

# THE COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Commencement of Proceedings—Surcharge on Protection of Victims of Sexual Violence or Intimidation Order; No. 15-1754

##### Administrative Order No. 11-2015 (Amended)

*And Now*, this 24th day of June 2019, pursuant to 42 Pa.C.S.A. § 62A01 et seq, it is hereby *Ordered* and *Decreed* that Administrative Order No. 11-2015 is *Amended*, and that effective August 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain a separate line item for the twenty-five dollar (\$25.00) surcharge collected on all Protection of Victims of Sexual Violence or Intimidation cases to be used by the Carbon County Court of Common Pleas pursuant to 42 Pa.C.S.A. § 62A05(c.1)(2)(ii).

*It Is Further Ordered* and *Decreed* that, effective August 1, 2015, the Carbon County Court of Common Pleas *Directs* that the County of Carbon maintain, in the same separate line item referenced heretofore, the fifty dollar (\$50.00) Contempt for Violation of Order surcharge collected on all Protection of Victims of Sexual Violence or Intimidation cases to be used by the Carbon County Court of Common Pleas pursuant to 42 Pa.C.S.A. § 62A14(d)(5)(ii)(B).

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

1. File two paper copies and one electronic copy in Microsoft Word format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
2. File one copy of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.
3. Publish a copy of the Local Rule on the website of the Carbon County Court of Common Pleas.
4. Incorporate the Local Rule in the complete set of Local Rules no later than 30 days following publication in the *Pennsylvania Bulletin*.
5. Forward one copy for publication in the *Carbon County Law Journal*.
6. Forward one copy to the Carbon County Law Library.
7. Keep copies continuously available for public inspection and copying in the Prothonotary's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 19-1095. Filed for public inspection July 19, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### PACFile Electronic Filing System Established for Clerk of Courts pursuant to Pa.R.Crim.P. 576.1; No. CP-13-AD-0000003-2019

##### Administrative Order No. 7-2019

*And Now*, this 28th day of June 2019, pursuant to Pa.R.Crim.P. 576.1, it is hereby *Ordered* and *Decreed* that, effective July 15th, 2019, Carbon County R.Crim.P. 576.1 is promulgated to authorize use of the PACFile system in the Clerk of Courts office.

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

1. File two paper copies and one electronic copy in Microsoft Word format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
2. File one copy of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.
3. Publish a copy of the Local Rule on the website of the Carbon County Court of Common Pleas.
4. Incorporate the Local Rule in the complete set of Local Rules no later than 30 days following publication in the *Pennsylvania Bulletin*.
5. Forward one copy for publication in the *Carbon County Law Journal*.
6. Forward one copy to the Carbon County Law Library.
7. Keep copies of this order continuously available for public inspection and copying in the Clerk of Courts Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

#### Rule 576.1. Electronic Filing and Service of Legal Papers—Local Rule.

##### (A) General Scope and Purpose of the Rule

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in Carbon County, the 56th Judicial District, as of July 15th, 2019. The Administrative Office of Pennsylvania Courts and the judicial district of Carbon County have agreed upon an implementation plan for PACFile in Carbon County.

##### (B) PACFile

(1) The exclusive system for electronic filing is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal at <https://ujportal.pacourts.us/PACFile.aspx>.

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) At this time, electronic filing through the PACFile System is voluntary. Any party who declines to participate in the PACFile electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ('hard-copy') and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

(C) *Legal Papers*

(1) "Legal papers" are pleadings or other submissions to the court, including motions, answers, notices, or other documents, of which filing is required or permitted, including orders, exhibits and attachments, but excluding:

- (a) applications for search warrants;
- (b) applications for arrest warrants;
- (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (d) submissions filed ex parte as authorized by law; and
- (e) submissions filed or authorized to be filed under seal.

(2) The applicable rules of criminal procedure, general rules of court, and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(3) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (or 'hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(D) *Filing Fees*

Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(E) *Record on Appeal*

Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(3), shall become the record on appeal.

(F) *Confidential Information*

Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts or the Court whether filed electronically or in a paper format.

[Pa.B. Doc. No. 19-1096. Filed for public inspection July 19, 2019, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**  
**WESTMORELAND COUNTY**  
**Rule of Criminal Procedure; No. 3 of 2019**

**Administrative Order of Court**

*And Now*, this 2nd day of July, 2019, *It Is Hereby Ordered* that Westmoreland County Rule of Criminal Procedure WC575, Petition for Competency Evaluation, is hereby adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RITA DONOVAN HATHAWAY,  
*President Judge*

**Rule WC575. Petition for Competency Evaluation.**

A petition requesting a competency evaluation shall contain a verified statement, in a form substantially similar to the one set forth below, indicating whether the defendant has or has not submitted to a competency evaluation in the past and shall set forth, to the extent known, the date on which such evaluation was performed. In the event that the petitioner has been the subject of a prior competency evaluation, he or she shall set forth reasons that another exam is warranted.

STATEMENT AS TO PRIOR COMPETENCY EVALUATION

Petitioner  has OR  
 has not undergone a prior competency evaluation.

Date of prior evaluation: \_\_\_\_\_

Defendant requires an additional competency evaluation for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby verify that the information provided above is true and correct to the best of my knowledge, information and belief.

BY: \_\_\_\_\_  
Counsel for Petitioner

[Pa.B. Doc. No. 19-1097. Filed for public inspection July 19, 2019, 9:00 a.m.]

## COMMONWEALTH COURT

**Appointment of Michael F. Kimmel, Esquire, as Prothonotary of the Commonwealth Court of Pennsylvania; Appointment of Gretchen C. Hanrahan, Esquire, as Chief Legal Counsel of the Commonwealth Court of Pennsylvania; No. 126 Misc. Doc. No. 3**

### Administrative Order

*And Now*, this 9th day of July, 2019, Michael F. Kimmel, Esquire, is hereby appointed Prothonotary of the Commonwealth Court of Pennsylvania to serve as the “clerk of the court,” Pa.R.A.P. 3111, effective July 22, 2019.

Gretchen C. Hanrahan, Esquire, is hereby appointed Chief Legal Counsel to the Commonwealth Court of Pennsylvania to serve as counsel to the court, effective July 22, 2019.

With these appointments, the position formerly referred to as “Chief Clerk” shall become the position of “Prothonotary,” and the position formerly referred to as “Prothonotary” shall become the “Chief Legal Counsel.” This is a change in titles only.

Until such time that Chapter 37 of the Pennsylvania Rules of Appellate Procedure and the Internal Operating Procedures of the Commonwealth Court can be formally amended, references therein to “Chief Clerk” shall be read

to refer to “Prothonotary” and references to “Prothonotary” shall be read to refer to “Chief Legal Counsel,” unless the context clearly suggests otherwise.

*By the Court*

MARY HANNAH LEAVITT,  
*President Judge*

[Pa.B. Doc. No. 19-1098. Filed for public inspection July 19, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated July 8, 2019, David Leonard Quatrella (# 33822) is Disbarred on Consent from the Bar of this Commonwealth retroactive to April 6, 2017. 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. 19-1099. Filed for public inspection July 19, 2019, 9:00 a.m.]