

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 81 ]

#### Amendment of Rule 1.6 of the Pennsylvania Rules of Professional Conduct; No. 182 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 15th day of August, 2019, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the *Pennsylvania Bulletin*, 48 Pa.B. 7743 (December 22, 2018):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.6 of the Pennsylvania Rules of Professional Conduct is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

#### 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 are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

#### Rule 1.6. Confidentiality of Information.

\* \* \* \* \*

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

\* \* \* \* \*

(3) to prevent, mitigate or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services are being or had been used; **[ or ]**

(4) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim or disciplinary proceeding against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client; **[ or ]**

(5) to secure legal advice about the lawyer's compliance with these Rules; **[ or ]**

(6) to effectuate the sale of a law practice consistent with Rule 1.17; **[ or ]**

(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 **[ . ]; or**

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

\* \* \* \* \*

#### Comment:

\* \* \* \* \*

(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 supersedes this Rule and 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.**

\* \* \* \* \*

(23) Paragraph (c) permits but does not require the disclosure of information relating to a client's representation to accomplish the purposes specified in paragraphs (c)(1) through **[ (c)(7) ] (c)(8)**. In exercising the discretion conferred by this Rule, the lawyer may consider such factors as the nature of the lawyer's relationship with the client and with those who might be injured by the client, the lawyer's own involvement in the transaction and factors that may extenuate the conduct in question. A lawyer's decision not to disclose as permitted by paragraph (c) does not violate this Rule. Disclosure may be required, however, by other Rules. Some Rules require disclosure only if such disclosure would be permitted by paragraph (c). See Rules 1.2(d), 4.1(b), 8.1 and 8.3. Rule 3.3, on the other hand, requires disclosure in some circumstances regardless of whether such disclosure is permitted by this Rule. See Rule 3.3(c).

\* \* \* \* \*

[Pa.B. Doc. No. 19-1308. Filed for public inspection August 30, 2019, 9:00 a.m.]

## 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 Misconduct

Notice is hereby given that the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) plans to recommend to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Professional Conduct (“RPC”) 8.4 relating to misconduct, as set forth in Annex A. This proposed rule amendment is intended to make it professional misconduct for a lawyer, in the practice of law, to intentionally manifest bias or prejudice, or engage in harassment or discrimination.

By way of background, on August 8, 2016, the American Bar Association (“ABA”) amended Model Rule of Professional Conduct 8.4 to add new paragraph (g) relating to discrimination and harassment. As adopted, the Model Rule makes it misconduct for a lawyer to “engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.”

Pennsylvania historically has supported adoption of the ABA Model Rule amendments to promote consistency in application and interpretation of the rules among jurisdictions, except where policy considerations justify a deviation from the Model Rule language.

At present, in contrast to many other jurisdictions, Pennsylvania’s rules do not address harassment or discrimination in the black letter law or in the comments.<sup>1</sup> For a significant time, both prior to and after the ABA’s adoption of Model Rule 8.4(g), bar associations and related organizations and institutions in Pennsylvania have engaged in active debate over whether to include discrimination and harassment as professional misconduct. The Board supports these efforts and we conclude that it is in the best interests of the profession and the public for Pennsylvania to amend its rules to formally disapprove the conduct of any lawyer who, in the practice of law, knowingly manifests bias or prejudice, or engages in harassment or discrimination.

The proposed change to RPC 8.4 is the product of the Board’s due deliberation, discussion, and extensive study and review of Model Rule 8.4(g), rules of other jurisdictions, and comments received in response to the Board’s previous rulemaking efforts.<sup>2</sup> The proposed rule promotes the profession’s goal of eliminating intentional harassment and discrimination, assures that the legal profession functions for all participants, and affirms that no lawyer is immune from the reach of law and ethics.

<sup>1</sup> According to the most recent compilation of data analyzing 56 jurisdictions (U.S. states, the District of Columbia, and territories), at least 39 jurisdictions have anti-discrimination/anti-harassment provisions in their rules of professional conduct. Of these jurisdictions, 28 place the provision in the black letter law and 11 place the provision in the commentary.

<sup>2</sup> The Board has engaged in review of this issue since 2016 and has proposed rule amendments on two previous occasions. See, 46 Pa.B. 7519 and 48 Pa.B. 2936. These amendments were not adopted by the Court.

The Board’s proposal creates a new paragraph (g) and adds new comments [3] and [4] as follows:

It is professional misconduct for a lawyer to:

\* \* \*

(g) in the practice of law, by words or conduct, knowingly manifest bias or prejudice, or engage in harassment or discrimination, as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.

#### Comment:

\* \* \*

[3] For the purposes of paragraph (g), conduct in the practice of law includes participation in activities that are required for a lawyer to practice law, including but not limited to continuing legal education seminars, bench bar conferences and bar association activities where legal education credits are offered.

[4] The substantive law of antidiscrimination and anti-harassment statutes and case law guide application of paragraph (g) and clarify the scope of the prohibited conduct.

\* \* \*

The Board’s proposal differs from Model Rule 8.4(g) in several respects: (1) it limits the scope of the prohibited activity to “in the practice of law”; (2) it eliminates the “reasonably should know” standard in favor of “knowingly”; (3) it adds the language “manifest bias or prejudice”; (4) it clarifies the scope of the prohibited activity as “defined in applicable federal, state and local statutes or ordinances”; and (5) it eliminates the qualifier “legitimate” to describe a lawyer’s advocacy.

In crafting the language of the proposal, the Board studied other jurisdictions’ language relative to the scope of the prohibited conduct. Thirty-four jurisdictions require that the conduct have some connection to the practice of law.<sup>3</sup> For example, “in the representation of a client”;<sup>4</sup> “in connection with the practice of law”;<sup>5</sup> “in a professional capacity”;<sup>6</sup> “in the practice of law”;<sup>7</sup> “in the course of representing a client”;<sup>8</sup> and “in connection with the lawyer’s professional activities.”<sup>9</sup>

Based on our review, the Board proposes the language “in the practice of law” as the scope of the prohibited conduct. This scope encompasses activities that are required for a lawyer to practice law, as such activities have a sufficient and obvious nexus to the practice of law to fall within the application of the rule. Proposed comment [3] provides that “in the practice of law” includes a lawyer’s participation in activities such as Continuing

<sup>3</sup> Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Washington, D.C., Florida, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

<sup>4</sup> Among the jurisdictions that use this verbiage are Colorado, Idaho and Missouri.

<sup>5</sup> Among the jurisdictions that use this verbiage are Arkansas and Florida.

<sup>6</sup> Among the jurisdictions that use this verbiage are Indiana, Massachusetts, Maryland, Nebraska, New Jersey and Ohio.

<sup>7</sup> Among the jurisdictions that use this verbiage are Iowa and New York.

<sup>8</sup> Among the jurisdictions that use this verbiage are Arizona, Connecticut, Delaware, Maine, North Dakota, New Hampshire, Oregon, South Carolina, Tennessee and Washington.

<sup>9</sup> Among the jurisdictions that use this verbiage are Minnesota and Wisconsin.

Legal Education seminars, and other activities that address that concept, such as bar association meetings and bar conferences where continuing legal education credit is offered.

The Board proposes the use of the word “knowingly,” which requires actual knowledge, as defined in RPC 1.0(f). The knowledge requirement prevents unintentional violation of the rule, and serves to exclude inadvertent or negligent conduct.

The Board proposes the language “manifest bias or prejudice,” based on the language contained in the Pennsylvania Code of Judicial Conduct. Pa.R.J.C. 2.3 governs bias, prejudice and harassment; subsection (B) prohibits judges from engaging in such conduct in the performance of their judicial duties, and subsection (C) directs judges to require lawyers to refrain from such conduct in proceedings before the court. The Board favors similar language, in order that a lawyer’s ethical obligations under the RPC correspond to the conduct prohibited in the Code of Judicial Conduct.

The Board proposes the inclusion of the language “as those terms are defined in applicable federal, state or local statutes or ordinances” to give lawyers adequate guidance regarding what actions constitute the prohibited conduct. As set forth in proposed comment [4], this language clarifies the scope of the prohibited conduct to conform to governing substantive law.

Consistent with Model Rule 8.4(g), the Board proposes the inclusion of language relative to RPC 1.16, so that lawyers may retain professional independence and are not limited in their ability to accept, decline or withdraw from representation, except as set forth in RPC 1.16.

The Board’s proposal affirms that paragraph (g) does not preclude advice or advocacy concerning the protected classes that is consistent with the Rules of Professional Conduct. This language differs from the Model Rule because it omits the adjective “legitimate” to describe the advice or advocacy. In the Board’s view, the word “legitimate” is superfluous, as RPC 3.1 provides that advocacy must have merit. Additionally, the word “legitimate” may cause lawyers undue confusion and potentially undermine a lawyer’s zealous advocacy of a client.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Executive Office, 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](mailto:Dboard.comments@pacourts.us) on or before September 30, 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 are the Rules of Professional Conduct:

### MAINTAINING THE INTEGRITY OF THE PROFESSION

#### Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

\* \* \* \* \*

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

**(g) in the practice of law, by words or conduct, knowingly manifest bias or prejudice, or engage in harassment or discrimination, as those terms are defined in applicable federal, state or local statutes or ordinances, including but not limited to bias, prejudice, harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude advice or advocacy consistent with these Rules.**

#### Comment:

(1) Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, as when they request or instruct an agent to do so on the lawyer’s behalf. Paragraph (a), however, does not prohibit a lawyer from advising a client of action the client is lawfully entitled to take.

(2) Many kinds of illegal conduct reflect adversely on fitness to practice law, such as offenses involving fraud and the offense of willful failure to file an income tax return. However, some kinds of offenses carry no such implication. Traditionally, the distinction was drawn in terms of offenses involving “moral turpitude.” That concept can be construed to include offenses concerning some matters of personal morality, such as adultery and comparable offenses, that have no specific connection to fitness for the practice of law. Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, dishonesty, breach of trust, or serious interference with the administration of justice are in that category. A pattern of repeated offenses, even ones of minor significance when considered separately, can indicate indifference to legal obligation.

**(3) For the purposes of paragraph (g), conduct in the practice of law includes participation in activities that are required for a lawyer to practice law, including but not limited to continuing legal education seminars, bench bar conferences and bar association activities where legal education credits are offered.**

**(4) The substantive law of antidiscrimination and anti-harassment statutes and case law guide application of paragraph (g) and clarify the scope of the prohibited conduct.**

[ 3 ] (5) A lawyer may refuse to comply with an obligation imposed by law upon a good faith belief that no valid obligation exists. The provisions of Rule 1.2(d) concerning a good faith challenge to the validity, scope,

meaning or application of the law apply to challenges of legal regulation of the practice of law.

[ 4 ] (6) Lawyers holding public office assume legal responsibilities going beyond those of other citizens. A lawyer's abuse of public office can suggest an inability to fulfill the professional role of lawyers. The same is true of abuse of positions of private trust such as trustee, executor, administrator, guardian, agent and officer, director or manager of a corporation or other organization.

[Pa.B. Doc. No. 19-1309. Filed for public inspection August 30, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### GREENE COUNTY

#### Local Rules; C.A. No. 14 of 2019

##### Order

*And Now*, this 12th day of August, 2019, in compliance with Pa. Rule of Judicial Administration 103(c) and (d), it is hereby Ordered, Directed and Decreed that all previous Greene County Local Rules (G.C.L.R.) are hereby rescinded and we adopt the following Civil and Judicial Administration Rules.

##### Rules of Civil Procedure:

G205.2(b)	Cover Page
G206.4(c)	Rule to Show Cause
G208.3(a)	Motions
G212	Scheduling Conferences
G212.3	Pretrial Conferences
G216	Continuances
G229	Discontinuances
G300	Status Conferences
G320	Mortgage Foreclosure
G1018.1	Notice to Defend—Judicial Administration
G1028(c)	Preliminary Objections
G1034(a)	Motion for Judgment on the Pleadings
G1035.2(a)	Motion for Summary Judgment
G1301	Judicial Arbitration
G1302	Arbitrators
G1308	Appeal from Arbitration
G1309	Parties to Appeal
G1915.4-2	Custody Hearing
G1920.51	Master in Divorce
G1920.55-2	Master's Report, Notice, Exceptions, Final Decree
G4050	Board of View
G4051	Background Checks for Adoptive Parents
G4053	Fees and Costs

##### Rules of Judicial Administration:

G1910	Broadcasting in the Courtroom
G4008(A)(1)	Transcript Costs

In compliance with Pa. Rule of Judicial Administration 103, we promulgate the following Greene County Local Rules and the District Court Administrator shall:

(a) File one copy of the local rules with the Administrative Office of Pennsylvania Courts via email at [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

(b) File two paper copies and one electronic copy containing the text of the local rules (in Microsoft Word format) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and mailed to the following address:

Pa. Code and Bulletin  
Legislative Reference Bureau  
647 Main Capitol Building  
Harrisburg, PA 17120;

(c) File one electronic copy with the Civil Procedural Rules Committee and Domestic Relations Rules Committee;

(d) File a copy of the local rules, which shall be continuously available for inspection and copying, in the Office of the Prothonotary of Greene County; and

(e) Publish the local rules on the Court's website at [www.greenepacourts.us](http://www.greenepacourts.us).

These local rules shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

FARLEY TOOTHMAN,  
*President Judge*

##### Rules of Civil Procedure

##### Local Rule G205.2(b). Cover Page.

1. For the initial pleading in any civil action, the pleading shall be accompanied by a completed Pennsylvania Rule of Civil Procedure 205.5 Cover Sheet which can be found at <http://www.pacourts.us/forms/for-the-public>.

##### Local Rule G206.4(c). Rule to Show Cause.

We hereby adopt Pa.R.C.P. 206.5 as local procedure for rules to show cause.

##### Local Rule G208.3(a). Motions.

1. Court shall hear Motions at 8:45 A.M. on Mondays and Wednesdays of each week. In the event of a holiday, it will be held on the first business day thereafter. Any changes to Motions Court shall be published on the website of the Greene County Court of Common Pleas.

a. All motions shall be in writing, except as permitted by the court or when made in open court during a trial or hearing.

b. A written motion shall comply with the following requirements:

(i) Notice of the presentation of the motion shall be in writing and a copy of the motion sent to opposing counsel or an unrepresented party at least four (4) Court business days in advance of its presentation to the Court.

(ii) A motion may be presented in person in Motions Court after being filed with the appropriate court filing office. Motions that are agreed upon shall contain the consenting signatures or attached consents of all attorneys or unrepresented parties of interest and motions for routine scheduling of hearings and rule returnable/citations may be delivered to the appropriate filing office where it shall be docketed and immediately thereafter delivered to the Office of District Court Administration, for consideration by the Court.

(iii) The motion shall be signed by the person or attorney making the motion. The signature of an attorney shall constitute a certification that the attorney has read the motion, that to the best of the attorney's knowledge, information, and belief there is good ground to support the motion, and that it is not interposed for delay. The motion also shall contain a certification that the motion complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts regarding confidential information and documents.

(iv) The motion shall include the court, caption, term, and number of the case in which relief is requested.

(v) The motion shall state with particularity the grounds for the motion, the facts that support each ground, and the types of relief requested.

(vi) The motion shall be divided into consecutively numbered paragraphs, each containing only one material allegation as far as practicable.

(vii) The motion shall include any requests for hearing or argument, or both.

(viii) If the motion sets forth facts that do not already appear of record in the case, the motion shall be verified by the sworn affidavit of a person having knowledge of the facts or by the unsworn written statement of such a person that the facts are verified subject to the penalties for unsworn falsification to authorities under the Pennsylvania Crimes Code, 18 Pa.C.S. § 4904.

2. The failure, in any motion, to state a type of relief or a ground therefore may constitute a waiver of such relief or ground.

3. Any motion may request such alternative relief as may be appropriate.

4. Any motion shall be accompanied by a proposed Order consistent with the motion and the relief requested.

#### **Local Rule G212. Scheduling Conferences.**

The District Court Administrator may place any case on the next available scheduling conference list where an Answer in response to a Complaint has been filed.

As the Court may direct, the District Court Administrator may place any case for scheduling and/or status conference.

#### **Local Rule G212.3. Pretrial Conferences.**

1. Pretrial conferences shall be scheduled at the direction of the trial judge.

2. The pretrial judge shall generally be the trial judge.

3. Notice of the pretrial conference shall be contained within an order issued by the trial judge.

4. Narratives shall be required for the pretrial conference and shall be filed ten (10) days prior to the date of the conference.

5. The narrative shall contain the following:

a. A brief summary of the facts;

b. All items of economic damages which the Plaintiff intends to prove, including medical bills, property damage bills and loss of earnings;

c. The names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses;

d. Copies of all reports of any expert who treated, examined, or was consulted in connection with the injuries complained of, and who may be called as an expert witness;

e. Copies of all reports of any expert whose opinion will be in evidence at the time of trial. Such reports shall include the findings and conclusions of the expert;

f. Any special legal or evidentiary issues;

g. The estimated length of trial;

h. Any scheduling problems;

i. The settlement demand and any responsive offers; and

j. A list of anticipated exhibits to be used at the time of trial.

6. At least one week prior to the pretrial conference, all parties shall confer and consult with each other as often as may be necessary for the following purposes:

7. To explore in every respect the possibility of settlement; including exchange of good faith demand and offer, and

8. To consider the factual and legal issues involved.

9. Supplements to a written pretrial memorandum may be filed by any party after their original pretrial memorandum has been filed. However, no supplemental pretrial memorandum may be filed later than thirty (30) days prior to the scheduled jury selection, except with permission of the Court. Should any party need additional time for preparation, or discovery as a result of a supplemental pretrial memorandum being filed, a petition must be promptly filed with the Court seeking such an extension of time prior to the scheduled trial date.

10. Any narrative and/or supplement not timely filed may result in a fine and a copy of the sanctioning order shall be sent to the litigants by the Court.

11. Counsel attending the pretrial conference must have complete authority to stipulate regarding items of evidence and admissions and must have full settlement authority. Counsel shall have the client and those with settlement authority available either in person or by phone for consultations regarding settlement.

12. At the pretrial conference, counsel shall be prepared to discuss fully with the Court the possibility of settlement of the case. At the conclusion of the conference, the judge may make an order reciting the actions taken at the conference, including the agreements made by the parties as to any of the matters considered, the issues of trial and the admissions of fact obtained at the conference. The pretrial conference Order shall include a date for the filing of any pretrial motions and supporting briefs, voir dire questions, and a scheduled date for argument, if appropriate.

13. It is the preference of the Court to resolve Motions for Summary Judgment, consolidation, bifurcation and severance, if possible, prior to the pretrial conference. Such motions generally require a decision before meaningful progress can be made in preparing a case for trial or negotiating a resolution to the lawsuit.

14. Unless the Court grants otherwise, the following must be filed with the Court at least ten (10) days before the date of the pretrial conference: motions in limine, briefs on unusual legal issues, proposed jury instructions, a proposed verdict slip.

#### **Local Rule G216. Continuances.**

1. The Court disfavors continuances due to the difficulty in promptly rescheduling matters. All applications for continuance shall be made by written motion. The continuance shall specify the factual basis for the request of the proposed continuance. The request for continuance shall be presented to the assigned Judge, if possible.

2. Any request must specify the position of the opposing party/parties. Failure to specify the position of the opposing party/parties may result in denial of the request.

3. Requests for continuances shall be filed at least ten (10) days in advance of the hearing date. Where the continuance is not timely filed, the reasons for the delay shall be specifically set forth in the motion.

4. Any continuance request shall contain the signature of a party or the attorney of record.

**Local Rule G229. Discontinuances.**

1. Any discontinuance of an action shall be in accordance with Pa.R.C.P. 229. A discontinuance may also be entered by a written direction (praecipe) to the Prothonotary if it is signed by the attorney for the plaintiff or by a self-represented plaintiff and the same shall be accepted by the Prothonotary, if all costs due the Prothonotary have been paid.

2. Counsel shall provide a copy of the discontinuance to Court Administration simultaneous with providing the original to the Prothonotary. Any written direction to the Prothonotary complying with this rule may be sent to the Prothonotary by mail and shall be accepted for filing.

**Local Rule G300. Status Conferences.**

1. In any complex case or other action which the Court deems applicable, a status conference may be scheduled by the Court for purposes of discussing the following, including, but not limited to:

2. The facts of the case;
3. The status of discovery and what discovery is anticipated in the case;
4. Setting and/or modifying discovery deadlines. The Court reserves the right to set discovery deadlines prior to a status conference;
5. Status conferences may be scheduled upon request of the parties or at the discretion of the Court;
6. Subsequent to the status conference, the court may issue any Order deemed necessary providing counsel with dates and times for any future proceedings that may be required;
7. No written narratives need be filed for status conferences.

**Local Rule G320. Mortgage Foreclosure.**

1. In all cases initiated by the filing of a Mortgage Foreclosure Complaint, the matter shall be set for a conciliation conference within sixty (60) days with the presiding judge.

2. The Plaintiff shall come to the Conciliation Conference prepared to provide proof of the defaulted mortgage and the exact amount, including costs and penalties, needed to bring the mortgage current as of that date. Failure to do so will preclude the recovery of any interest due on the mortgage after that date.

3. The Defendant shall come to the Conciliation Conference prepared to provide the following:

- a. Proof of income from all sources (i.e. pay stubs, social security disability letter of determination, workers compensation letter of determination, annual income tax returns, child and spousal support orders, etc.);
- b. Proof of expenses and debt statements (i.e. regular monthly mortgage payment, payments related to water/sewer, electricity, heating, telephone, cable, credit card(s), tuition and day care expenses, etc.); and
- c. Act 91 Notice and any other documents received regarding this mortgage foreclosure.

4. For the purposes of the case, civil case management, and further pleading deadlines are suspended pending the outcome of the Conciliation Conference. Suspension is effective as of the date of the Order setting the Conciliation Conference.

**Local Rule G1018.1. Notice to Defend—Judicial Administration.**

1. The agency to be contacted for legal help as provided in Pa.R.C.P. 1018.1 for Notice to Defend is:

District Court Administrator  
Greene County Courthouse  
10 E. High Street, Suite 218  
Waynesburg, PA 15370  
(724) 852-5237

Southwestern Pennsylvania Legal Aid Society  
63 S. Washington Street  
Waynesburg, PA 15370  
(724) 627-3127

**Local Rule G1028(c). Preliminary Objections.**

1. Preliminary objections, unless otherwise directed by the Court, may be placed on the next available argument list by the District Court Administrator. The parties may petition the Court to be heard solely on the briefs.

a. The legal brief or memorandum of the moving party regarding preliminary objections shall be filed with the appropriate filing office. The parties will be notified by Court Order of a briefing schedule and the date scheduled for argument, if applicable. Failure to strictly comply with the briefing schedule may constitute a default authorizing the Court to grant or deny the relief at issue, prohibit the noncompliant party from making argument, and take such other action as the Court deems necessary for the proper administration of justice.

**Local Rule G1034(a). Motion for Judgment on the Pleadings.**

1. Motion for Judgment on the Pleadings, unless otherwise directed by the Court, may be placed by the District Court Administrator on the next available argument list. The parties may petition the Court to be heard solely on the briefs.

a. The legal brief or memorandum of the moving party regarding motion for judgment on the pleadings shall be filed with the appropriate filing office. The parties will be notified by Court Order of a briefing schedule and the date scheduled for argument, if applicable. Failure to strictly comply with the briefing schedule may constitute a default authorizing the Court to grant or deny the relief at issue, prohibit the noncompliant party from making argument, and take such other action as the Court deems necessary for the proper administration of justice.

**Local Rule G1035.2(a). Motion for Summary Judgment.**

1. Motion for Summary Judgment, unless otherwise directed by the Court, may be placed by the District Court Administrator, on the next available argument list. The parties may petition the Court to be heard solely on the briefs.

a. The legal brief or memorandum of the moving party regarding Motion for Summary Judgment shall be filed with the appropriate filing office. The parties will be notified by Court Order of a briefing schedule and the date scheduled for argument, if applicable. Failure to strictly comply with the briefing schedule may constitute a default authorizing the Court to grant or deny the relief at issue, prohibit the noncompliant party from making argument, and take such other action as the Court deems necessary for the proper administration of justice.

**Local Rule G1301. Judicial Arbitration.**

1. Pursuant 42 Pa.C.S.A. Section 7361 of the Judicial Code, and Pa.R.C.P. 1301, all civil suits or actions where

the amount in controversy is \$50,000.00 or less, shall first be tried by a Board of Arbitrators, except for actions involving title to real estate or actions in equity. This includes all appeals from a civil judgment of magisterial district judges. Matters may be placed at arbitration by consent of the parties even if the amount in controversy is in excess of \$50,000.00.

a. *Cases for Submission:*

i. *By Court Administration*—Court Administration, through Civil Case Management, will schedule all Civil Cases which are at issue wherein the amount in controversy (exclusive of interest and costs) shall be \$50,000.00 or less, per the pleadings. The above cases identified shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) members admitted to practice law in Pennsylvania to be selected as hereinafter provided.

ii. *By the Parties*—Cases, regardless of amount or subject in controversy, may be referred to a Board of Arbitrators by written agreement signed by all parties or their counsel, and may contain stipulations with respect to facts submitted or agreed upon or defense in such cases, the written agreement may take the place of the pleadings in the case and shall be filed of record.

iii. *By the Court*—Cases may be referred to arbitration where the Court is satisfied that the matter involves \$50,000.00 or less, in accordance with Pa.R.C.P. 1301.

**Local Rule G1302. Arbitrators.**

1. The District Court Administrator shall appoint a Board of Arbitrators by seeking voluntary appointment, and if unable to obtain a Board in that manner within thirty (30) days, the Court shall appoint arbitrators for the unfilled vacancies. Each member of the Greene County Bar who is practicing law full-time is expected to accept appointment.

2. The panel of arbitrators shall be appointed insofar as is possible on a rotating basis by the District Court Administrator.

3. The chairperson of any Board of Arbitration must be an attorney with at least three (3) years experience.

4. Not more than one member or associate of a law firm or association of attorneys shall be appointed to serve on the same Board of Arbitration.

5. Attorneys should disqualify themselves from serving on a Board of Arbitration if serving would present a conflict of interest or if a judge in a similar situation would disqualify himself or herself.

6. The parties shall pay a fee of \$400.00 and that fee shall be deposited with the Greene County Prothonotary. The allocations of cost shall be a 50%/50% split, payment by the moving party in full or as established by order of Court. The Arbitrators shall not be appointed until the fee is paid in full.

7. Arbitrators shall be compensated per case at a rate of \$150.00 for the Chairperson and \$125.00 for the two remaining panel members.

8. The arbitrators appointed pursuant to this section shall have powers and shall proceed in such manner as shall be prescribed by general rules.

9. A party moving for a continuance shall file a written continuance.

a. At the Court's discretion, each party may be granted one (1) continuance without imposition of any fee.

b. A party requesting an additional continuance shall pay to the Prothonotary a Continuance Fee of \$50.00 at the time of the continuance request. The moving party shall notify in writing the assigned Judge and Court Administration of such payment.

c. A party requesting any continuance within seventy-two (72) hours of the scheduled arbitration time shall pay to the Prothonotary the Arbitration Costs at the time of the continuance request. Such Arbitration costs shall be set at \$100.00 for the Chairperson of the arbitration panel, and \$75.00 for each additional Arbitrator of the arbitration panel. Such payment shall not impact the applicability of any other Arbitration costs.

d. If a continuance request is granted, Court Administration, or its designee, shall give to the parties, or the attorneys of record, and the assigned Judge notice in writing of the new date, time and place of the arbitration hearing. The arbitration hearing shall be rescheduled by Court Administration only upon the moving party's payment of any applicable Continuance Fees or Arbitration Costs.

10. Counsel shall work diligently to assure settlements will be reached prior to the arbitration hearing.

a. If a settlement occurs prior to the scheduled arbitration hearing, the parties shall notify in writing the assigned Judge and Court Administration of the settlement no later than five (5) days prior to the scheduled arbitration hearing.

b. If a settlement occurs within five (5) days of the scheduled arbitration hearing, or if the parties fail to timely notify the assigned Judge and Court Administration, the parties shall pay the Arbitration costs.

c. The arbitration costs shall be set at \$100.00 for the Case Manager of the arbitration panel, and \$75.00 for each additional Arbitrator of the arbitration panel.

d. Such arbitration costs are to be paid to the Prothonotary by the parties, with fifty percent (50%) contribution from the plaintiff(s), jointly and severally, and fifty percent (50%) contribution from the defendant(s), jointly and severally, unless otherwise agreed upon by the parties.

e. Such payment shall be made within five (5) days of the scheduled arbitration hearing.

11. A party who willfully fails to appear at any appropriately scheduled arbitration hearing under G.C.L.R. 1302 may be held in Contempt of Court. Such finding and any appropriate sanction shall be in the discretion of the assigned judge.

12. Any applicable continuance fees, arbitration costs, or other payment obligations designated under this provision shall be enforced by Order of the Court.

**Local Rule G1308. Appeal from Arbitration.**

1. An appeal from an award of a Board of Arbitrators shall be taken in conformity with Pa.R.C.P. 1313 within thirty (30) days after the entry of the award on the docket.

2. The appealing party shall pay to the Prothonotary the sum of \$400.00 or fifty percent (50%) of the amount in controversy, whichever is less, as compensation for the Arbitrators which shall not be taxed as costs or be recoverable in any proceeding.

3. The Court, for cause shown, may permit an appeal to proceed in forma pauperis.

**Local Rule G1309. Parties to Appeal.**

1. An appeal by any party shall be deemed an appeal by all parties as to all issues unless all parties stipulate in writing otherwise.

**Local Rule G1915.4-2. Custody Hearing.**

1. The parties are now on notice that Greene County follows alternative hearing procedure Pa.R.C.P. 1915.4-2 wherein an action for partial custody may be heard by a Hearing Officer as outlined in Pa.R.C.P. 1915.4-2(b).

2. When any petition/complaint for custody or a modification of custody is filed, the District Court Administrator shall set the matter before a Custody Conference Officer with a view towards reaching an agreement through conciliation. If an agreement is reached, the Custody Conference Officer will propose an Order for confirmation by the Court of Common Pleas.

3. In the event the matter is for partial custody and there is no existing custody order and no agreement is reached between the parties at the conciliation conference, the hearing officer may consider evidence and enter a recommended interim custody order pending the pre-trial conference.

4. In addition, if an agreement cannot be reached through conciliation, the matter will be set before the Court for a pre-trial conference. The Court will attempt to facilitate an agreement. If no agreement is reached, the Court will then determine whether the matter shall be sent to a Custody Hearing Officer or heard by the Court. In the event the matter is for partial custody, it shall be sent to the Custody Hearing Officer and shall be conducted of record and appeal shall be by exceptions to the Court of Common Pleas.

**Local Rule G1920.51. Master in Divorce.**

(a) At the request of the parties, or at the discretion of the Court, the Court shall appoint a Master in Divorce. The Master in Divorce shall be an attorney licensed to practice in the Commonwealth of Pennsylvania for at least five (5) years.

(b) Prior to the appointment of a Master in Divorce, the parties shall pay a fee of \$500.00 which shall be deposited with the Greene County Prothonotary. Thereafter, the matter shall first be set for conciliation by the Master in Divorce. The Master shall receive a fee of \$500.00 for presiding over the conciliation. Proceedings before a Master in Divorce shall be conducted within the borders of Greene County, Pennsylvania, unless otherwise directed by Court Order or agreement of the parties.

(c) In the event no agreement is reached through conciliation and prior to the Master in Divorce scheduling a hearing, the parties shall deposit with the Greene County Prothonotary a fee of \$2,000.00 per calendar day. The Master in Divorce shall be paid \$1,000.00 per calendar day of hearing with the remaining monies to be on deposit as a fund for the reimbursement of the stenographer.

(d) An additional \$2,000.00 shall be deposited prior to each additional calendar day of proceeding before the Master in Divorce.

(e) The Prothonotary shall only release payment to the Master in Divorce and/or stenographer pursuant to Court Order.

(f) The cost as stated above shall be divided evenly between the parties or by payment of the moving party in full or as established by order of Court. The Master is

granted discretion to reallocate any fees paid by the parties in the Master's report.

**Local Rule G1920.55-2. Master's Report, Notice, Exceptions, Final Decree.**

(a) The Master shall submit the Master's Report within 20 days in uncontested matters and within 30 days of the latter of the receipt of transcript or close of record in contested matters.

(b) If exceptions are filed, the Court will schedule the matter for argument and may direct the parties to provide proposed findings of fact and conclusions of law and a proposed order.

**Local Rule G4050. Board of View.**

1. When appropriate the parties may request the appointment of a Board of View, or at the discretion of the Court, the Court may appoint a Board of View.

2. The Board of View shall be made up of three (3) adult individuals. One shall be a chairperson appointed by the Court and shall be paid \$125.00. The two (2) remaining members shall be appointed by the Court and shall be paid \$100.00. In addition to the fee mentioned above, the board members shall be paid mileage at the annual rate as established by the County of Greene.

3. Prior to the appointment of a Board of View, the petitioning party shall deposit a fee of \$325.00 with the Greene County Prothonotary. The cost shall be divided evenly between the parties or payment by the petitioning/moving party in full or as established by order of Court. A Board of View shall not be appointed until the fee is paid in full. The Board shall make a final recommendation to the Court within sixty (60) days of the view. If there is no recommendation filed within sixty (60) days, the Court may sua sponte set the matter for a status conference.

**Local Rule G4051. Background Checks for Adoptive Parents.**

1. All proposed adoptive parents shall undergo and shall file with the Court Childline and criminal clearances.

**Local Rule G4053. Fees and Costs.**

1. Fees and costs shall be set by Administrative Order and recorded in the Prothonotary's Office in the Court Administration Docket.

**Rules of Judicial Administration****Local Rule G1910. Broadcasting in the Courtroom.**

1. *Pa.R.J.A. 1910 Photography, Recording, Broadcasting, and Electronic Equipment*

a. The taking of photographs, including video pictures and recording, and the use of audio broadcast and audio recording equipment and any other device capable of capturing or transmitting sound or images, in a courtroom or hearing room or its environs during the progress of or in connection with any action, whether or not court is actually in session is prohibited. Violation of Rule 112(a) may lead to criminal prosecution.

b. *Environs Defined:* Environs of a courtroom or hearing room shall include the entire floor on which is located any courtroom, hearing room, jury room, grand jury room, sheriff's office, or station, Prothonotary's or Clerk of Court's office, office of the District Attorney, or any lock-up or prisoner holding area.

c. *Recording Devices and Cellular Telephones, Prohibited:* Cameras, cellular telephones, portable electronic data devices and any other device capable of capturing or



transmitting images or sound are prohibited inside of the Greene County Courthouse (hereafter “Courthouse”), Adult Probation and Parole offices, Domestic Relations lobby and offices, and inside a Magisterial District Court offices at the discretion of the Magisterial District Judge.

(i) *Employee Exception*: The prohibition in Section (c) shall not apply to those individuals employed by the Court or County in the Courthouse, Magisterial District Court, Adult Probation and Parole Offices, or Domestic Relations who clearly display an identification badge issued by the County of Greene provided, however, that the device shall be in a “silent” or “vibrate only” mode when the employee enters a courtroom, hearing room, or grand jury room.

(ii) *Attorney exception*: The prohibition to those facilities enumerated in Section (c) above shall not apply to an attorney at law who enters the Courtroom or a Magisterial District Court on business related to the representation of a client, provided however, that the device shall be in a “silent” or “vibrate only” mode when the attorney enters a courtroom, hearing room or grand jury room.

(iii) *Emergency Responder Exception*: The prohibition to those facilities enumerated in Section (c) above shall not apply to emergency medical or other personnel responding to a call within the Courthouse, Office of Adult Probation, or Magisterial District Court.

(iv) *Juror Exception*: The prohibition in Section (c) above shall not apply to jurors summoned by Court Administration during the Jury Selection process and at any other time permitted by the presiding judge.

(v) *Evidence Exception*: The prohibition in Section (c) above shall not apply to the use of such devices for the purpose of presenting evidence in any court proceeding and for legal research.

(vi) *Law Enforcement Exception*: The prohibition to those facilities enumerated in Section (c) above shall not apply to a member of law enforcement who provides proper identification and is on business related to a case before the Court and/or a meeting with the Office of the District Attorney. However, the device shall have the power switched “off” when the member of law enforcement enters a courtroom, hearing room, or grand jury room.

(vii) *Presiding Judge Exception*: The presiding judge may permit, at their discretion, the use of cellular devices on a case by case basis.

d. *Special Proceedings*: In the discretion of the presiding judge, photographing, making video or audio recordings, televising, or broadcasting any special proceedings such as investiture, naturalization, or ceremonial proceedings, in a courtroom or its environs may be permitted under such conditions as the presiding judge may prescribe.

e. *Recordings*: Except as permitted by law or rule of Court, the recording by any means of any judicial proceedings by anyone other than the official court reporter/recorder in a court case, for any purpose, is prohibited.

f. *Special Permission*: The President Judge may, upon application, make exceptions (i.e. Public Ceremonies) to the prohibitions contained in this Rule under such circumstances and subject to such conditions as the President Judge may prescribe.

g. *Special Cases*: The court may make such orders as may be necessary in connection with any specific case to protect the rights of all parties and the public.

### Local Rule G4008(A)(1). Transcript Costs Payable by a Requesting Party.

#### (A) Costs

1. Greene County follows the statewide rules related to requests for transcripts. However, due to limited resources, a party requesting the following certain types of transcripts must appear at Motions Court and gain Court approval:

“Expedited”—within 72 hours of request excluding weekends and holidays

“Daily”—within 18 hours of request excluding weekends and holidays

“Same Day”—within 6 hours of request.

[Pa.B. Doc. No. 19-1310. Filed for public inspection August 30, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SCHUYLKILL COUNTY

### Local Rule of Civil Procedure 1910.25-4 Civil Contempt. Alternative Procedure; AD77-19

#### Order of Court

And Now, this 13th day of August, 2019, at 3:30 p.m., the Schuylkill County Court of Common Pleas hereby adopts Local Rule of Civil Procedure No. 1910.25-4 for use in the Schuylkill County Court of Common Pleas, Twenty-First Judicial District, effective 30 days after publication in the *Pennsylvania Bulletin*.

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

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us).

4) Incorporate the local rule into the set of local rules on [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us) within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Clerk of Courts and provide a copy to the Prothonotary for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

By the Court

WILLIAM E. BALDWIN,  
President Judge

### Rule of Civil Procedure 1910.25-4. Contempt. Alternative Procedure. Record Hearing. Report. Exceptions. Order.

Civil Contempt for Non Payment of Support shall proceed in accordance with Pa.R.C.P. 1910.25-4.

[Pa.B. Doc. No. 19-1311. Filed for public inspection August 30, 2019, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated July 17, 2019, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 16, 2019 for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Adinolfi, Robert J.  
Haddonfield, NJ  
Brodie, Julie Rae  
Arlington, VA  
Bronder, Sarah A.  
Sackets Harbor, NY  
Campbell, Robert Paul  
Akron, OH  
Carter, John Rex  
Edgewater Park, NJ  
Carter, John William  
Saltville, VA  
Daitz, Jeffrey Michael  
Monroe, NJ  
Degnan, Philip J.  
Moorestown, NJ  
DiCerbo, Nicholas Anthony  
Olean, NY  
Downey, Paul James  
Dallas, TX  
Dunn, Paul Christopher  
Chicago, IL  
Fortney, David Scott  
Washington, DC  
Gaylord, Samuel Michael  
West Trenton, NJ  
Gemerek, Simon James  
Quinton, VA

Gowen, Christopher James  
Washington, DC  
Kaye, Laura Rose  
Leauge City, TX  
Kovatch, William James, Jr.  
Lorton, VA  
Leikauf, Conrad R.  
Branchburg, NJ  
Lubin, Jeffrey  
Cherry Hill, NJ  
Marshall, Christina Jennifer  
Troy, MI  
Morris, Stefanie LaDawn  
Newark, NJ  
Murphy, Robert Brian  
Washington, DC  
Nelson, Vernon A., Jr.  
Las Vegas, NV  
Pabon, Mario  
San Juan, PR  
Sales, Kenneth Lawrence  
Louisville, KY  
Sam, Christian Paul  
Wheeling, WV  
Scanlon, Peter John  
Washington, DC  
Scotto D'Aniello, Jason  
Garfield, NJ  
Spivak, Heidi R. Finston  
Marlton, NJ  
St. Hill, Jenai Helen  
Oakland, CA  
Tate, Charles Louis, Jr.  
Wilmington, DE  
Weisbrot, Steven M.  
Parkland, FL  
Whitehead, Jeffrey Allen  
Chicago, IL  
Williams, Ralph  
Columbia, SC

SUZANNE E. PRICE,  
*Attorney Registrar*

[Pa.B. Doc. No. 19-1312. Filed for public inspection August 30, 2019, 9:00 a.m.]