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 Confidentiality of Information

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 Professional Conduct ("RPC") 1.6, to authorize a lawyer to reveal confidential information otherwise protected by the rule to the extent that the lawyer reasonably believes necessary "to comply with other law or court order" and to add conforming language to the Comment to the rule. These changes are set forth in Annex A.

Rule 1.6 governs a lawyer's disclosure of information relating to the representation of a client during the lawyer's representation of that client. The fiduciary relationship existing between lawyer and client requires the lawyer's preservation of confidential information, as effective representation relies upon free discussion between lawyer and client.

Paragraph (a) provides that "a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent" or the disclosure is "impliedly authorized in order to carry out the representation," or as otherwise provided in other paragraphs of the rule.

Paragraph (b) directs that a lawyer shall reveal confidential information if necessary to comply with the lawyer's duties of candor to the tribunal.

Paragraph (c) sets forth seven limited exceptions when a lawyer may reveal such confidential information to the extent that the lawyer believes necessary. This paragraph is discretionary and does not create a duty on the lawyer to make any disclosure. The comments to Rule 1.6 give guidance as to each of the exceptions, providing examples and explanations in order to further clarify each circumstance. However, three comments give guidance that may cause confusion to lawyers when attempting to ascertain the extent of their duties. Comment (3) states, in pertinent part, "[t]he rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law." Comment (18) states, in pertinent part, "[o]ther law may require that a lawyer disclose information about a client. Whether such a law supersedes Rule 1.6 is a question of law beyond the scope of these Rules." Comment (21) notes that a lawyer "[m]ay be ordered to reveal information relating to the representation of a client by a court. . ."

While these comments reference that a lawyer may be confronted by situations where disclosure of confidential information is necessary to comply with other law or court order, there is no specific authority in the black-letter rule that permits the lawyer to make disclosures prohibited by 1.6(a). Disclosure of confidential information under these circumstances may be implicitly authorized,[1] but Pennsylvania lawyers should not have to face a choice between defying a court's order or other law and violating their ethical duties to clients.

The Board proposes amending 1.6(c) to add an express exception to the lawyer's duty of confidentiality that permits the lawyer to reveal such confidential information the lawyer believes necessary to comply with other law or court order. The Board's intent in amending this rule is to give Pennsylvania lawyers certainty that they are not violating the ethical rules if they need to reveal information under these circumstances.

The Board proposes amending Comments (18) and (21) to conform to the proposed amendment.

We note that in 2002, the American Bar Association ("ABA") adopted this specific exception to Model Rule 1.6, along with corresponding commentary, as part of the ABA's Ethics 2000 Commission updates. This rule provision is currently in effect in 46 states and the District of Columbia. Historically, Pennsylvania has supported adoption of the 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. The within proposed amendments more closely conform the Pennsylvania Rule to ABA Model Rule 1.6 and to the rules in the vast majority of jurisdictions.

Interested persons are invited to submit written comments regarding the proposed amendments to 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 February 1, 2019.

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 A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following is the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.6. Confidentiality of Information.

(a) A lawyer shall not reveal information relating to representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in paragraphs (b) and (c).

[1] The Pennsylvania Bar Association Legal Ethics and Professional Responsibility Committee has issued opinions which conclude that there is an "implicit" or "forced" exception to RPC 1.6(a) applicable to circumstances where disclosure is mandated by an order of court or other tribunal. See Formal Opinions 2002-106 and 2010-300.

(b) A lawyer shall reveal such information if necessary to comply with the duties stated in Rule 3.3.

(c) A lawyer may reveal such information to the extent that the lawyer reasonably believes necessary:

* * * * *

(7) to detect and resolve conflicts of interest from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.

(8) to comply with other law or court order.

(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

* * * * *

Comment:

* * * * *

Detection of Conflicts of Interest

* * * * *

(18) Other law may require that a lawyer disclose information about a client. Whether such a law supersedes Rule 1.6 is a question of law beyond the scope of these Rules. When disclosure of information relating to the representation appears to be required by other law, the lawyer must discuss the matter with the client to the extent required by Rule 1.4. **If, however, the other law requires disclosure, paragraph (c)(8) permits the lawyer to make such disclosures as are necessary to comply with the law.**

* * * * *

(21) A lawyer may be ordered to reveal information relating to the representation of a client by a court or by another tribunal or governmental entity claiming authority pursuant to other law to compel the disclosure. Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all nonfrivolous claims that the order is not authorized by other law or that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. **Unless review is sought, paragraph (c)(8) permits the lawyer to comply with the court's order.**

* * * * *

[Pa.B. Doc. No. 18-1963. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1000, 2120, 2150 AND 2170]

Proposed Amendment of Pa.R.C.P. Nos. 1006, 2130, 2156 and 2179

The Civil Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1006, 2130, 2156, and 2179 governing venue in medical professional liability actions, 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 will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

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

Karla M. Shultz, Counsel
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by February 22, 2019. 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 Civil Procedural Rules Committee

DAVID L. KWASS,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

Rule 1006. Venue. Change of Venue.

(a) Except as otherwise provided by subdivisions **[(a.1), (b),]** **(b)** and (c) of this rule, an action against an individual may be brought in and only in a county **[in which]** **where**

[(1) the individual may be served, or in which the cause of action arose, or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law, or]

(1) the individual may be served;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose;

***Official Note*:** For a definition of transaction or occurrence, see *Craig v. W. J. Thiele & Sons, Inc.*, 149 A.2d 35 (Pa. 1959).

(4) venue is authorized by law; or

[(2)] **(5)** the property or a part of the property**,** which is the subject matter of the action**,** is located provided that equitable relief is sought with respect to the property.

[(a.1) Except as otherwise provided by subdivision (c), a medical professional liability action may be brought against a health care provider for a medical professional liability claim only in a county

in which the cause of action arose. This provision does not apply to a cause of action that arises outside the Commonwealth.

***Official Note*: See Section 5101.1(c) of the Judicial Code, 42 Pa.C.S. § 5101.1(c), for the definitions of "health care provider," "medical professional liability action," and "medical professional liability claim."]**

(b) Actions against the following defendants, except as otherwise provided in subdivision (c), may be brought in and only in the counties designated by the following rules: political subdivisions, Rule 2103; partnerships, Rule 2130; unincorporated associations, Rule 2156; corporations and similar entities, Rule 2179.

[*Official Note*: Partnerships, unincorporated associations, and corporations and similar entities are subject to subdivision (a.1) governing venue in medical professional liability actions. *See* Rules 2130, 2156 and 2179.

Subdivision (a.1) is a venue rule and does not create jurisdiction in Pennsylvania over a foreign cause of action where jurisdiction does not otherwise exist.]

(c)**[(1) Except as otherwise provided by subdivision (c)(2), an]** An action to enforce a joint or joint and several liability against two or more defendants, except actions in which the Commonwealth is a party defendant, may be brought against all defendants in any county in which the venue may be laid against any one of the defendants under the general rules of subdivisions (a) or (b).

[(2) If the action to enforce a joint or joint and several liability against two or more defendants includes one or more medical professional liability claims, the action shall be brought in any county in which the venue may be laid against any defendant under subdivision (a.1). This provision does not apply to a cause of action that arises outside the Commonwealth.]

(d)(1) For the convenience of parties and witnesses, the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

(2) **[Where]** If, upon petition and hearing **[thereon]**, the court finds that a fair and impartial trial cannot be held in the county for reasons stated of record, the court may order that the action be transferred. The order changing venue shall be certified **[forthwith]** to the Supreme Court, which shall designate the county to which the case is to be transferred.

***Official Note*:** For the recusal of the judge for interest or prejudice, see Rule 2.11 of the Code of Judicial Conduct.

(3) It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred, certified copies of the docket entries, process, pleadings, depositions, and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

(e) Improper venue shall be raised by preliminary objection and if not so raised shall be waived. If a preliminary objection to venue is sustained, and there is a county of proper venue within the State, the action shall not be dismissed but shall be transferred to the appropriate court of that county. The costs and fees for transfer and removal of the record shall be paid by the plaintiff.

(f)**[(1) Except as provided by subdivision (f)(2), if]** If the plaintiff states more than one cause of action against the same defendant in the complaint pursuant to Rule 1020(a), the action may be brought in any county in which any one of the individual causes of action might have been brought.

[(2) Except as otherwise provided by subdivision (c), if one or more of the causes of action stated against the same defendant is a medical professional liability claim, the action shall be brought in a county required by subdivision (a.1).]

CHAPTER 2120. PARTNERSHIPS AS PARTIES

Rule 2130. Venue.

(a) Except as otherwise provided **[by Rule 1006(a.1) and]** by subdivision (c) of this rule, an action against a partnership may be brought in and only in a county where **[the partnership regularly conducts business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided that equitable relief is sought with respect to the property.]**

(1) the partnership regularly conducts business;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[*Official Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) Except as otherwise provided by subdivision (c) of this rule, an action against a liquidator may be brought in and only in a county where **[the liquidator is liquidating the partnership business or in which the partnership last regularly conducted business, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose.]**

(1) the liquidator is liquidating the partnership business;

(2) the partnership last regularly conducted business;

(3) the cause of action arose; or

(4) a transaction or occurrence took place out of which the cause of action arose.

This rule shall not apply to an action against a liquidator deriving authority under the laws of the United States.

(c) Subdivisions (a) and (b) of this rule do not restrict or affect the venue of an action

(1) against a partnership commenced by or for the attachment, seizure, garnishment, sequestration**,** or condemnation of real or personal property**,** or

(2) [an action] for the recovery of the possession of or the determination of the title to real or personal property.

CHAPTER 2150. UNINCORPORATED ASSOCIATIONS AS PARTIES

Rule 2156. Venue.

(a) Except as otherwise provided **[by Rule 1006(a.1) and]** by subdivision (b) of this rule, an action against an association may be brought in and only in a county where **[the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of actions arose or in the county where the property or a part of the property which is the subject matter of the action is located provided the equitable relief is sought with respect to the property.]**

(1) the association regularly conducts business or any association activity;

(2) the cause of action arose;

(3) a transaction or occurrence took place out of which the cause of action arose; or

(4) the property or a part of the property, which is the subject matter of the action, is located provided that equitable relief is sought with respect to the property.

[*Official Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) Subdivision (a) of this rule shall not restrict or affect the venue of an action (1) against an association commenced by or for the attachment, seizure, garnishment, sequestration**,** or condemnation of real or personal property**,** or

(2) **[an action]** for the recovery of the possession of or the determination of the title to real or personal property.

CHAPTER 2170. CORPORATIONS AND SIMILAR ENTITIES AS PARTIES

Rule 2179. Venue.

(a) Except as otherwise provided by an Act of Assembly**[, by Rule 1006(a.1)]** or by subdivision (b) of this rule, a personal action against a corporation or similar entity may be brought in and only in

(1) the county where its registered office or principal place of business is located;

(2) a county where it regularly conducts business;

(3) the county where the cause of action arose;

(4) a county where a transaction or occurrence took place out of which the cause of action arose**[,]**; or

(5) a county where the property or a part of the property**,** which is the subject matter of the action**,** is located provided that equitable relief is sought with respect to the property.

[*Official Note*: Rule 1006(a.1) governs venue in actions for medical professional liability.]

(b) An action upon a policy of insurance against an insurance company, association or exchange, either incorporated or organized in Pennsylvania or doing business in this Commonwealth, may be brought

(1) in a county designated in **[Subdivision]** **subdivision** (a) of this rule; **[or]**

(2) in the county where the insured property is located; or

(3) in the county where the plaintiff resides, in actions upon policies of life, accident, health, disability, and **[live stock]** **livestock** insurance or fraternal benefit certificates.

EXPLANATORY COMMENT

The Civil Procedural Rules Committee is proposing amendment of Rule 1006 to rescind subdivision (a.1), which limits venue in medical professional liability actions to the county in which the cause of action arose. The current rule provides special treatment of a particular class of defendants, which no longer appears warranted. Data compiled by the Supreme Court on case filings on medical professional liability actions (http://www.pacourts.us/news-and-statistics/research-and-statistics/) indicates that there has been a significant reduction in those filings for the past 15 years. Additionally, it has been reported to the Committee that this reduction has resulted in a decrease of the amount of claim payments resulting in far fewer compensated victims of medical negligence.

The proposed rescission of subdivision (a.1) is intended to restore fairness to the procedure for determining venue regardless of the type of defendant. The proposal would apply to medical professional liability actions filed after the effective date of the amended rule. Conforming and stylistic amendments have also been made to Rules 2130, 2156, and 2179.

By the Civil Procedural Rules Committee

DAVID L. KWASS,
Chair

[Pa.B. Doc. No. 18-1964. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Order Amending Rules 150 and 522 and Revising the Comment to Rule 151 of the Pennsylvania Rules of Criminal Procedure; No. 506 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 7th day of December, 2018, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 1731 (March 25, 2017), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of

Criminal Procedure 150 and 522 are amended, and the Comment to Pennsylvania Rule of Criminal Procedure 151 is revised, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2019.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART E. Miscellaneous Warrants

Rule 150. Bench Warrants.

(A) In a court case when a bench warrant is executed, the case is to proceed in accordance with the following procedures.

(1) When a defendant or witness is arrested pursuant to a bench warrant, he or she shall be taken without unnecessary delay for a hearing on the bench warrant. The hearing shall be conducted by the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee to conduct bench warrant hearings.

(2) In the discretion of the judicial officer, the bench warrant hearing may be conducted using two-way simultaneous audio-visual communication.

(3) When the individual is arrested in the county of issuance, if the bench warrant hearing cannot be conducted promptly after the arrest, the defendant or witness shall be lodged in the county jail pending the hearing. The authority in charge of the county jail promptly shall notify the court that the individual is being held pursuant to the bench warrant.

(4) When the individual is arrested outside the county of issuance, the authority in charge of the county jail promptly shall notify the proper authorities in the county of issuance that the individual is being held pursuant to the bench warrant.

(5) The bench warrant hearing shall be conducted without unnecessary delay after the individual is lodged in the jail of the county of issuance on that bench warrant.

(a) When the bench warrant is issued by the supervising judge of a "multi-county" investigating grand jury, the individual shall be detained only until the supervising judge is available to conduct the bench warrant hearing.

(b) In all other cases, the individual shall not be detained without a bench warrant hearing on that bench warrant longer than 72 hours, or the close of the next business day if the 72 hours expires on a non-business day.

(6) At the conclusion of the bench warrant hearing following the disposition of the matter, the judicial officer immediately shall vacate the bench warrant.

(7) If a bench warrant hearing is not held within the time limits in paragraph (A)(5)(b), the bench warrant shall expire by operation of law.

(B) As used in this rule, "judicial officer" is limited to the magisterial district judge or common pleas court judge who issued the bench warrant, or the magisterial district judge or common pleas court judge designated by the president judge or by the president judge's designee to conduct bench warrant hearings, or in Philadelphia, trial commissioners **and Philadelphia Municipal Court judges**.

Comment

This rule addresses only the procedures to be followed after a bench warrant is executed, and does not apply to execution of bench warrants outside the Commonwealth, which are governed by the extradition procedures in 42 Pa.C.S. § 9101 *et seq.*, or to warrants issued in connection with probation or parole proceedings.

For the bench warrant procedures when a witness is under the age of 18 years, see Rule 151.

Paragraph (A)(2) permits the bench warrant hearing to be conducted using two-way simultaneous audio-visual communication, which is a form of advanced communication technology. *See* Rule 103. Utilizing this technology will aid the court in complying with this rule, and in ensuring individuals arrested on bench warrants are not detained unnecessarily.

Once a bench warrant is executed and the defendant is taken into custody, the bench warrant no longer is valid.

To ensure compliance with the prompt bench warrant hearing requirement, the president judge or the president judge's designee may designate only a magisterial district judge to cover for magisterial district judges or a common pleas court judge to cover for common pleas court judges. *See also* Rule 132 for the temporary assignment of magisterial district judges. In Philadelphia, the current practice of designating trial commissioners **and Philadelphia Municipal Court judges** to conduct bench warrant hearings is acknowledged in paragraph (B).

It is expected that the practices in some judicial districts of a common pleas court judge (1) indicating on a bench warrant the judge has issued that the bench warrant is a "judge only" bench warrant, or (2) who knows he or she will be unavailable asking another common pleas court judge to handle his or her cases during the common pleas court judge's absence, would continue.

Paragraph (A)(5)(a) recognizes the procedural and substantive differences between "multi-county" investigating grand jury proceedings and all other proceedings in the court of common pleas, including a county investigating grand jury, by eliminating the time limit for conducting the bench warrant hearing when the bench warrant is issued by the multi-county investigating grand jury supervising judge. *See* Rules 240—244 and 42 Pa.C.S. § 4544. When the supervising judge issues a bench warrant, the bench warrant hearing must be conducted expeditiously when the supervising judge is available.

Paragraph (A)(6) requires the judicial officer to vacate the bench warrant at the conclusion of the bench warrant hearing. The current practice in some judicial districts of having the clerk of courts cancel the bench warrant upon receipt of a return of service is consistent with this paragraph, as long as the clerk of courts promptly provides notice of the return of service to the issuing judge.

It is incumbent upon the president judge or the president judge's designee to establish procedures for the monitoring of the time individuals are detained pending their bench warrant hearing.

For the procedures concerning violation of the conditions of bail, see Chapter 5 Part C.

As used in this rule, "court" includes magisterial district judge courts.

For the bench warrant procedures in summary cases, see Rules 430(B) and 431(C).

For procedures for the detention of witnesses, see Rule 522.

For the arrest warrants that initiate proceedings in court cases, see Chapter 5, Part B(3)(a), Rules 513, 514, 515, 516, 517, and 518. For the arrest warrants that initiate proceedings in summary cases, see Chapter 4, Part D(1), Rules 430(A) and 431(B).

***Official Note*: Adopted December 30, 2005, effective August 1, 2006; Comment revised October 24, 2013, effective January 1, 2014; amended December 7, 2018, effective April 1, 2019**.

Committee Explanatory Reports:

Final Report explaining new Rule 150 providing procedures for bench warrants published with the Court's Order at 36 Pa.B. 184 (January 14, 2006).

Final Report explaining the October 24, 2013 Comment revision adding a cross-reference to new Rule 151 published with the Court's Order at 43 Pa.B. 6654 (November 9, 2013).

Final Report explaining the December 7, 2018 amendment regarding procedures for the detention of witnesses pursuant to Rule 522 published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).

Rule 151. Bench Warrant Procedures When Witness is Under Age of 18 Years.

(A) In a court case when a bench warrant for a witness under the age of 18 years is executed, except as provided in this rule, the case is to proceed in accordance with the procedures in Rule 150.

(B) Upon execution of the warrant for a minor witness, the arresting officer immediately shall inform the proper judicial officer and a parent or guardian of the minor witness of the arrest of the minor witness.

(C) *Execution of Bench Warrant in County of Issuance*

(1) If the judicial officer who issued the bench warrant, or another judicial officer designated by the president judge or by the president judge's designee, is not available to conduct the bench warrant hearing without unnecessary delay, the minor witness shall be taken before the on-call judge of the court of common pleas.

(a) The on-call judge shall determine whether to release the witness or to detain the witness pending the bench warrant hearing. If the bench warrant specifically orders detention of the minor witness, the on-call judge shall not release the witness.

(b) If the on-call judge determines the witness must be detained, the witness shall be detained in a detention facility. The on-call judge shall notify the parent or guardian of the minor witness of the detention.

(2) The minor witness shall not be detained without a bench warrant hearing on that bench warrant longer than 24 hours, or the close of the next business day if the 24 hours expires on a non-business day.

(D) *Execution of Bench Warrant Outside County of Issuance*

(1) The minor witness shall be taken before a common pleas court judge of the county of arrest without unnecessary delay and in no case later than the end of the next business day.

(2) The judge shall identify the minor witness as the subject of the bench warrant, decide whether detention as a minor witness is necessary, and order that arrangements be made immediately to transport the minor witness to the county of issuance.

(3) If transportation cannot be arranged immediately, the minor witness shall be released unless the bench warrant specifically orders detention of the witness. In this case, the minor witness shall be detained in an out-of-county detention facility.

(4) If detention is ordered, the minor witness shall be brought to the county of issuance within 72 hours from the execution of the bench warrant.

(5) If the time requirements of this paragraph are not met, the minor witness shall be released.

Comment

This rule was adopted in 2013 to establish the procedures when a witness subject to a bench warrant is under the age of 18. The procedures following the execution of a bench warrant set forth in Rule 150 apply to cases when the witness is under the age of 18, except as otherwise provided in this rule.

Paragraph (B) ensures that the judicial officer who issued the bench warrant is aware that the minor witness has been arrested, and that a parent or guardian of the arrested minor witness is notified of the arrest.

The procedures in paragraph (C) for cases in which the bench warrant is executed in the county of issuance, recognize the need, when the issuing judicial officer is unavailable, to conduct the bench warrant hearing, for the common pleas court judge who is on call to determine whether a minor witness may be released or must be detained. If the minor witness is detained, the bench warrant hearing must be held no later than the end of the next business day. If the bench warrant hearing is not conducted within this time period, the minor witness must be released.

The minor witness may not be detained in an adult facility pending a bench warrant hearing.

In cases in which the bench warrant is executed outside the county of issuance, the minor witness must be transported to the county of issuance within 72 hours of the execution of the bench warrant, and the bench warrant hearing must be conducted by the end of the next business day.

As used in this rule, "minor witness" means a witness who is under the age of 18 years, and "proper judicial officer" means the judicial officer who issued the bench warrant, or, another judicial officer designated by the president judge or by the president judge's designee.

When a witness under the age of 18 years is to be detained pursuant to Rule 522, the procedures in this rule are applicable.

***Official Note*: Adopted October 24, 2013, effective January 1, 2014; Comment revised December 7, 2018, effective April 1, 2019**.

Committee Explanatory Reports:

Final Report explaining the October 24, 2013 adoption of new Rule 151 providing procedures for bench warrants when a witness is under the age of 18 published with the Court's Order at 43 Pa.B. 6655 (November 9, 2013).

Final Report explaining the December 7, 2018 Comment revision regarding procedures for the detention of witnesses pursuant to Rule 522 published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C. Bail

Rule 522. Detention of Witnesses.

(A) After an accused has been arrested for any offense, upon application of the attorney for the Commonwealth or defense counsel, and subject to the provisions of this chapter, a court may set bail for any material witness named in the application. The application shall be supported by an affidavit setting forth adequate cause for the court to conclude that the witness will fail to appear when required if not held in custody or released on bail. Upon receipt of the application, the court may issue process to bring any named witnesses before it for the purpose of demanding bail.

(B) If the material witness is unable to satisfy the conditions of the bail bond after having been given immediate and reasonable opportunity to do so, the court shall commit the witness to jail, provided that at any time thereafter and prior to the term of court for which the witness is being held, the court shall release the witness when the witness satisfies the conditions of the bail bond.

(C) Upon application, a court may release a witness from custody with or without bond, or grant other appropriate relief.

(D) If process has been issued pursuant to paragraph (A) for a material witness who is under the age of 18 years, the procedures provided in Rule 151 shall apply.

Comment

This rule does not permit a witness to be detained prior to the arrest of the defendant, since an arrest might never take place and the witness could be held indefinitely.

"Conditions of the bail bond" as used in this rule include the conditions set forth in Rule 526(A) and the conditions of release defined in Rules 524, 527, and 528.

Pursuant to paragraph (C), a witness may be released on his or her own recognizance conditioned upon the witness' written agreement to appear as required. *See* Rule 524.

This rule does not affect the compensation and expenses of witnesses under the Judicial Code, 42 Pa.C.S. § 5903, or the provisions of the Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings. *See* 42 Pa.C.S. §§ 5963(c) and 5964(b) relating to bail.

In cases in which bail is set for a material witness pursuant to this rule, the court should consider all the types of release permitted in Rule 524 and the conditions of nonmonetary release upon bail available under Rule 527. When a material witness is to be detained, the court should impose the least restrictive means of assuring that witness' presence, including the use of release on the witness' own recognizance or release upon other nonmonetary conditions, such as electronic monitoring, especially when the witness has limited financial means to post monetary bail.

***Official Note*:** Former Rule 4017, previously Rule 4014, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4017 July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by present Rule 522. Present Rule 4017 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 522 and amended March 1, 2000, effective April 1, 2001; Comment revised April 28, 2006, effective August 1, 2006**; amended December 7, 2018, effective April 1, 2019**.

Committee Explanatory Reports:

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477 (March 18, 2000).

Final Report explaining the April 28, 2006 revision to the Comment concerning electronic monitoring published with the Court's Order at 36 Pa.B. 2279 (May 13, 2006).

Final Report explaining the December 7, 2018 amendments concerning material witnesses under the age of 18 years published with the Court's Order at 48 Pa.B. 7749 (December 22, 2018).

FINAL REPORT[1]

Amendment of Pa.Rs.Crim.P. 150 and 522 and Revision of the Comment to Pa.R.Crim.P. 151

Material Witness Under 18 Taken Into Custody

On December 7, 2018, effective April 1, 2019, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 150 (Bench Warrants) and 522 (Detention of Witnesses) and revised the Comment to Rule 151 (Bench Warrant Procedures When Witness is under Age of 18 Years) to clarify that the bench warrant procedures in Rule 151 are applicable to the situation when a material witness who is under the age of 18 is to be taken into custody.

The Committee was posed with the question of what should be done when a material witness who is taken into custody pursuant to Rule 522 is under the age of 18. Rule 522 (Detention of Witnesses) provides procedures for restricting the liberty of a material witness when there is cause to believe the witness will not appear for trial. The rule provides that, upon application of the Commonwealth or defense counsel, a court may set bail for a witness who likely is not to appear to testify. Process may be issued to bring the witness before the court for purposes of demanding bail. Paragraph (B) of the rule provides that, if the witness cannot satisfy the conditions of bail, the witness may be committed to jail but must have the opportunity to post bail at any time.

Rule 151 (Bench Warrant Procedures When Witness is Under Age of 18 Years) was developed in 2013 to provide procedures for bench warrants issued to minor witnesses who failed to respond to a subpoena. This was based on Rule of Juvenile Court Procedure 140 (Bench Warrants for Failure to Appear at Hearings) and was intended to address the various issues that arise when a person under the age of 18 is taken into custody. Rule 151 includes required notice to the issuing authority and parents or guardians as well as procedures to ensure early judicial review for an under-18 witness who is being held. *See* 43 Pa.B. 6655 (November 9, 2013).

[1] The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

The Committee concluded that the same protections should apply for those under-18 determined to be reluctant material witnesses as is provided for under-18 witnesses who have failed to respond to subpoenas. Therefore, a new paragraph (D) has been added to Rule 522 that states that the Rule 151 procedures apply in these circumstances. A revision to the Comment to Rule 151 similarly states that the procedures in Rule 151 apply to an under-18 witness being detained pursuant to Rule 522. Additionally, a cross-reference to Rule 522 has been to the Rule 150 (Bench Warrants) Comment.

During the Committee's discussion, it was noted that the practice in Philadelphia was for bench warrant hearings to be conducted by Philadelphia Municipal Court judges in addition to being held by Philadelphia trial commissioners. This has been clarified by an amendment to paragraph (B) of Rule 150 and by a revision to the Comment.

[Pa.B. Doc. No. 18-1965. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules; Amendments to Local Civil Rules; No. 10020 of 2018

Administrative Order

The following amendments to the Beaver County Local Rules of Civil Procedure are hereby adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is hereby Ordered and Directed that the following Local Rules of Civil Procedure be added/amended as follows:

LR205.2(b). Cover Sheet.

(1) *Complaint/initial pleading*

In addition to the state required cover sheet, a complaint or initial pleading shall be accompanied by a Beaver County cover sheet. The cover sheet shall be in the form set forth below:

Court of Common Pleas of Beaver County

Civil Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
	DEFENDANT'S NAME
	DEFENDANT'S ADDRESS

TOTAL NO. OF PLAINTIFF	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION
		[ ]Complaint [ ] Notice of Appeal
		[ ] Writ of Summons [ ]Transfer from Other Jurisdictions

AMOUNT IN CONTROVERSY	CASE TYPE		
[ ] $25,000 or less	[ ] Motor Vehicle	[ ] Mortgage Foreclosure	[ ] Partition
	[ ] Medical Malpractice	[ ] Ejectment	[ ] Declaratory Judgment
	[ ] Other Professional Liability	[ ] Statutory Appeals	[ ] Replevin
[ ] Over $25,000	[ ] Product Liability	[ ] Quiet Title	[ ] Asbestos
ARBITRATION CASE	[X] Other : _____		[ ] Domestic Relations
			[ ] Divorce
[ ] Yes			[ ] Custody
[ ] No			

TO THE PROTHONOTARY:		
NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT):		ADDRESS (SEE INSTRUCTIONS)
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS
SIGNATURE	SUPREME COURT IDENTIFICATION NO	DATE

The cover sheet shall also be published on the Court website, www.beavercountypa.gov

(2) *Subsequent pleadings*

All subsequent pleadings shall be accompanied by a cover sheet in the form as published on the Court website, www.beavercountypa.gov

* * * * *

LR212.1. Civil Actions. Certification for Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

The following rule shall apply to only those civil actions filed prior to January 1, 2019 (any actions filed on that date or thereafter shall be governed by LR301—pertaining to civil case management):

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

Note: This provision is intended to constitute the Notice Required by Pa.R.C.P. No. 212.1(a).

B.(1) A civil action shall be certified for trial by jury, judge or board of arbitration, by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L208.3(a) has been given.

Note: The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pretrial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).

* * * * *

LR212.2A. Pre-Trial Conference and Pre-Trial Statements.

A. Unless otherwise directed by the court, a Pre-Trial Conference shall be scheduled by the Court Administrator for every case certified for jury trial, or by the Court in a case management order. Pre-Trial Conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) Prior to the Pre-Trial Conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.

(2) Pre-Trial statements which comply with Pa.R.C.P. No. 212. Shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition, to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:

(a) A statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority:

(b) An itemized statement of all medical and hospital and other bills and expenses claimed;

(c) An itemized statement of lost earnings and impairment of earning power together with the basis therefore;

(d) A statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included;

Note: Although Pa.R.C.P. No. 212.2(a)(5) requires the inclusion of an expert report or proper answer to interrogatory, and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records, nor illegible office notes, are to be included.

(e) All trial exhibits are to be marked for identification but need not be attached to the Pre-Trial Statement.

(3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by trial counsel as

well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the MCARE Fund and any defendant whose personal approval of a settlement offer is required and has not been given.

Note: Where a liability insurance carrier, the MCARE Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion setting forth the reasons for the request and shall be presented in accordance with LR208.3(a).

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed.

(4) After the Pre-Trial Conference has concluded, no Supplemental Pre-Trial Statement may be filed without leave of court for cause shown.

* * * * *

CIVIL CASE MANAGEMENT

LR301. Initial Case Management Conference.

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated in the Court calendar.

The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

(1) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

(2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.

a. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

Note: Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (see LR212.2B) since fact discovery will presumably have been completed by this time.

(3) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

a. Actions in mortgage foreclosure;

b. Actions subject to compulsory arbitration;

c. Actions pursuant to protection from abuse;

d. Actions for support;

e. Actions for custody, partial custody, and visitation of minor children;

f. Actions of divorce or annulment of marriage; and

g. Real estate assessment appeals.

(4) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:

a. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;

b. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

Note: While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court encourages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

(5) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.

a. In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (5) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

b. If the case was not initiated as one subject to compulsory arbitration but the Court determines at the time of the conference that it should have been filed as such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

c. If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

d. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.

e. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court

deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.

(6) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (4) may result in sanctions, at the discretion of the Court including, but not limited to:

a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, See 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);

b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;

c. Any other sanction the Court deems appropriate.

(7) Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court sua sponte doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

FORM 301A

(CAPTION)

LR301 CIVIL CASE SUMMARY

NATURE OF THE CASE

1. Please set forth the general nature of the case:

_____

_____

_____

PENDING/ANTICIPATED PRELIMINARY OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case? Yes _____ No _____

If yes, please provide more detail:

_____

_____

SUGGESTED DATES

3. Set forth suggested dates for the following:

Date by which fact discovery should be completed:

Date by which expert reports should be exchanged:

Dates by which dispositive motions and responses thereto should be filed:

Dates proposed for pre-trial conference:

WRIT OF SUMMONS/MDJ APPEAL

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts and a complaint has not yet been filed? Yes _____ No _____

If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference? Yes _____ No _____

ADR

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution?
Yes _____ No _____

a. If yes, select one or more of the following:

Mediation ☐ Arbitration ☐
Binding 6-Member Jury Panel ☐

* * * * *

LR1028(c). Procedures for Disposition of Preliminary Objections.

Except as otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation, Preliminary Objections shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed 10 pages in length. Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praecipe for Argument by either party.

(1) A Praecipe for Argument form can be secured from the Prothonotary. The original must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the preliminary objections.

(2) Upon receipt of a copy of the Praecipe for Argument and the preliminary objection, the Court Administrator shall place the case on a list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

(3) Where preliminary objections raise an issue under Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8), the filing party shall first present a Motion for a Scheduling Order in Civil Motions Court, along with a copy of the preliminary objections which the party intends to file attached as an exhibit and accompanied by an Order in substantially the following form:

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the foregoing Motion for a Scheduling Order, it is hereby ordered that:

(1) The attached preliminary objections shall be filed by the moving party, endorsed with a notice to plead, within ___ days of this Order;

(2) Non-moving parties shall file response(s) to the preliminary objections, if required, within _____ days of this Order;

(3) All discovery related to the issues raised in the preliminary objections shall be completed by _____;

(4) Any evidence that the parties wish the court to consider shall be filed with the Prothonotary by _____;

(5) The moving party shall file a Praecipe for Argument with the Court Administrator after the expiration of the discovery period, but no later than _____.;

(5A) Alternatively, argument shall be held on _____, _____ at ___ : ___ in Courtroom ___ of the Beaver County Courthouse;

(6) The brief of the moving party shall be filed by _____ and any response briefs shall be filed by _____; and

(7) Notice of the entry of this order shall be provided to all other parties by the moving party.

BY THE COURT

_____
J.

At the time of the presentation of the motion, the Court shall issue a scheduling Order in accordance with the proposed Order set forth above. Failure of a party to comply with this subsection may result in sanctions.

(4) The briefing schedule is governed by LR211C unless otherwise ordered by the court.

* * * * *

LR1301E. Discovery.

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

* * * * *

LR1302E. Scheduling of Cases.

(a) All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

(b) Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

(c) All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Copies of all hearing notices shall be filed with proof of mailing.

(d) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

(e) When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be grounds to continue the hearing.

(f) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

(g) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

* * * * *

LR4011. Limitation of Scope of Written Discovery and Deposition.

A. Written discovery in all civil cases shall be limited to 30 written interrogatories, 10 requests for admission, and 15 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown and except in those cases governed by Pa.R.C.P. 1930.5 (domestic relations matters) and personal injury claims under LR1301A et.seq. (compulsory arbitration).

B. In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule LR1301A et seq. (compulsory arbitration) shall be limited in personal injury claims to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown. In cases governed by Rule LR1301A et seq. (compulsory arbitration) which do not involve personal injury claims, discovery shall be governed by LR4011A and LR4011C.

C. In order to avoid unreasonable annoyance or expense, unless otherwise ordered by the Court for cause shown, or by agreement of the parties, discovery depositions shall be limited to 1 1/2 hours in length with an additional 1/2 hour per each additional party. The total accumulated time allotted each side for all discovery depositions shall not exceed five (5) hours.

* * * * *

The District Court Administrator is directed to:

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

2. Submit two (2) certified copies of this Administrative Order and a copy on computer diskette or CD-ROM containing the text of the Administrative Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Submit one (1) certified copy of this Administrative Order to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

4. Publish a copy of this Administrative Order on the Beaver County Court of Common Pleas website, http://www.beavercountypa.gov/Depts/Courts/CCP/Pages/LocalRules.aspx, after publication in the *Pennsylvania Bulletin*;

5. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Office of the Prothonotary of Beaver County; and

6. Keep a copy of this Administrative Order continuously available for public inspection and copying in the Beaver County Law Library.

By the Court

RICHARD MANCINI,
President Judge

[Pa.B. Doc. No. 18-1966. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Appointment of Orphans' Court Master; MsD No. 2 of 2017

Administrative Order of Court

And Now, this 3rd day of December, 2018, upon its own motion, the Court hereby vacates the Administrative Order of Court entered on October 7, 2017 in which a master in Orphans' Court was appointed.

It is further ordered that this Administrative Order shall be effective immediately upon publication in the *Pennsylvania Bulletin*.

It is finally ordered that in accordance with Pa.R.J.A. 103 that the District Court Administrator shall:

(a) File one copy hereof with the Administrative Office of Pennsylvania Courts,

(b) Distribute two paper copies and one electronic copy hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

(d) Publish this Administrative Order on the Butler County Court website.

(e) File a copy of the Administrative Order in the Butler County office of the Clerk of the Orphans' Court for inspection and copying.

By the Court

WILLIAM R. SHAFFER,
Administrative Judge

[Pa.B. Doc. No. 18-1967. Filed for public inspection December 21, 2018, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 5th day of December, 2018, Dauphin County Local Rule of Criminal Procedure 576.1 is promulgated as follows:

Rule 576.1. Electronic Filing in Criminal Dockets.

A. The Dauphin County Clerk of Courts Office and the Administrative Office of Pennsylvania Courts (AOPC) agreed upon an implementation plan for PACFile in Dauphin County for certain criminal filings. Legal papers may be filed electronically using the PACFile electronic filing system pursuant to Pa.R.Crim.P. 576.1. Electronic filing is permissive and not mandatory.

B. *Legal Papers Defined.* "legal papers" shall include all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, except for the following:

(1) Applications for search warrants;

(2) Applications for arrest warrants;

(3) Grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;

(4) Submissions filed ex parte as authorized by law, and

(5) Submissions filed or authorized to be filed under seal.

C. Attorneys or self-represented parties who file legal papers electronically must establish a PACFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed using PACFile.

D. Applicable filing fees for the electronically filed legal papers shall be paid electronically to the Clerk of Courts simultaneously with the filing.

E. A party who was granted In Forma Pauperis status shall not pay filing fees to the Clerk of Courts.

F. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

G. The Clerk of Courts Office shall convert legal papers in paper format to an electronic PDF or PDF-A version except for those listed in Rule 576.1(B). Once converted to PDF or PDF-A, the PDF or PDF-A version shall be deemed to be the original legal paper and shall be used as such for all purposes. The Clerk of Courts or the Court is not required to maintain a hard copy of any legal paper filed electronically.

H. *Service of Legal Papers.*

(a) Attorneys or self-represented parties who are unable or unwilling to participate in electronic filing of documents are permitted to file and serve the legal papers in a physical paper format.

(b) Service of legal papers on any attorney or party who has not established an account as provided in subsection (C) of this rule shall be made in accordance with Pa.R.Crim.P. 576. Specifically, the following offices must be served in accordance with Rule 576: Sheriff, Probation Services, Court Reporter, and Court Administration. This applies to the service of court orders and notices. Distribution to those parties not automatically served via PACFile with a court order or notice must be filed with the Clerk of Courts office with a complete distribution legend listing the names and addresses of all parties required to be served with a paper copy.

This rule shall be effective thirty (30) days from date of publication.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 18-1968. Filed for public inspection December 21, 2018, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2019; No. 508 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 5th day of December, 2018, the emergency duty assignment for the year 2019, is herewith adopted.

January	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
February	Justice Max Baer Justice Kevin Dougherty	(Eastern District) (Western District)
March	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
April	Justice David Wecht Justice Debra Todd	(Eastern District) (Western District)
May	Justice Kevin Dougherty Justice Max Baer	(Eastern District) (Western District)
June	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)
July	Justice Debra Todd Justice David Wecht	(Eastern District) (Western District)
August	Justice Max Baer Justice Kevin Dougherty	(Eastern District) (Western District)
September	Justice Christine Donohue Justice Sallie Updyke Mundy	(Eastern District) (Western District)
October	Justice David Wecht Justice Debra Todd	(Eastern District) (Western District)
November	Justice Kevin Dougherty Justice Max Baer	(Eastern District) (Western District)
December	Justice Sallie Updyke Mundy Justice Christine Donohue	(Eastern District) (Western District)

[Pa.B. Doc. No. 18-1969. Filed for public inspection December 21, 2018, 9:00 a.m.]