

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 502 Judicial Administration Doc.

Order

Per Curiam

And Now, this 24th day of September, 2018, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2017 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

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

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2017 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 502 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2017 was 2.1% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, January 25, 2018.)

[Pa.B. Doc. No. 18-1553. Filed for public inspection October 5, 2018, 9:00 a.m.]

TITLE 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA CODE CH. 71]

Proposed Amendment to Pennsylvania Bar Admis- sion Rule 202

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is considering recommending to

the Pennsylvania Supreme Court that it amend Rule 202 of the Pennsylvania Bar Admission Rules concerning admission of individuals with Deferred Action for Childhood Arrival (DACA) status as set forth in Annex A. Additions to the text of the rule are shown in bold and underlined, and deletions are in bold and brackets.

The current Pennsylvania Bar Admission Rules are silent regarding an applicant's immigration status as a requirement for the issuance of a license to practice law in Pennsylvania. This leaves individuals with DACA status who are authorized to work in the United States with uncertainty regarding whether they may be admitted if they invest the time, effort and expense of attending law school and sitting for the bar examination. With this rule amendment, the Board seeks to provide clarity in its rules by providing a path to admission for those individuals provided they meet the other requirements for admission.

Article 5, section 10 of the Pennsylvania Constitution provides that the Pennsylvania Supreme Court governs admission to the bar and to the practice of law. See also Pa.B.A.R. 103. The Court has delegated that power to the Board. Pa.B.A.R. 104. The United States Code, 8 U.S.C. § 1621, provides that undocumented immigrants are not eligible for state benefits, including professional licenses, which are provided by an agency of a state or local government or by appropriated funds of a state or local government. 8 U.S.C. § 1621. In Pennsylvania licenses are not provided for by appropriated state funds, but rather from fees generated from applications for admission. Section 1621(d) of the statute allows states by enactment of state law to opt out of the restriction to provide public benefits including licenses. The proposed amendment would provide that 8 U.S.C. § 1621 does not prevent bar admission in Pennsylvania to individuals with DACA status. Thus, making it clear that Pennsylvania is opting out of the restriction under section 1621 regarding admission to the practice of law for those individuals with DACA status.

Under the proposed amendment, it would be clear that section 1621 would not preclude the Pennsylvania Supreme Court from admitting a candidate who is otherwise qualified for admission who has current DACA status and authorization to work in the United States. The proposed amendment would provide clarity that Pennsylvania has invoked section 1621(d) with respect to applicants with current DACA status regarding that individual's application for law licenses.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than November 7, 2018.

*By The Pennsylvania Board of Law Examiners
Supreme Court of Pennsylvania*

C. ROBERT KEENAN, III,
Chair

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 202. Admission to the bar.

An applicant who complies with the requirements of Rule 203 (relating to admission of graduates of accredited institutions), Rule 204 (relating to admission of domestic attorneys) or Rule 205 (relating to admission of foreign attorneys) and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

An applicant who is an undocumented immigrant who has current Deferred Action for Childhood Arrivals (DACA) status, or equivalent status under a successor program, and who has current and valid employment authorization to work in the United States shall be eligible for admission to the Pennsylvania Bar provided that all other requirements of these Rules are otherwise satisfied. This Rule satisfies the requirements of Section 1621(d) of Title 8 of the United States Code. This Rule shall apply to all applications pending at the time of its adoption and thereafter.

[Pa.B. Doc. No. 18-1554. Filed for public inspection October 5, 2018, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 219(b) of the Rules of Disciplinary Enforcement; No. 169 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 24th day of September, 2018, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication in the interests of justice 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 219 of the Pennsylvania Rules of Disciplinary Enforcement 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 immediately.

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 219. Annual registration of attorneys.

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(b) The following shall be exempt from paying the annual fee required by subdivision (a):

(1) Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office: Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;

(2) retired attorneys; and

(3) military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).

Official Note: The exemption created by subdivision (b)(1) does not include [**Philadelphia Traffic Court judges,**] Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

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[Pa.B. Doc. No. 18-1555. Filed for public inspection October 5, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Adoption of New Rule of Criminal Procedure Uniform Rules Regarding Publicity, Broadcasting and Recording of Proceedings, Local Rule of Criminal Procedure; Administration; No. 58 of 2018

Order

And Now, this 18th day of September, 2018, It Is Hereby Ordered and Decreed that the Blair County Court of Common Pleas adopts the following local rule governing uniform rules regarding broadcasting, Publicity and Recording of proceedings in the hearing room or courtroom or its environs for the 24th Judicial District of the Commonwealth of Pennsylvania:

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

1) File one (1) copy of these Rules with 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 Blair County Court website at www.blairco.org.

4) File one (1) copy which shall be kept continuously available for public inspection and copying in the Office of Prothonotary of Blair County and the Blair County Law Library.

Said Local Rule of Judicial Administration shall be effective in the 24th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Blair County website.

By the Court

ELIZABETH A. DOYLE,
President Judge

Rule 112. Publicity, Broadcasting, and Recording of Proceedings.

1. No sound recording, photograph, video recording, cellular phone recording, or motion picture of any type may be made or taken of any judicial proceeding, which includes during, immediately before or immediately after said proceeding or in any hearing room or courtroom or in the area immediately surrounding the entrances or exits of such rooms, without the prior permission of the presiding judge, the presiding hearing officer, or the designee of the presiding judge or the presiding hearing officer.

2. All electronic devices, including, but not limited to, cellular phones, tablets, laptops and cameras, shall be powered off (not simply muted) in all hearing rooms, courtrooms and in the area immediately surrounding the entrances and exits of such rooms unless permission to activate such device has been first obtained in advance from the presiding judge, the presiding hearing officer or the designee of the presiding judge or the presiding hearing officer. This directive specifically includes the public, parties, witnesses, support staff of participants, and attorneys. This provision does not apply to any Deputy Sheriff.

3. No sound recording, video recording, photograph, cellular phone recording or motion picture of any party, witness, juror, police officer, judge or judicial officer connected to a pending judicial proceeding may be taken or made in the courthouse or in any building housing a courtroom or hearing room, whether or the court is actually in session, without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer.

4. The transmission in any form by any means of any conversation or testimony taken by any electronic means during or anytime thereafter any judicial proceeding without the prior permission of the presiding judge, the presiding hearing officer or the designee of the presiding judge or presiding hearing officer is strictly prohibited.

5. Violation of this Order may constitute contempt of court and result in the confiscation of such device and the deletion of any offending data or material on such device, the imposition of a fine of up to \$1,000.00 and/or imprisonment of up to six (6) months upon a finding of contempt of this rule.

6. The presiding judge, the presiding hearing officer, the District Court Administrator, the designee of the presiding judge, the presiding hearing officer or the District Court Administrator, including the courtroom staff of the presiding judge or presiding hearing officer and the Sheriff of Blair County or his deputy, are authorized to enforce this Order, including taking immediate possession of any offending device.

7. Any device confiscated pursuant to this Order that is not claimed by its lawful owner within seven (7) business days of such confiscation shall be deemed forfeited to the County of Blair.

[Pa.B. Doc. No. 18-1556. Filed for public inspection October 5, 2018, 9:00 a.m.]