reporter is able to accommodate; and
- (d) for same day delivery, \$6.50 per page, same delivery transcripts are only available if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards*

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office. Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript unless the requesting party demonstrates reasonable need.

(a) Copies of the forms listed above shall be provided to:

- (i) The presiding judge;
- (ii) The court reporter;
- (iii) The Court Administrator's Office;
- (iv) Opposing counsel or the opposing party if self-represented.

(D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided by the appropriate filing office according to the following schedule:

(1) \$0.50 per page bound, paper format, and,

(2) \$0.50 per page electronic copy, not to exceed \$50.00. An additional \$20.00 fee may be charged if the copy cannot be emailed directly and needs to be transferred to another medium or multiple emails are required for file transfer.

(E) *Additional Costs*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

[Pa.B. Doc. No. 16-2070. Filed for public inspection December 2, 2016, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 17th day of November 2016, Dauphin County Local Rules 115, 227.3, 1920.55-2 and 1930.2 are rescinded and Dauphin County Local Rules of Judicial Administration 4007 and 4008 are promulgated as follows:

Rule 4007. Request for Transcripts.

(A) All requests for transcripts shall be set forth on the standardized Request for Transcript form available in all filing offices (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) and at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

(B)(1) The Request for Transcript of a court proceeding shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations).

(2) The requesting party (attorney or self-represented party) shall immediately provide copies of the Request for Transcript to:

- (a) The presiding judge;
- (b) The court reporter;
- (c) The Court Administrator's Office;
- (d) Opposing counsel or the opposing party if self-represented.

(C) A request for daily, expedited, or same-day transcripts shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) at least ten (10) days before the scheduled proceeding. Copies of the written request shall be provided as required in paragraph (B)(2) above. In the event of an emergency, a party may request by oral motion a daily, expedited, or same-day transcript. This request will be accommodated upon approval of the trial judge and the chief court reporter.

(D) Upon filing a Request for Transcript:

(1) The court reporter shall immediately determine the number of copies being ordered by contacting all counsel and/or self-represented parties and provide this information to the Court Administrator's Office.

(2) The requesting party (attorney or self-represented party) and any other part(ies) (attorney or self-represented party) other than the Commonwealth, a County or Court office or a subdivision thereof shall make a non-refundable deposit in the amount of 95% of the estimated cost of the transcript. The deposit shall be paid by cash, money order, certified check, or law firm check made payable to the County of Dauphin and delivered to the Court Administrator's Office within seven (7) calendar days from the date the parties are notified.

(3) The court reporter shall prepare the transcript upon direction of the Court Administrator's Office.

(4) The court reporter shall notify all ordering parties and the Court Administrator's Office upon completion of the transcript.

(5) The court reporter shall deliver the original transcript to the appropriate filing office and distribute copies to the ordering parties upon payment of the balance owed.

Rule 4008. Transcript Costs Payable by a Requesting Party Other than the Commonwealth or a Subdivision Thereof.

(A) *Costs:*

(1) *Electronic Format Costs:*

(a) The costs payable by a requesting party, other than the Commonwealth, a County or Court office or a subdivision thereof, for a transcript in an electronic format shall be as follows:

(1) Rough, unedited draft, \$1.00 per page.

(2) Secure electronic feed which instantaneously delivers the translated unedited notes from the court reporter in the courtroom proceeding to an electronic device via Wi-Fi to the parties, \$1.00 per page.

(3) Ordinary transcript, \$2.50 per page;

(4) Expedited transcript, \$3.50 per page;

(5) Daily transcript, \$4.50 per page;

(6) Same day delivery, \$6.50 per page;

(2) *Complex Trial Surcharge:*

A surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for the court reporter to significantly expand their dictionary, when permitted by the judge, \$1.00 per page.

(3) *Paper Cost Surcharge:*

When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic Hardship—Petition to Waive Costs*

(1) A Petition to Waive all or a Portion of the Transcript Costs shall be filed in the appropriate filing office (Prothonotary, Clerk of Courts, Register of Wills/Clerk of the Orphans' Court and/or Domestic Relations) along with the following:

(a) Request for Transcript; and

(b) Poverty Affidavit.

(2) Copies of the forms listed above shall be provided to:

(a) The presiding judge;

(b) The court reporter;

(c) The Court Administrator's Office;

(d) Opposing counsel or the opposing party if self-represented.

Forms are available in the Self Help Center and posted at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

(C) *Allocation of Costs among Several Ordering Parties:*

When more than one party orders the transcript, the transcript cost plus \$0.75 per page paper format and/or \$0.50 per page electronic copy shall be divided equally among the ordering parties.

(D) *Copies of Transcripts*

A request for a copy of any transcript previously ordered, transcribed, and filed of record shall be made by letter or email to the Court Administrator's Office and provided according to the following fee schedule:

(1) \$0.75 per page paper format;

(2) \$0.50 per page electronic copy.

The rules shall be effective on January 1, 2017.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 16-2071. Filed for public inspection December 2, 2016, 9:00 a.m.]

NORTHUMBERLAND COUNTY
Local Rule—NCV-227.3; No. AD-2016-6

Order

And Now, this 28th day of October, 2016, it is hereby *Ordered* that, effective January 1, 2017, Northumberland County Local Rule 227.3 is hereby *Amended*, to implement the local rule requirements set forth in Pa.R.J.A. Nos. 4007—4009.

The Northumberland County District Court Administrator is directed as follows:

(1) File one (1) copy of the Administrative Order with the Administrative Office of Pennsylvania Courts.

(2) Two (2) copies and CD-ROM of the Administrative Order shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Northumberland County Law Library and the Editor of the *Northumberland County Legal Journal*.

(4) Publish a copy of the Administrative Order on the web site of Northumberland County.

(5) Thereafter, compile the Administrative Order within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that a copy shall be kept continuously available for public inspection and copying in the office of the Prothonotary of Northumberland County.

By the Court

CHARLES H. SAYLOR,
President Judge

Rule NCV 227.3. Court Reporting and Transcripts of Testimony.

This local rule covers the making, preserving, transcribing, fees and requests for transcripts of the record of proceedings in Northumberland County:

(A) Pursuant to Pa.R.J.A. No. 4007, for an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original written request with the Office of the District Court Administrator. A transcript request form is available in the District Court Administrator's office.

(B) A party ordering a transcript shall make partial payment of one-half of the estimated cost. All checks are to be made payable to "County of Northumberland", and delivered to the Office of the District Court Administrator. The requesting party shall serve copies of the request upon opposing counsel or party, if party is unrepresented.

(C) Pursuant to Pa.R.J.A. No. 4008, the costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be as follows:

- (1) For an ordinary transcript, \$2.50 per page;
- (2) For an expedited transcript, \$3.50 per page;
- (3) For a daily transcript, \$4.50 per page;
- (4) For same day delivery, \$6.50 per page.

(D) Where the Commonwealth or a subdivision thereof is liable for the cost of a transcript in an electronic format, the court reporter shall be paid \$2.00 per page for the original transcript.

(E) The trial judge may impose a reasonable surcharge in cases such as medical malpractice or other unusually complex litigation.

(F) The fees set forth herein are the maximum costs that may be charged to litigants or the public. Court reporting fees will be distributed by the District Court Administrator to the court reporter who transcribed the notes of testimony.

(G) Transcript costs subject to waiver under Pa.R.J.A. No. 4008(B) shall be reviewed by the District Court Administrator upon written request by the party making the claim for such waiver.

[Pa.B. Doc. No. 16-2072. Filed for public inspection December 2, 2016, 9:00 a.m.]

YORK COUNTY

Amendment of Local Rules of Judicial Administration; CP-67-AD-33-2016; 2016-MI-000558

Amended Administrative Order Amending York County Local Rules of Judicial Administration

And Now, this 15th day of November, 2016, it is *Ordered* that York County Local Rules of Judicial Administration are hereby amended as follows, effective January 1, 2017:

New rules 101, 1907.2, 1954, 4002, 4007, 4008, and 4009 are adopted.

Existing rule 10 is rescinded and replaced by new 101.

Existing rule 4000 is rescinded and not replaced.

The District Court Administrator shall publish this order as may be required.

By the Court

JOSEPH C. ADAMS,
President Judge

[YCJA 10: Title and Citation of Rules:

These Rules shall be known as the York County Rules of Judicial Administration, and may be cited as "YCJA _____".]

-this rule is rescinded in its entirety and is replaced by new rule 101

York R.J.A. 101. Title and Citation of Rules.

These rules shall be known as the York County Rules of Judicial Administration and may be cited as "York R.J.A.".

-this new rule replaces rescinded rule 10

York R.J.A. 1907.2. Constables—Policies, Procedures and Standards of Conduct—Constable Review Board.

(A) Pursuant to the Pennsylvania Unified Judicial System Constable Policies, Procedures and Standards of Conduct, the district court administrator shall establish a York County Constable Review Board to assist in resolving any disputes related to a constable's performance of judicial duties.

(1) The board shall receive complaints by or against constables regarding the performance of

judicial duties, financial/payment disputes or other matters relevant to a constable's services to the courts.

(2) The board shall make recommendations to the president judge regarding the judiciary's continued use of the constable's services, or to the county controller if the dispute concerns financial or other matters within the county's control.

(3) The board shall forward any findings of suspected criminal activity to the district attorney.

(B) The board shall consist, as a minimum, of the following members periodically appointed by the president judge:

(1) the district court administrator, who shall co-chair the board;

(2) two (2) magisterial district judges, one of whom shall be the president MDJ who shall co-chair the board;

(3) a deputy district court administrator;

(4) two (2) constables, one of whom shall be the president of the constables association;

(5) the county controller; and

(6) the sheriff.

(C) The board shall establish and publicize procedures and guidelines for filing complaints.

-this is a new rule

York R.J.A. 1954. Judicial Security.

(A) Pursuant to Pa.R.J.A. No. 1954, the district court administrator shall establish a York County Court Security Committee to:

(1) make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency;

(2) communicate the approved protocols, policies and procedures;

(3) review and assess all security incident reports filed in the PAJIRS system and recommend to the president judge appropriate actions;

(4) develop and recommend to the president judge training programs for court employees on safety and security awareness; and

(5) ensure the completion of court facility security assessments as identified in the Unified Judicial System Court Safety and Security Manual and as prescribed by the state court administrator;

(B) The board shall consist, as a minimum, of the following members periodically appointed by the president judge:

(1) the district court administrator, who shall co-chair the board;

(2) a commissioned common pleas court judge, who shall co-chair the board;

(3) a magisterial district judge;

(4) the sheriff;

(5) a commissioner;

(6) the director of facilities management; and

(7) a constable.

-this is a new rule

[YCJA 4000: Supervision of Court Reporters:

(A) The Court Administrator shall employ ...

...

(B) Court reporters shall receive reasonable ...

...

(2) Requests for compensation shall be ... request the service was rendered.]

-this rule is rescinded in its entirety

York R.J.A. 4002. Definitions.

All terms in these rules shall have the same meaning as defined in Pa.R.J.A. No. 4002. As further clarification:

(A) Commonwealth or subdivision thereof includes any Pennsylvania state, county, regional, or municipal government entity, including any department, board, attorney, employee or agent acting on behalf of that entity.

(B) Transcript includes any electronic or paper record, including orders, prepared by a court reporter of any proceeding presided over by a judge, a magisterial district judge, or a master.

(C) All transcripts fall into one of two categories regarding need and purpose:

(1) an ordinary transcript is either:

(a) required by rule because notice of appeal has been filed; or

(b) required by order or rule to advance litigation in a matter currently before the court.

(2) a non-ordinary transcript is any transcript requested or prepared for any reason other than ordinary as defined in section (C)(1) above.

(D) The terms daily, expedited, rough draft and same-day delivery all refer to variations in the delivery deadline and cost for non-ordinary transcripts.

-this is a new rule

York R.J.A. 4007. Requests for Transcripts.

(A) All requests for transcripts shall be submitted to the appropriate filing office utilizing a form prescribed by the district court administrator, which shall include all elements required in the form provided by the state court administrator.

(B) Any request for hardship reduction or waiver of costs for any ordinary transcript shall be filed contemporaneously with the request for transcript on a form to be prescribed by the district court administrator. No reduction or waiver of costs shall be requested or granted for any non-ordinary transcript.

(C) Any required costs for transcripts, including deposits, shall be paid by or on behalf of the requestor to the appropriate filing office. All checks, money orders and other non-cash conveyances shall be made payable to the "County of York". All collected costs shall become the property of the County of York for deposit to the county's general fund.

(D) Any required costs shall be estimated by the court reporter prior to preparation of the transcript. The court reporter shall notify the filing office of the estimated costs based upon transcript type and format, and whether the court has

granted the requestor hardship reduction or waiver of costs. The filing office shall notify the requestor if costs are due. The requestor shall be required to pay a deposit in the amount of 100% of the estimated required costs prior to preparation of the transcript by the court reporter.

(E) Upon completion of the transcript, the court reporter shall provide the transcript to the presiding judge. The court reporter shall calculate final total costs and notify the filing office of the amount.

(1) If no balance is due from the requestor, the court reporter shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor and all other parties to the case, and shall return to the requestor any refund due from deposit.

(2) If a balance is due from the requestor, the filing office shall notify the requestor. Upon receipt of payment from the requestor, the filing office shall notify the court reporter, who shall provide the transcript to the filing office. The filing office shall provide copies of the transcript to the requestor and all other parties to the case. If the requestor fails to pay any remaining balance due, the court reporter shall not file the transcript and the filing office shall not refund any deposit.

(F) There is no need or reason for involvement of the court reporter in subsequent requests for copies of transcripts that have already been filed with the filing office and distributed to the parties to the case.

-this is a new rule

York R.J.A. 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) The court establishes the following per-page fee schedule for transcripts delivered in electronic format:

- (1) ordinary: \$2.50;
- (2) non-ordinary: \$2.50;
- (3) non-ordinary rough draft: \$2.50;
- (4) non-ordinary expedited: \$3.50;
- (5) non-ordinary daily: \$4.50;
- (6) non-ordinary same-day delivery: \$6.50; and
- (7) subsequent copy of any transcript previously filed with the filing office: \$0.50.

(B) Except when specifically requested by an incarcerated defendant in a criminal matter, or when specifically requested by any other requestor and specifically ordered by the presiding judge, no paper format transcripts will be provided. A \$0.25 per-page surcharge shall be added to the costs specified in section (A) above for any paper transcript.

(C) In cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary, the presiding judge may, at his or her discretion, impose a \$2.00 per-page surcharge in addition to the costs specified in section (A) above.

(D) Court reporters shall provide to the court realtime transcription of all proceedings presided over by a judge of the court of common pleas,

without additional cost or fee. If any party to the case wishes to be provided access to a wireless broadcast stream of that realtime transcription, the party must notify the district court administrator at least one (1) business day in advance. If any party other than the court wishes to retain a digital copy of the realtime transcript beyond conclusion of that day's proceeding, the party shall execute a request for a non-ordinary rough draft transcript and shall pay any required costs prior to the proceeding. Access to realtime transcription will not be provided to any third party.

-this is a new rule

York R.J.A. 4009. Fees Payable to the Court Reporter or Transcriptionist.

(A) Court reporters shall be paid by the county a fee of \$1.50 per page for all notes written in court, including proceedings presided over by a judge, a magisterial district judge, or a master.

(B) Court reporters shall be paid by the county a fee of \$0.50 per page for every transcript or order filed with the court for which the reporter has or will be paid the fee in section (A) above.

(C) Court reporters shall be paid by the county a fee of \$2.00 per page for every transcript or order filed for which the reporter has not and will not be paid the fee in section (A) above.

(D) In addition to all fees outlined in sections (A), (B), and (C) above, court reporters shall be paid by the county the following additional per-page fees for every transcript filed of the following type:

- (1) non-ordinary expedited: \$0.50;
- (2) non-ordinary daily: \$1.50; and
- (3) non-ordinary same-day delivery: \$2.50

-this is a new rule

[Pa.B. Doc. No. 16-2073. Filed for public inspection December 2, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated November 17, 2016, Megan McCarthy Clark (# 312765) is Suspended on Consent from the Bar of this Commonwealth for a period of six months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 16-2074. Filed for public inspection December 2, 2016, 9:00 a.m.]