

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 7]

Amendment of Rule 701 of the Rules of Judicial Administration; No. 516 Judicial Administration Doc.

Order

Per Curiam

And Now, this 23rd day of May, 2019, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 701 of the Rules of Judicial Administration is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendment is found to be in the interest of efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective January 6, 2020.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 7. ASSIGNMENT OF JUDGES

ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

(1) To be eligible for senior certification, a magisterial district judge, judge or justice:

(a) shall have served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment for an aggregate period equaling ten years;

(b) shall not have been defeated for reelection or retention; and

(c) shall be at least sixty-five years of age on the date on which he or she begins senior service, or have a combination of years of judicial service plus age that totals at least seventy for magisterial district judges or at least eighty for judges and justices. However, this subsection (c) shall not apply to those serving in senior status as of the effective date of this rule.

(2) In addition to paragraph (1), any duly elected magisterial district judge, judge or justice, having an aggregate of five years of judicial service, who is required to retire due to mandatory retirement age, shall be eligible for certification.

(3) Judges seeking senior status must apply for such status immediately upon retirement. Thereafter, requests for senior status shall be granted only upon application to and approval by the Supreme

Court, which approval will be granted only upon a showing of compelling and exceptional circumstances.

Official Note: As a matter of state law passed to conform with federal law, judges who otherwise qualify for senior service but retire before age 62 cannot serve as senior judges and simultaneously receive their state pension until they have reached age 62 or have been an annuitant (retiree) for one year, whichever is earlier. See 71 Pa.C.S. § 5706(a)(1), (2) & (a.4). Such judges must choose between (1) receiving their pension but delaying senior service (accepting judicial assignments) until they reach one of those thresholds, or (2) delaying receipt of their pension (and associated retiree medical benefits) while serving as a senior judge (accepting assignments) during that period. Judges who retire before age 62 and who seek senior status must apply immediately upon retirement but may request to delay service. Delaying service will not affect the applicability of the relevant code of judicial conduct, including but not limited to those provisions regulating personal and extrajudicial activity, see Pa. Code of Jud. Conduct (Canon 3); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 3), and political activity, see Pa. Code of Jud. Conduct (Canon 4); Pa. Rules Governing Standards of Conduct of Magisterial District Judges (Canon 4).

[(3)] (4) Senior status shall end on the last day of the calendar year in which a magisterial district judge, judge or justice attains age seventy-eight; however, those serving in senior status as of the effective date of this rule who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

[(4)] (5) For certification of senior status, a magisterial district judge, judge or justice shall verify such additional information as required by the application for certification forms authorized under paragraph (B) below.

[(5)] (6) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph [(3)] (4) above.

[(6)] (7) Certification of a magisterial district judge, judge or justice for senior status shall be subject to the pleasure of the Supreme Court. The Supreme Court at any time, in the exercise of its sole discretion, may rescind or revoke a senior certification.

Official Note: Paragraph [(6)] (7) was added in 2016 to clarify that certification of senior status is (and always has been) a matter that is subject to the pleasure of the Supreme Court.

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[Pa.B. Doc. No. 19-852. Filed for public inspection June 7, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BERKS COUNTY

Amendments to Local Rules; No. 19-1 Prothonotary

Order

And Now, this 15th day of May, 2019, the following amendments to Berks County Rules of Civil Procedure 1302(c) shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.J.A. No. 103(d)(5)(iii).

(New language is bold and underscored, and deleted 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 rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.

2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to 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 rule 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 1302. Administration.

...

(c) Every attorney admitted to practice before the Supreme Court of Pennsylvania [**with a primary office located**] **who primarily practices** in Berks County shall file with Court Administration appropriate information on a form designated by Court Administration for this purpose, indicating whether or not said attorney is practicing alone, is a member of a firm, or is associated in some way with one or more other lawyers (either in private practice or as an employee of some public office such as the district attorney's office, public defender's office, legal aid, etc.). Said attorney shall also notify Court Administration on said form whether said attorney is willing to serve as an arbitrator, [**the location of his/her primary office**] **whether he-she primarily practices in Berks County**, whether he-she is admitted to practice law in the Commonwealth of Pennsylvania and any qualifications for chairperson as required in B.R.C.P. 1302.2. Any change in status in this regard shall immediately be reported to Court Administration.

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[Pa.B. Doc. No. 19-853. Filed for public inspection June 7, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUCKS COUNTY

Order Promulgating Rules of Civil Procedure 212.7 Case Management Orders, 212.8 Case Intervention Program and 241 Attorney and Party Contact Information; Administrative Order No. 94

Order

And Now, this 15th day of May 2019, pursuant to Pa.R.C.P. No. 239, Bucks County Rules of Civil Procedure 212.7 Case Management Orders, 212.8 Case Intervention Program and 241 Attorney and Party Contact Information, are promulgated as follows:

Rule 212.7. Case Management Orders.

(a) Case Management Orders may be submitted for Court approval by agreement of all parties to a matter by filing with the Office of the Prothonotary. Such agreed Case Management Orders shall be substantially in the form approved by the Court and available at <http://buckscounty.org/Courts/DocketForms>. At a minimum, every agreed Case Management Order shall contain the following, subject to rejection from filing by the Office of the Prothonotary or the Office of the Court Administrator:

(1) current contact information for all parties and counsel, including mailing address, telephone number, and email address;

(2) the type of proceeding necessary, i.e., arbitration or trial;

(3) the estimated amount of time, in days, necessary for such proceeding; and

(4) the date on which the Office of the Court Administrator shall consider the matter ready for listing for arbitration or trial.

Note: This rule does not apply to cases requiring a date certain trial listing. A case management order in such cases will be entered only after a conference with the Office of the Court Administrator, Calendar, or other designated Court staff. See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for more information regarding date certain listing.

A specific date, i.e., month, date and year, on which the case will be considered ready for listing is required to be included in an agreed Case Management Order. A general, indefinite or contingent time frame, e.g., "30 days from the disposition of any motion for summary judgment," is not acceptable and will subject the order to rejection by the Prothonotary or the Office of the Court Administrator.

(b) Amendments to Case Management Orders are discouraged, but may be submitted by agreement of all parties and shall meet the minimum requirements of subsection (a) above.

(c) In the case that the parties are unable to reach agreement as to the terms of a Case Management Order or an amendment thereof, any party may file a motion for a case management conference. Upon review of the motion and in the Court's discretion, a conference may be scheduled at which the sole issue before the Court shall be determination and entry of a Case Management Order.

Rule 212.8. Case Intervention Program.

(a) The Court will enter a Case Intervention Order on or about the date one year from the date of initial filing in all civil cases, excluding Family Court matters, which have not been:

- listed for trial or arbitration;
- made subject to a Case Management Order; or
- otherwise resolved of record.

Note: This rule does not apply to any action filed in the Criminal and Orphans' Court divisions. For the purpose of this rule, "Family Court matters" are actions before the Domestic Relations Section, including actions pursuant to the Protection from Abuse Act (Pa.R.C.P. No. 1901 et seq.), actions for Support (Pa.R.C.P. No. 1910.1 et seq.), actions for Custody (Pa.R.C.P. No. 1915.1 et seq.), and actions for Divorce (Pa.R.C.P. No. 1920.1 et seq.).

(b) The Case Intervention Order will direct the parties, within seven months of entry of the order, to:

(1) list the matter for trial or arbitration pursuant to B.C.R.C.P. No. *261;

(2) submit to the Court an agreed Case Management Order in a required form promulgated by the Court; or

(3) where the parties believe the case will require a date certain trial listing, take the appropriate steps for entry of a date certain Case Management Order.

Note: See <http://buckscounty.org/Courts/CourtAdministration/Calendar> for information regarding date certain listing.

(c) Should the parties fail to take one of the three actions enumerated by the Case Intervention Order within the given seven month time frame, the Court will enter a Case Management Order, sua sponte, which will authorize the Court Administrator to list the matter for trial or arbitration at any time after 22 months have passed from the date of initial filing.

(d) Amendment of any Case Management Order entered sua sponte will not be ordered by the Court absent agreement of all parties or extraordinary circumstances.

Explanatory Comment: The purpose of this rule is to create a procedure whereby all civil cases will be either subject to a Case Management Order or eligible to be listed for arbitration or trial prior to the passage of two years from the date of initial filing.

An agreed Case Management Order form has been promulgated by the Court, and any agreed Case Management Order must comply in substance with that form. See B.C.R.C.P. No. 212.7, Case Management Orders, for further information.

Where the parties fail to list the matter for trial or arbitration, or to agree to the terms of a Case Management Order within seven months of entry of the Case Intervention Order, it is the Court's intent that the sua sponte Case Management Order will be final and binding. As such, except by agreement among all parties, any sua sponte Case Management Order will not be amended absent truly extraordinary circumstances. Discovery disputes, outstanding motions and attorney/witness availability will not be considered "extraordinary circumstances" for the purposes of this rule.

Rule 241. Attorney and Party Contact Information.

(a) It is the sole responsibility of attorneys and unrepresented parties in matters before the Court to maintain current and accurate contact information with the Court. The term "contact information" shall include a valid mailing address and telephone number for the attorney or unrepresented party, and if the attorney or unrepresented party is a registered e-filer, it shall further include a valid email address for the party or attorney.

(b) The failure of any attorney or unrepresented party to maintain current and accurate contact information with the Court may result in the attorney or unrepresented party failing to receive timely notice of Court orders, scheduled case events and other proceedings. Such failure will not be considered by the Court as an excuse for the attorney's or unrepresented party's failure to timely file responsive documents, appear for scheduled proceedings, or comply with Court orders.

Note: A form Praeceptum for Change of Address/Contact Information has been approved by the Court and is available at <http://buckscounty.org/government/RowOfficers/Prothonotary/Forms>. A valid email address must be provided when registering to use to Prothonotary's e-filing system, and may be updated as necessary using that system.

This Rule shall take effect thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 19-854. Filed for public inspection June 7, 2019, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that James Herbert Wolfe, III having been suspended from the practice of law in New Jersey; the Supreme Court of Pennsylvania issued an Order dated May 17, 2019 suspending James Herbert Wolfe, III from the practice of law in this Commonwealth for a period of one year, effective June 16, 2019. 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*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 19-855. Filed for public inspection June 7, 2019, 9:00 a.m.]