

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Adopting Rule 304 of the Pennsylvania Bar Admission Rules; No. 787 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 29th day of January, 2019, upon the recommendation of the Board of Law Examiners, the proposal having been published for public comment in the *Pennsylvania Bulletin* at 48 Pa.B. 5715 (September 15, 2018):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 304 of the Bar Admission Rules is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment shall be effective six months from the date of this Order.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

(Editor's Note: The following rule is added and printed in regular type to enhance readability.)

Rule 304. Limited Admission of Spouses of Active-Duty Service Members of the United States Uniformed Services.

An applicant may apply for limited admission to the practice of law in Pennsylvania as a spouse of an active-duty service member of the United States Uniformed Services if all requirements of this rule are satisfied.

(a) *Qualifications.*

An applicant who seeks admission pursuant to this rule:

(1) must be present in Pennsylvania as the spouse of an active-duty member of the United States Uniformed Services who is (A) assigned to duty in Pennsylvania or (B) assigned to duty outside the United States but whose last assignment within the United States was in Pennsylvania;

(2) must satisfy the requirements of Rule 203(a)(1) and (2)(i) (related to completion of undergraduate studies and legal studies at a law school accredited by the American Bar Association) and Rule 203(b)(2) (related to character and fitness);

(3) must not have taken and failed the Pennsylvania bar examination;

(4) must be currently admitted as an attorney at law in the highest court of another state, commonwealth, territory or the District of Columbia;

(5) must not currently be the subject of a pending disciplinary matter in any jurisdiction in which the applicant is admitted to the practice of law or be currently suspended or disbarred in any such jurisdiction;

(6) must not have been disciplined for professional misconduct by any jurisdiction within the 10 years immediately preceding filing of the Pennsylvania application or been disbarred at any time by any jurisdiction; and

(7)(A) must be employed and supervised by a Pennsylvania-licensed attorney who is in good standing and who is currently engaged in the practice of law in Pennsylvania; or

(B) be employed by the Federal government, the Commonwealth of Pennsylvania or a local government within Pennsylvania and supervised in that employment by a Pennsylvania-licensed attorney who is currently engaged in the practice of law in Pennsylvania.

(b) *Procedure.*

(1) An applicant who seeks admission pursuant to this rule must submit to the Board of Law Examiners an affidavit confirming that the applicant satisfies the requirements of Rule 304(a); that the applicant agrees to supplement his or her application with any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant agrees to notify the Prothonotary of the Pennsylvania Supreme Court of any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant has read, is familiar with and agrees to abide by the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement; that the applicant will comply with any obligations imposed by the Pennsylvania Continuing Legal Education Board; and that the applicant submits to the jurisdiction of the Pennsylvania Supreme Court with respect to any and all disciplinary matters.

(2) An applicant must submit to the Board of Law Examiners an affidavit of the Pennsylvania attorney who will, pursuant to Rule 304(a)(7), supervise the applicant if the application is granted. The supervising lawyer must confirm in the affidavit that he or she will (A) supervise the applicant in the performance of the applicant's legal work and (B) notify the Board in the event the applicant leaves the employ of the supervising attorney's law firm or government entity or is otherwise no longer being supervised by that attorney.

(3) The applicant must submit to the Board of Law Examiners the following:

(A) certificates or official transcripts evidencing compliance with the provisions of Rule 304(a)(2) related to legal education;

(B) a certificate of good standing from the highest court or the admissions authority of a state, commonwealth, territory or the District of Columbia in which the applicant is currently licensed to practice law;

(C) a copy of the United States military orders of the applicant's spouse establishing that the spouse is present in Pennsylvania because of military orders; and

(D) any fee required by the Board of Law Examiners.

(4) If an applicant satisfactorily completes the steps required by this rule and the Board determines that the applicant is qualified under this rule, the Board shall provide to the applicant a certificate recommending admission of a spouse of an active-duty service member.

(5) At any time within 6 months of the issuance of a certificate recommending admission of a spouse of an active-duty service member, an applicant may file a motion with the Prothonotary of the Supreme Court of Pennsylvania, on a form prescribed by the Board for issuance of such a license. The applicant shall submit the form with the certificate recommending admission of a spouse of an active-duty service member along with any fee the Prothonotary may assess.

(6) Upon receipt of a properly supported motion, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of the Supreme Court of Pennsylvania subject to the restrictions of this rule.

(c) *Limitations*

(1) An applicant who is granted limited admission under this rule and who continues to satisfy the requirements of Rule 304(a) is entitled to all the same rights, privileges and benefits and is subject to the same duties, obligations and responsibilities as active members of the bar of the Supreme Court of Pennsylvania subject to the following limitations.

(2) The limited admission provided by this rule shall terminate automatically upon the occurrence of any of the following:

(A) any of the provisions of Rule 304(a) are no longer satisfied or

(B) the attorney admitted under this rule is admitted to the bar of the Supreme Court of Pennsylvania under any other rule.

(3) In the event Rule 304(c)(2)(A) or (B) applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a 6-month grace period.

Official Note: For purposes of this rule, the “United States Uniformed Services” are defined to include the following: the United States Army; the United States Marine Corps; the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; the National Oceanic and Atmospheric Administration Commissioned Corps and any other entity designated as part of the United States Uniformed Services by the United States Department of Defense or the United States Department of Homeland Security. See 10 U.S.C. § 101(a)(4) and (5).

The phrase “active duty” shall have the meaning given it in 10 U.S.C. § 101(d)(1).

For purposes of Rule 304(a)(7), “practice of law” shall have the meaning set out in Rule 204.

The supervision required by Rule 304(a)(7) must be sufficient to insure that the supervising attorney has knowledge of the specific conduct, ratifies the conduct, knows of the conduct at a time when its consequences may be avoided or mitigated and will assume responsibility for the supervised attorney’s work should the supervised attorney’s limited license terminate.

[Pa.B. Doc. No. 19-204. Filed for public inspection February 15, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CHESTER COUNTY

Establishment and Adoption of Local Rule of Criminal Procedure

Order

And Now, this 25th day of January, 2019, it is hereby *Ordered* and *Decreed* that Chester County Rules of Criminal Procedure are established and effective upon the following:

Establishment of Chester County Rule of Criminal Procedure 576.1

Electronic Filing and Service of Legal Papers C.C.R.Crim.P 576.1

It is further *Ordered* that the Clerk of Court Administrator shall:

1. File one copy of C.C.R.Crim.P 576.1 with the Administrative Office of the Pennsylvania Courts via email to adminrules@pacourts.us;

2. File two paper copies and one electronic copy of C.C.R.Crim.P 576.1 in a Microsoft Word format only on a CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* at the following address: Pa. Code and Bulletin Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120;

3. Publish C.C.R.Crim.P 576.1 on the Court of Common Pleas of Chester County, 15th Judicial District’s website at www.chesco.org;

4. Incorporate C.C.R.Crim.P 576.1 into the set of local rules on the Court of Common Pleas of Chester County, 15th Judicial District’s website within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*; and

5. File and keep C.C.R.Crim.P 576.1, along with all local rules of this Court, continuously available for public inspection and copying in the Chester County Clerk of Court’s Office.

It is hereby *Ordered* that C.C.R.Crim.P 576.1 shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JACQUELINE CARROLL CODY,
Judge

C.C.R.Crim.P. 576.1. Electronic Filing and Service of Legal Papers.

(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 Chester County, the 15th Judicial District, as of March 4, 2019. The Administrative Office of Pennsylvania Courts and the judicial district of Chester County have agreed upon an implementation plan for PACFile in Chester 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. 19-205. Filed for public inspection February 15, 2019, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rules; No. 29 January Term 1976

Order

And Now, this 1st day of February, 2019, *It Is Hereby Ordered* as follows:

1. Current Local Rule No. 1920.31 is *Rescinded*.
2. The following Local Rule No. 1920.31 is *Adopted* by this Court and shall be effective thirty (30) days after being published in the *Pennsylvania Bulletin*.
3. The Clinton County Judicial Law Clerk is Ordered and Directed to:

(a) Distribute this Order and the following Local Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* by emailing a copy of this Order to bulletin@palrb.us and sending two (2) certified copies to:

Legislative Reference Bureau
Pa. Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120-0033

(b) Cause to be removed from this Court's website current Local Rule No. 1920.31 and replace said Local Rule on this Court's website with following Local Rule within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Rule 1920.31. Alimony Pendente Lite.

1. All claims for Alimony Pendente Lite shall be filed by Complaint with the Domestic Relations Section of this Court.
2. The filing party shall provide verification of the divorce filing. This verification shall include the docket number and caption of the divorce case.
3. The Domestic Relations Section shall schedule a conference for the parties and collect necessary information to determine the parties' income prior to a hearing before the Court.
4. The Domestic Relations Section shall not collect and/or enforce Alimony and/or Alimony Pendente Lite Orders unless specifically ordered by this Court.
5. Collection and enforcement of Alimony and/or Alimony Pendente Lite Orders by the Domestic Relations Section shall not be ordered by the Court unless special circumstances are present that make the collection and/or enforcement by the Domestic Relations Section necessary.
6. All claims for alimony subsequent to divorce and enforcement of alimony thereof shall continue to be filed and docketed in the Office of the Prothonotary at the parties' divorce caption and docket number.

[Pa.B. Doc. No. 19-206. Filed for public inspection February 15, 2019, 9:00 a.m.]

SUPREME COURT

Schedule of Holidays for Year 2020 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 512 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 29th day of January, 2019, it is hereby ordered that the following paid holidays for calendar year 2020 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 01, 2020	New Year's Day
January 20, 2020	Martin Luther King, Jr. Day
February 17, 2020	Presidents' Day
April 10, 2020	Good Friday
May 25, 2020	Memorial Day
July 03, 2020	Independence Day Observed
September 07, 2020	Labor Day
October 12, 2020	Columbus Day
November 03, 2020	Election Day**
November 11, 2020	Veterans' Day
November 26, 2020	Thanksgiving Day
November 27, 2020	Day after Thanksgiving
December 25, 2020	Christmas Day

**AOPC only; Appellate courts will be open.

[Pa.B. Doc. No. 19-207. Filed for public inspection February 15, 2019, 9:00 a.m.]

SUPREME COURT

Sessions of the Supreme Court of Pennsylvania for the Year 2020; No. 513 Judicial Administration Doc.

Order

Per Curiam:

And Now, this 29th day of January, 2019, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2020 as follows:

Philadelphia (Administrative Session)	February 4th
Philadelphia	March 9th through March 13th
Harrisburg (Administrative Session)	March 24th
Pittsburgh	April 20th through April 24th
Harrisburg	May 18th—May 22nd
Pittsburgh (Administrative Session)	June 2nd
Philadelphia	September 14th through September 17th
Pittsburgh	October 19th through October 23rd
Harrisburg	December 1st through December 3rd

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 19-208. Filed for public inspection February 15, 2019, 9:00 a.m.]