

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 503 Judicial Adminis- tration Doc.

Order

Per Curiam

And Now, this 25th 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 promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2019.

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

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

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

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

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2019, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$54.00
- (2) Actions involving more than \$500 but not more than \$2,000 \$72.00

- (3) Actions involving more than \$2,000 but not more than \$4,000 \$89.50
- (4) Actions involving between \$4,001 and \$12,000 \$134.50
- (5) Landlord-tenant actions involving \$2,000 or less \$80.50
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 \$98.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000 \$134.50
- (8) Order of execution \$40.50
- (9) Objection to levy \$18.00
- (10) Reinstatement of complaint \$9.00
- (11) Entering Transcript on Appeal or Certiorari. \$4.50

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2019, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) \$8.50

(b) *Criminal cases.*—In calendar year 2019, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$51.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) \$40.50
- (3) Summary conviction, motor vehicle cases, hearing demanded \$48.50
- (4) Misdemeanor \$58.50
- (5) Felony \$67.50

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

(c) *Unclassified costs or charges.*—In calendar year 2019, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$9.00
- (2) Marrying each couple, making record thereof, and certificate to the parties \$45.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$18.00
- (4) Issuing a search warrant (except as provided in subsection (d)) \$18.00
- (5) Any other issuance not otherwise provided in this subsection \$18.00

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2019, Commonwealth portion of fines, etc.

* * * * *

(c) *Costs in magisterial district judge proceedings.*

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases \$18.00

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) \$18.00

(iii) Summary conviction, motor vehicle cases, hearing demanded \$18.00

(iv) Misdemeanor \$23.40

(v) Felony \$36.00

(vi) Assumpsit or trespass involving:

(A) \$500 or less \$22.50

(B) More than \$500 but not more than \$2,000.. \$36.00

(C) More than \$2,000 but not more than \$4,000 \$53.70

(D) Between \$4,001 and \$12,000 \$89.50

(vii) Landlord-tenant proceeding involving:

(A) \$2,000 or less \$35.80

(B) More than \$2,000 but not more than \$4,000 \$44.80

(C) More than \$4,000 but not more than \$12,000 \$62.80

(viii) Objection to levy \$9.00

(ix) Order of execution \$27.00

(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) .. \$12.60

(xi) Order of possession \$15.00

(xii) Custody cases (except as provided in section 1725(c)(2)(v)) \$6.80

[Pa.B. Doc. No. 18-1657. Filed for public inspection October 26, 2018, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Annual Registration of Attorneys

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Disciplinary Enforcement (“Pa.R.D.E.”) 219, relating to the timing of nonwaivable late payment penalties assessed against an attorney who fails to timely complete the annual attorney registration, as set forth in Annex A.

Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual

fee and electronically file the annual fee form by July 1. Pursuant to subdivision (c) of the rule, attorneys are notified of this obligation, via electronic mail, on or before May 15 of each year. Subdivision (f) of the rule provides for the assessment of two nonwaivable late payment penalties, the first on attorneys who fail to register by July 31, and the second on attorneys who fail to register by August 31. Although not explicitly stated, the rule provides for a courtesy period between July 1 and July 31 for late registration without penalty.

After August 31, the continued failure to comply with the registration and payment requirements of Rule 219 is deemed a request to be administratively suspended. The Rule directs the Attorney Registration Office (“Office”) to certify to the Supreme Court of Pennsylvania the name of every attorney who has failed to comply with registration. Following the timelines provided for in the rule, generally, the Office sends the administrative suspension list to the Court in September, after which time the Court enters its administrative suspension order, effective in October.

As set forth in Rule 219, the active registration period lasts from May 15 through July 1, with late registration penalties imposed on July 31 and August 31. The basis for the July 31 and August 31 late registration penalty dates is historical in nature due to the fact that for decades, attorneys were required to file the annual registration in paper form. Processing the paper registration forms was time-consuming. The Office mailed all registration forms and notices pertaining to registration in paper form and attorneys submitted all registration paperwork to the Office through the mail. Staff manually sorted the forms and inputted the data into the Attorney Registration database. The timeframes memorialized in the existing Rules are responsive to these past practices

Electronic registration has been mandatory since the 2016-2017 registration year, whereby attorneys register by accessing a portal on the Unified Judicial System’s web site. Using the electronic portal, attorneys have the option to pay by credit card, thus immediately completing the attorney registration obligation once that payment is processed, or attorneys can opt to print out a voucher and mail in the voucher along with a check or money order. In the latter case, the attorney registration obligation is considered completed once the payment is received and processed. Additionally, the Office now sends registration notices to attorneys in electronic form. Communicating with attorneys via electronic mail allows Office staff to notify those who have not completed the process through weekly or bi-weekly emails.

The data on timely compliance bears out the success of these technological developments and demonstrates a readiness for modification of the existing timelines. For 2017-2018 registration, over 79% of attorneys completed their registration by July 1; by July 31, prior to the imposition of the first late fee, over 96%¹ of attorneys completed their registration. For 2018-2019, nearly 82% of attorneys completed registration by July 1; by July 31, nearly 97%² of attorneys completed their registration. Yet, after July 31, registration remains open until October for approximately 3% of attorneys, roughly 2,500 registrants. Upon the Board’s analysis, since the transition to electronic registration and communication, the timeline established by the Rules, which was responsive to past practices, warrants modification in light of current practices.

¹ 72,465 attorneys
² 72,452 attorneys

The Board proposes truncating the registration period by amending subdivision (f) to change the late registration dates from July 31 and August 31 to July 16 and August 1. This proposed change only impacts the period for late registration; the active registration period remains the same, May 15 through July 1. Additionally, the rule still permits a courtesy period to file late registrations before penalties are assessed, from July 1 to July 15. Compressing the dates for late registration will streamline the registration process and will allow the Office to send the administrative suspension list to the Court in early August, as opposed to September, with an effective date of the Court's order in September, instead of October. In addition, this proposal is consistent with best business practices, as a shortened registration period will reduce the Office's temporary staffing needs which are required during attorney registration season for telephone support.

Interested persons are invited to submit written comments 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 (717-231-3381), Email address Dboard.comments@pacourts.us on or before November 26, 2018.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JESSE G. HEREDA,
Executive Director

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.

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$120.00 and electronically file the annual fee form provided for in this rule by July 1. The fee shall be collected under the supervision of the Attorney Registration Office, which shall make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.

Official Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

* * * * *

(c) On or before May 15 of each year, the Attorney Registration Office shall transmit to all attorneys re-

quired by this rule to pay an annual fee a notice by e-mail to register electronically by July 1. Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.

* * * * *

(f) Any attorney who fails to complete registration by July [31] 16 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August [31] 1, at which time the continued failure to comply with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

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[Pa.B. Doc. No. 18-1658. Filed for public inspection October 26, 2018, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS**

[204 PA. CODE CH. 83]

Proposed Amendments to the Pennsylvania Rules of Disciplinary Enforcement Relating to Review and Action by the Board

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania ("Board") is considering recommending to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 208, relating to the submission of briefs and presentation of oral argument to the Board, as set forth in Annex A.

In attorney discipline and reinstatement proceedings, pursuant to the Disciplinary Board Rules and Procedures (“Board Rules”), following the filing of a report and recommendation with the Board by a hearing committee or special master, either party may object to such findings and recommendation by filing exceptions in a brief to the Board. In the brief on exceptions, a party may request oral argument before the Board. The parties may also file a brief opposing exceptions in response to a brief on exceptions. See, Disciplinary Board Rule § 89.201(d) and (e).¹

The Pennsylvania Rules of Disciplinary Enforcement, however, in Rule 208(d)(1), addressing the same proceedings, states that “the respondent-attorney shall have the right to submit briefs and to present oral argument to a panel of at least three members of the Board.” Contrary to what is provided for in the Board Rules, this rule language in the Rules of Disciplinary Enforcement does not expressly state that both parties have the right to file briefs and present oral argument. In order to remedy this inconsistency, the Board proposes amending Rule 208(d)(1) to encompass the rights of both parties to the proceedings.

The proposed amendment to Rule 208(d)(1) modifies the scope of the rule to provide that both parties shall have the right to submit briefs and to present oral argument before the Board.

Interested persons are invited to submit written comments 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 (717-231-3381), Email address Dboard.comments@pacourts.us on or before November 26, 2018.

By the Disciplinary Board of the Supreme Court of Pennsylvania

JESSE G. HEREDA,
Executive Director

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.

* * * * *

(c) *Hearing procedures.* Proceedings before hearing committees and special masters shall be governed by Board rules, except that, unless waived in the manner provided by such rules, at the conclusion of the hearing the hearing committee or special master shall submit a

¹ 89.201(d) *Procedure to except to report of hearing committee or special master.* Any participant desiring to object to the findings and recommendations of a hearing committee or special master shall, within 20 days after the service of a copy of a report or such other time as may be fixed by the Board Chair, file exceptions to the report or part thereof in a brief (designated “brief on exceptions”). “Briefs opposing exceptions” may be filed in response to briefs on exceptions within 20 days after the filing of briefs on exceptions or such other time as may be fixed by the Board Chair. No further response will be entertained unless the Board, with or without motion, so orders.

89.201(e) *Oral argument.* Unless otherwise ordered by the Board, oral argument shall be deemed waived unless expressly requested in a brief on exceptions or brief opposing exceptions.

report to the Board containing the findings and recommendations of the hearing committee or special master.

(d) *Review and action by Board.*

(1) Proceedings before the Board shall be governed by Board rules, except that, unless waived in the manner provided by such rules, [**the respondent-attorney**] **both parties** shall have the right to submit briefs and to present oral argument to a panel of at least three members of the Board. Members of the Board who have participated on a reviewing panel under paragraph (a)(4) or (5) of this rule shall not participate in further consideration of the same matter or decision thereof on the merits under this subdivision (d).

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[Pa.B. Doc. No. 18-1659. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment Philadelphia Criminal Rule *528. Ten Percent (10%) Deposit of Bail; No 02 of 2018

Order

And now, this 10th day of October, 2018, upon recommendation of the Philadelphia County Criminal Justice Advisory Board (“CJAB”) that the First Judicial District of Pennsylvania consider amending Philadelphia Criminal Rule *528, which currently authorizes the retention of 30% of cash bail posted to secure a defendant’s release from custody pending the full and final disposition of the defendant’s case, and upon consideration of best practices reviewed by the CJAB and the First Judicial District in connection with criminal justice reform including in their involvement in the management of the MacArthur Foundation grant awarded to the City of Philadelphia and interaction with City Council’s Special Committee on Criminal Justice Reform, the Court concludes that the interests of justice would be best served if the entire amount of cash bail deposited to secure the defendant’s release were to be refunded in those cases where the Defendant fully complied with the principal purpose of bail: to appear as required at all times for all court hearings and other events until full and final disposition of defendant’s case,

Now, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Rule of Criminal Procedure *528 is amended as follows. The amendment authorizes the return of the entire amount deposited, pursuant and subject to Pa.R.Crim.P. 535, provided that the Defendant has not violated the condition of the bail bond which requires the Defendant to appear as required at all times for all court hearings and other events until full and final disposition of the case.

It Is further *Ordered* and *Decreed* that should the Defendant fail to appear as required by the bail bond, the amount deposited shall be forfeited pursuant to Pa.R.Crim.P. 536 and the forfeiture shall only be reduced or vacated pursuant to Philadelphia Criminal Rule *536 and other applicable local rules.

This Order is effective as to all cases which are fully and finally disposed as of today’s date and thereafter.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review and written notification has been received from the Rules Committee certifying that the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the web site of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
*Chair, Administrative Governing Board
 First Judicial District of Pennsylvania
 President Judge, Court of Common Pleas,
 Philadelphia County*

Rule *528. Ten Percent (10%) Deposit of Bail.

(A) Any defendant who has been properly granted bail may obtain his release from custody as provided herein by depositing with the Office of Judicial Records a sum of money equal to ten percent (10%) of the full amount of the bail, but in no event less than twenty-five dollars (\$25), and by executing a bail bond. A private individual who is not a surety company or bail bondsman may act as a third-party surety and execute the aforementioned bail bond on behalf of the defendant. Except as provided in this section, no other individual or business entity may act as a third-party surety unless approved by the Administrative Governing Board of the First Judicial District of Pennsylvania upon filing a petition pursuant to Pa.R.Crim.P. 531 and applicable local rules of court.

(B) With respect to deposited bail pursuant to subsection (A), the Court is empowered to designate a minimum sum of money which shall be retained by the Court.

(C) Should the defendant fail to appear as required by the bail bond, and not appear in court within ninety (90) days after notice of the forfeiture, as provided by Pa.R.Crim.P. 536(A)(2)(c), the amount deposited shall be forfeited and a judgment will be entered for the balance of the total bail ordered. Forfeitures and bail judgments shall only be reduced or vacated pursuant to Philadelphia Criminal Rule *536 and other applicable local rules of court.

(D) Upon the full and final disposition of the criminal case in which bail has been deposited:

(1) the bail deposit shall be returned in full, as provided in Pa.R.Crim.P. 535, if the defendant has appeared as required at all times for all court hearings and other events as required by the bail bond; or

(2) the bail deposit, less the retention amount authorized pursuant to subsection (B), shall be returned if the defendant has not appeared as required at all times for all court hearings and other events as required by the bail bond.

(E) A defendant or a third party surety as defined in this rule may post realty as security for bail. In this event, an encumbrance shall be created immediately on such realty before the defendant may be admitted to bail. The said encumbrance shall remain in force until the case is disposed as provided in subsection (D).

Realty posted as security for bail shall be valued in an amount equal to the assessed value of the realty used for determining tax liability on the realty. Only realty with an unencumbered assessed value equal to, or in excess of, the full amount of bail shall be accepted as security for the bail.

Comment

Subsection (A) authorizes posting cash bail with the Office of Judicial Records.

Subsection (B) authorizes the Court to designate, consistent with Pa.R.Crim.P. 535(D), the fee to administer the cash bail program. The retention figures designated by the Court are 30% (thirty percent) of the amount of the deposit or 3% (three percent) of the total amount of the bail. However, the Court has directed that the maximum amount retained shall not exceed \$1,500 regardless of the total amount of the bail or the amount of the cash deposit, and that in no event shall the amount retained by the Court be less than \$10 (ten dollars).

Subsection (C) provides guidance regarding the forfeiture of the bail deposit and entry of a judgment for the balance of the bail ordered as well as reduction and vacation of same.

Subsection (D) provides that the entire bail deposit will be returned if the defendant appears for all court hearings and events, and that the retention amount established in subsection (B) shall be retained if the defendant does not appear as required.

Subsection (E) controls real estate posted as bail.

Note: Star Rule *4008.1, adopted May 17, 1973; Star Rule *4009.1, adopted May 17, 1973, and Star Rule *4010(c), adopted May 20, 1971. General Court Regulation 73-5, July 2, 1973; comment amended by General Court Regulation 80-13, effective July 1, 1980; comment amended by General Court Regulation 88-4; effective June 1, 1988. Former Phila. Crim. R. 506. Comment amended and rule renumbered on April 20, 2012 by Administrative Governing Board Order 03 of 2012. Amended October 10, 2018, effective immediately.

[Pa.B. Doc. No. 18-1660. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Philadelphia Court of Common Pleas Criminal Rule No. 910 Probation Detainer and Violation Procedure; and Philadelphia Municipal Court Criminal Rule No. 910 Probation Detainer and Violation Procedure; Joint Administrative Order No. 08 of 2018

Order

And Now, this 9th day of October, 2018, it is hereby *Ordered and Decreed* that Philadelphia Court of Common Pleas Criminal Rule No. 910 Probation Detainer and Violation Procedure, and Philadelphia Municipal Court Criminal Rule No. 910 Probation Detainer and Violation Procedure are rescinded, effective immediately.

This Order is issued in accordance with Pa.R.J.A. No. 103 and shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. No. 103(d)(5)(ii), two certified copies of this Order shall be distributed to the Legislative Reference Bureau, together with a copy on a computer diskette, for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. No. 103(d)(6) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the web site of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of Philadelphia local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Order shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
*President Judge, Court of Common Pleas
Philadelphia County*

HONORABLE MARSHA H. NEIFIELD,
*President Judge
Philadelphia Municipal Court*

[Pa.B. Doc. No. 18-1661. Filed for public inspection October 26, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 18-54 Prothonotary

Order

And Now, this 4th day of October, 2018, the following amendments to Berks County Rules of Civil Procedure 207.1 and 4001 shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(c)(5)(iii) and No. 103(d)(5)(iii).

(New language is bold and underscored, and removed language is shown bracketed and bold)

The District Court Administrator is *Ordered and Directed* to:

1. Submit one (1) copy of this Order, including the amended rules, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rules, and one (1) disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.

4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Distribute one (1) copy of this Order, including the amended rules to the Berks County Prothonotary's Office so they can keep them continuously available for public inspection and copying.

THOMAS G. PARISI,
President Judge

Rule 207.1. Presentation of Motions, Petitions and Applications.

(a) All routine motions, petitions and applications shall be filed in the prothonotary's office for transmission to the assigned judge for disposition.

(b) All motions, petitions or applications necessitating personal presentation to the court should be made in the courtroom of the judge assigned to the case either at 9:30 A.M. or 1:30 P.M. on a day he or she is scheduled to sit. If the motion, petition or application is of such nature that opposing parties have a right to be heard, the moving party shall give each opposing party at least forty-eight (48) hours notice of the time when the moving party will appear and present such motion, petition or application, unless the emergency nature of the matter prevents such notice. In the latter situation, the moving party shall give as much notice as is reasonably possible.

(c) No motion, petition or application shall be made or presented to any judge in chambers without pre-arrangement with that judge. No request for appointment in chambers shall be granted except for compelling reasons.

(d) All motions, petitions or applications in cases which have not yet been assigned to a judge shall be filed with the prothonotary; the court administrator shall promptly assign a judge to the case.

(e) All motions, petitions or applications which require immediate action in cases where the assigned judge is unavailable or in cases where no judge has been assigned to the case and the court administrator fails to assign a judge to the case in sufficient time to allow presentation to such judge shall be presented to the emergency motions judge in his courtroom at 9:30 A.M. or at 1:30 P.M. or by pre-arrangement with the emergency motions judge in his chambers.

(f) A party presenting a motion, petition or application for an order or decree shall file with the motion, petition or application a proposed form of the order or decree sought, together with [] :

(1) one copy of each such proposed order or decree for the moving party;

(2) one copy of each such proposed order or decree for each other party;

(3) one copy of each such proposed order or decree for the civil Court Information Management Office;

(4)] a certificate signed by the party presenting the motion, petition or application or his or her attorney of record, setting forth the name and current address of each party's attorney of record, and if no attorney has entered an appearance of record for a party, the name and current address of each unrepresented party[;].

[(5) an envelope stamped with the required postage for each party, including the moving party, pre-addressed to each party's attorney of record, or if no attorney has entered an appearance of record for a party, to each unrepresented party at such unrepresented party's current address. The envelope shall bear the return address of the Prothonotary, Court House, Reading, Pennsylvania 19601.

When a party does not provide the required number of copies of the proposed order or decree sought, the required certificate or the required envelope(s), the prothonotary shall nevertheless file and docket the same, but the prothonotary shall not forward the proposed motion, petition or application until the required number of copies and other required documents are provided.]

(g) A party presenting a motion, application or praecipe for the entry of judgment shall file with the motion, application or praecipe[:

(1)] a certificate signed by the party presenting the motion, petition or application or his or her attorney of record, setting forth the name and current address of each party's attorney of record, and if no attorney has entered an appearance for a party, the name and current address of each unrepresented party[;].

[(2) an envelope stamped with the required postage for each other party, pre-addressed to each other party's attorney of record, or if no attorney has entered an appearance of record for a party, to each unrepresented party at such unrepresented party's current address.]

Rule 4001. Discovery Applications/Discovery Master.

Legal issues relating to discovery applications and protective orders shall not be scheduled for regular argument court or be subject to the briefing schedule provided for in B.R.C.P. 211.2, unless the court specifically so orders. In order to facilitate the prompt disposition of discovery matters, discovery disputes [shall be first] may be referred by order of the assigned judge to be processed before a Master as part of the "Discovery Master Program" and shall follow the following procedure:

(a) The Board of Judges shall appoint members of the Bar who shall have practiced civil law in Berks County for a minimum of 10 years to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.

(b) [Except as provided in B.R.C.P. 4005(b) and 4012, all discovery applications along with a Rule to Show Cause shall be filed with the Prothonotary. The Rule to Show Cause shall contain a space for

the Court to enter a return date, time and place. The moving party shall promptly serve the respondent with a copy of the motion and Rule designating the return date, time and place. The moving party must also comply with B.R.C.P. 208.2(e) by certifying that it has conferred in a good faith effort to resolve the discovery dispute, which certification must specifically describe those efforts.] Except as provided in B.R.C.P. 4005(b) and 4012, all discovery applications shall be filed with the Prothonotary along with a proposed order scheduling the matter for disposition before a Discovery master. The proposed order shall contain a space for the Court to enter a date, time and place for a hearing on the discovery application. The Prothonotary will forward the discovery application to the assigned judge, who will promptly enter an order scheduling a hearing on the discovery application before a Discovery Master on the next scheduled Discovery Master hearing date (which shall be a Friday) that is at least fourteen (14) days after the date the discovery application was filed. If the Friday of the week in which the discovery application would otherwise be heard is a court holiday, it shall be scheduled for a hearing on the next Friday that is not a court holiday. The moving party shall promptly serve the respondent with a copy of the motion, proposed order, and argument brief, if any, filed in support of the application. The moving party must also comply with B.R.C.P. 208.2(e) by certifying that it has conferred in a good faith effort to resolve the discovery dispute, which certification must specifically describe those efforts.

(c) Any party or interested third-party opposing relief sought in the application shall file with the Prothonotary a written response to the application, and if appropriate or desired an argument brief in opposition, no later than four (4) days prior to the scheduled Discovery Master hearing date. If no opposition is timely filed, the discovery application shall be deemed to be unopposed, the moving party shall be excused from appearing at the scheduled hearing, and the Discovery master shall submit a written recommendation and proposed order granting the requested relief to the assigned judge for entry of an appropriate order.

[(c) If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Prothonotary for submission to the assigned judge. If no opposition is filed, the Discovery Master shall submit a proposed order granting the motion to the assigned judge. If an opposition is filed, the parties shall appear in a courtroom or arbitration room designated on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master scheduled to hear the matter. In the event the Friday of the week in which the rule was made returnable is a Court holiday, the motion shall be argued before the Discovery Master on the following Friday that is not a Court holiday. Briefs in support of and in opposition to the motion may be filed prior to the day on which the motion is to be argued before the Discovery Master.] (d) If the discovery application is resolved amicably prior to the scheduled hearing date, the moving party shall either file a praecipe withdrawing the application or submit a stipulated order to the assigned judge.

If an opposition is timely filed, the parties shall appear in the designated courtroom or hearing room on the date and time for the scheduled hearing to provide evidence and argue the matter before the assigned Discovery Master. If not previously filed, argument briefs in support of or in opposition to the discovery application may be filed no later than four (4) days prior to the scheduled Discovery Master hearing date.

[(d)] [(e)] After hearing or argument and considering the [motion] discovery application and [answer] opposition, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the assigned judge for entry of an appropriate order.

[(e)] [(f)] Any party may file an application under this rule to have the case scheduled to a Discovery Management Conference before a Discovery Master. The Discovery Master may recommend a Discovery Management Order, which establishes the following:

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

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

(3) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories.

[(f)] [(g)] The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.

[(g)] [(h)] Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.

[Pa.B. Doc. No. 18-1662. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Robert Henry Leiner (# 69318), having been disbarred in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order on October 9, 2018, disbaring Robert Henry Leiner from the Bar of this Commonwealth, effective

November 8, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1663. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Frank N. Tobolsky (# 50998), having been disbarred in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order on October 9, 2018, disbaring Frank N. Tobolsky from the Bar of this Commonwealth, effective November 8, 2018. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

[Pa.B. Doc. No. 18-1664. Filed for public inspection October 26, 2018, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Stuart I. Rich having been suspended from the practice of law in the State of New Jersey; the Supreme Court of Pennsylvania issued an Order dated October 9, 2018 suspending Stuart I. Rich from the practice of law in this Commonwealth for a period of two years, effective November 8, 2018. 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

[Pa.B. Doc. No. 18-1665. Filed for public inspection October 26, 2018, 9:00 a.m.]