

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

### Order Adopting Rule of Judicial Administration 701(C)(7); No. 534 Judicial Administration Doc.

#### Order

*Per Curiam*

And Now, this 1st day of April, 2020, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rule 701(C) of the Rules of Judicial Administration is hereby amended to add Rule 701(C)(7) as set forth in the attachment hereto.

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

#### 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.

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(C) *Request for the Assignment of Additional Magisterial District Judges or Judges.*

(1) *Request for Assignment.* Whenever a president judge deems additional judicial assistance necessary for the prompt and proper disposition of court business, he or his proxy shall transmit a formal request for judicial assistance to the Administrative Office. The request may be made in writing or it may be transmitted electronically. An electronic request for judicial assistance shall be accomplished through a secure program developed by the Administrative Office for this purpose.

(2) *Recommendation by the Court Administrator of Pennsylvania and Action by Chief Justice.* Upon the recommendation of the Court Administrator, the Chief Justice may, by order, assign any retired, former, or active magisterial district judge, judge or justice to temporary judicial service on any court to fulfill a request by a president judge, or to reduce case inventories, or to serve the interest of justice. The order entered by the Chief Justice may be electronically transmitted to the Administrative Office of Pennsylvania Courts for processing. Orders entered pursuant to this chapter may be transmitted by the Administrative Office to the Supreme Court prothonotary in hard copy or electronically. Electronically transmitted orders shall be docketed by the Supreme Court prothonotary in the same manner as hard copy orders. Electronically transmitted orders need not be printed by the Supreme Court prothonotary unless a request for public review is made.

(3) *Duration of Assignment.* Unless otherwise provided in the order of assignment, the order shall continue in effect after its stated expiration date until unfinished business pending before the assigned judge is completed.

(4) *Certification of Service.* The president judge of a district to which a magisterial district judge or judge has been temporarily assigned under this rule shall certify to

the Administrative Office, on a certificate completed and signed by the assigned magisterial district judge or judge, the number of days of temporary judicial service and the amount of any compensation to which the assigned judge is entitled.

(5) *Expenses of Assigned Judges.* All judges assigned to duties outside of their judicial districts may, in addition to any per diem payment authorized by law, be reimbursed with the approval of the Court Administrator for necessary expenses, including hotel accommodations and meals, incident to such duties.

(6) *Restrictions on Temporary Assignments.* No judge shall be assigned under this rule to any court while any judge thereof is assigned to another court under this rule, except when required to take the place of a judge who is recused or disqualified, or is otherwise unavailable, or under other appropriate circumstances.

(7) [ (Reserved). ] *Temporary Judicial Assignments to the Supreme Court. Requests for temporary judicial assistance to the Supreme Court shall be governed by Section 13 of the Supreme Court's Internal Operating Procedures, as amended from time to time.*

**Official Note:** The subject matter of former paragraph (7) (relating to ceremonial functions) is now governed by 23 Pa.C.S. § 1503(a)(2) (relating to persons qualified to solemnize marriages) (as amended by the Act of July 14, 2009 (P.L. 81, No. 18)) and 42 Pa.C.S. § 327 (relating to oaths and acknowledgments) (as amended by the Act of June 30, 2012 (P.L. 666, No. 79)).

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[Pa.B. Doc. No. 20-507. Filed for public inspection April 10, 2020, 9:00 a.m.]

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW

[ 204 PA. CODE CH. 71 ]

### Order Suspending/Modifying Portions of Rules 205 and 231 of the Pennsylvania Bar Admission Rules; No. 833 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 27th day of March, 2020, upon the recommendation of the Pennsylvania Board of Law Examiners (the "Board"),

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania, and Rule 1952(A) of the Rules of Judicial Administration, that Rules 205 and 213 of the Pennsylvania Bar Admission Rules are suspended or temporarily modified as follows:

1. Pennsylvania Bar Admission Rule 205(b), regarding law study required for admission of foreign attorneys and graduates of foreign institutions, is temporarily modified to allow on-line coursework to be credited if it would otherwise have occurred on the campus of an accredited

law school in the United States but for campus closures caused by the COVID-19 pandemic; and

2. Pennsylvania Bar Admission Rule 213(b)'s requirement that the Board hold a hearing within 30 days after receipt of an applicant's request for a hearing is suspended. Any hearing that the Board would otherwise be required, under Rule 213(b), to hold during the judicial emergency declared by the Supreme Court of Pennsylvania on March 16, 2020, or any extension of that emergency, or that the Board would be required under Rule 213(b) to schedule in response to a request received during the judicial emergency, or any extension of that emergency, may be held within 30 days after the conclusion of the judicial emergency, or any extension of that emergency.

3. In the discretion of the Board, and with the consent of the applicant, hearings pursuant to Pennsylvania Bar Admission Rule 213(b) may be held by telephone or videoconference during, and within 30 days after the conclusion of, the judicial emergency declared by the Supreme Court of Pennsylvania by order dated March 16, 2020, or any extension of that judicial emergency.

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

[Pa.B. Doc. No. 20-508. Filed for public inspection April 10, 2020, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**PART IV. PROFESSIONAL ETHICS AND CONDUCT  
[ 204 PA. CODE CH. 83 ]**

**Amendment of Rules 218(f)(1), (f)(3), and (g)(1) of the Pennsylvania Rules of Disciplinary Enforcement; No. 194 Disciplinary Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 31st day of March, 2020, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; which followed the proposal to amend Pa.R.D.E. 218(f)(1), (f)(3), and (g)(1) having been published for comment in the *Pennsylvania Bulletin*, 49 Pa.B. 7166 (December 7, 2019):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 218(f)(1), (f)(3), and (g)(1) of the Pennsylvania Rules of Disciplinary Enforcement are 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.

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART V. PROFESSIONAL ETHICS AND CONDUCT**

**Subpart B. DISCIPLINARY ENFORCEMENT**

**CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT**

**Subchapter B. MISCONDUCT**

**Rule 218. Reinstatement.**

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(f)(1) At the time of the filing of a petition for reinstatement with the Board, a non-refundable reinstatement filing fee shall be assessed against a petitioner-attorney. The filing fee schedule is as follows:

Reinstatement from disbarment or suspension for more than one year:	\$1,000
Reinstatement from administrative suspension (more than three years):	\$500
Reinstatement from inactive/retired status (more than three years):	\$250
<b><u>Reinstatement from inactive status pursuant to Enforcement Rule 301:</u></b>	<b><u>\$250</u></b>

(2) The Supreme Court in its discretion may direct that the necessary expenses incurred in the investigation and processing of the petition for reinstatement be paid by the petitioner-attorney. After the Supreme Court Order is entered, the annual fee required by Rule 219(a) for the current year shall be paid to the Attorney Registration Office.

**(3) Failure to pay expenses taxed under Enforcement Rule 218(f)(2) within thirty days of the entry of the Supreme Court Order shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance, or such other rate as established by the Supreme Court from time to time. The Board, for good cause shown, may reduce the penalty or waive it in its entirety.**

(g)(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Enforcement Rule 217 (relating to formerly admitted attorneys), **along with the payment of a non-refundable filing fee of \$250**, the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.

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[Pa.B. Doc. No. 20-509. Filed for public inspection April 10, 2020, 9:00 a.m.]

**Title 210—APPELLATE  
PROCEDURE**

**PART II. INTERNAL OPERATING PROCEDURES  
[ 210 PA. CODE CH. 63 ]**

**Order Adopting Internal Operating Procedure Section 13 of the Internal Operating Procedures of the Supreme Court; No. 834 Supreme Court Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 1st day of April, 2020, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Section 13 of the Internal Operating Procedures of the Supreme Court is hereby adopted.

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

**Annex A**

**TITLE 210. APPELLATE PROCEDURE**

**PART II. INTERNAL OPERATING PROCEDURES**

**CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT**

**§ 63.13. Temporary Judicial Assignments to the Supreme Court.**

(A) Where a quorum of the Court cannot be assembled to transact the business of the Court, or where extraordinary circumstances warrant appointment of additional Justices, the Chief Justice or senior participating Justice may request temporary judicial assignment(s) to the Court as set forth below.

(B) A request for one or more temporary judicial assignments shall be made in accordance with the affirmative vote of a majority of the Justices voting on that question.

(C) The Court Administrator will select the requested number of temporary judges by random drawing from a pool of all commissioned judges of the Superior Court, or the Commonwealth Court, or both, excluding any judges who previously participated in the matter(s) to be considered by the Court. In the event a judge so selected is unable to serve, the Court Administrator shall select another temporary judge from the pool by random drawing. The Court Administrator will submit the selected names to the Chief Justice or senior participating Justice for appointment to the Court.

(D) This Section supplants Rule of Judicial Administration 701(C)(1) and (2) relative to temporary judicial assignments to the Supreme Court. The balance of the Rules of Judicial Administration continue to pertain, to the extent otherwise applicable.

[Pa.B. Doc. No. 20-510. Filed for public inspection April 10, 2020, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CARBON COUNTY**

**Adoption of Adult Probation and Parole Confinement and Release on Parole Policy (AKA Good Time); No. CP-13-AD-003-2020**

**Administrative Order 9-2020**

*And Now*, this 26th day of March, 2020, it is hereby *Ordered* and *Decreed* that the Carbon County Court of Common Pleas *Adopts* the Carbon County Adult Probation and Parole Confinement and Release on Parole Policy, as follows this Order:

The Court vacates Administrative Order 23-2003 (139 MI 03) Preparole Investigations and Parole Policy.

This policy shall be effective 30 days following publication in the *Pennsylvania Bulletin*.

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

1. File two paper copies and one electronic copy in Microsoft Word format of this Administrative Order and Policy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. File one copy of this Administrative Order and Policy with the Administrative Office of Pennsylvania Courts.

3. Publish the Administrative Order and Policy on the website of the Carbon County Court of Common Pleas.

4. Incorporate the Policy in the Operations Manual of the Carbon County Adult Probation and Parole Department no later than 30 days following publication in the *Pennsylvania Bulletin*.

5. Forward one copy of this Administrative Order and Policy for publication in the *Carbon County Law Journal*.

6. Forward one copy of this Administrative Order and Policy to the *Carbon County Law Library*.

7. Keep copies of this Administrative Order and Policy continuously available for public inspection and copying in the Clerk of Courts Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

<p><b>Carbon County Court Of Common Pleas Fifty-Sixth Judicial District</b></p> <p><b>Carbon County Adult Probation/Parole Department</b></p> <p><b>Operations Manual: Policy &amp; Procedure</b></p>	<p><b>Chapter: 5</b></p>	
	<p><b>Related Standards:</b></p> <p><b>4-APPFS-2C-01: Information Request</b>  <b>4-APPFS-2C-02: Individual Release Plan</b>  <b>4-APPFS-2C-03: Reasonable Delays</b>  <b>4-APPFS-2C-04: Graduated or Partial Release</b>  <b>4-APPFS-2C-05: Community</b>  <b>4-APPFS-2C-06: Services</b></p>	
<p><b>Topic: Offenders and Supervision</b></p>	<p><b>Effective date:</b></p> <p style="text-align: right;">, 2020</p>	
<p><b>“Confinement and Release on Parole”</b></p>		

**Purpose:**

To establish policy and procedure governing the release of sentenced inmates from a Correctional Facility after attaining their minimum sentence to an approved parole plan which addresses the safety and security of the public and the rehabilitative needs of the offender.

**Applicability:**

To the Carbon County Court of Common Pleas, the Carbon County Adult Probation/Parole Department and the Carbon County Correctional Facility.

**Authority:**

This policy statement has been developed pursuant to and in accordance with statutory requirements, local rules established by the Carbon County Adult Probation/Parole Department and the formal adoption by the Carbon County Court of Common Pleas through an Administrative Court Order.

The granting, denying and revocation of parole for county offenders rests under the jurisdiction of the Carbon County Court of Common Pleas.

The Carbon County Adult Probation/Parole Department operates as an instrument between the Correctional Facility and the Judiciary and is responsible for investigating, verifying and recommending all pre-parole plans.

**Policy Statement:**

The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender to become a useful member of society and the diversion of appropriate offenders from prison.

In providing these benefits to the criminal justice system, the Carbon County Adult Probation/Parole Department shall first and foremost seek to protect the safety of the public. To achieve this goal, the Department shall assist released offenders in their successful reintegration into society.

**Pre-Parole Investigations:**

*Timing of the Pre-Parole Plan:* The Carbon County Adult Probation/Parole Department shall initiate a pre-

parole investigation within a reasonable period of time of the offender reaching their minimum release date.

*Calculation of Minimum Release Date and Maximum Sentences:* When the Court imposes a sentence of partial confinement, the Adult Probation/Parole Department, in conjunction with the prison administration, shall calculate a minimum release date, any good time if applicable, and a maximum expiration date. The Adult Probation/Parole Department shall maintain a database which includes all offenders sentenced to a term of imprisonment when the paroling jurisdiction rests with the Carbon County Court of Common Pleas. The database will include the docket number, criminal charge, minimum release date and the maximum sentence. The Carbon County Correctional Facility shall be provided access to the database.

**Interview and Verification Process:**

The assigned Adult Probation Officer shall interview the defendant and any other individuals identified as necessary in order to gather and verify information. The officer shall obtain the defendant’s proposed residence, telephone number and a list of all occupants within the household. A field-visit of the proposed residence shall be conducted and the head of household/owner, spouse or paramour shall be interviewed to confirm that the defendant is permitted to reside at the residence. If the head of household is renting, then the officer shall verify that the landlord has no objection to the offender residing at the residence. The officer shall inspect the residence to ensure that no weapons or violations or any other negative issues are apparent. If the defendant resides out-of-the-area, the assigned officer may conduct a telephone interview with the head of household/owner, spouse or paramour of the residence to confirm that the defendant is permitted to reside at the residence. A field visit is not required if the residence has been previously verified through prior supervision of the offender.

The Correctional Facility shall notify the Adult Probation/Parole Department in a timely fashion of any infraction, other issues, or if the inmate has not been compliant with the Order of the Court.



### **Approval of Proposed Plan by the Pre-Parole Investigator:**

*Approved Pre-Parole Plans:* The assigned Adult Probation Officer shall be responsible for the verification and approval of all Pre-parole Plans before submission to the Court. The plan should be denied if factors exist that, as determined by the Court or the Adult Probation/Parole Department, would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender. The plan should be recommended to the Court under the following circumstances:

1. The offender possesses a suitable residence that would be conducive to the rehabilitative needs of the offender.
2. The offender has no major prison misconducts as determined by the Carbon County Correctional Facility.
3. Prison officials confirm that the offender made an adequate adjustment in the correctional setting.
4. The offender has complied with the order of sentence to the extent possible while incarcerated.
5. The offender is not considered a serious risk to engage in further criminal activity if released and would be a good candidate for parole.

*Intake Process:* When the defendant has been recommended for parole, an intake shall be completed prior to the defendant's release from prison. The intake shall include the completion of a risk and needs assessment. The results of the assessment may be used as an aid in determining the appropriateness of the parole recommendation and the addition of special conditions.

*Pre-Parole Information:* Once the assigned officer has verified all relevant information, an Order granting or denying parole shall be submitted to the Court. The Paroling Order shall include the name of the offender and his or her institution; the sentence for which the parole is sought; the minimum and maximum expiration dates of the sentence; the offender's institutional adjustment that reflects favorably for parole consideration; proposed home plan; and proposed employment or vocational training, if available. All Orders are subject to the approval of the Chief Adult Probation Officer.

#### *Rescission of Paroling Order:*

Prior to the release on parole and when factors exist, as determined by the Court or the Adult Probation/Parole Department, which would compromise the safety and security of the public or would not contribute to the rehabilitative needs of the offender, the Adult Probation/Parole Department may recommend to the sentencing Court that the Order of Court granting parole of the offender be rescinded or modified. The Offender may petition the Court for a parole hearing.

### **Setbacks and Other Miscellaneous Sanctions:**

The Court in the Order of Sentence for a period of incarceration shall state the minimum period of time that the offender must serve prior to being eligible for parole. At the Courts discretion, the offender may be eligible for parole at the minimum sentence without further order. The Adult Probation/Parole Department and/or the Carbon County Correctional Facility may recommend a delay in a parole (setback) for minor prison infractions. Unless specifically stated in the sanction, inmates receiving a setback of their parole are not required to petition the Court for future parole. If the offender does not agree to the setback, the offender may request a hearing before the Court. The Carbon County Correctional Facility

(CCCF) shall administer sanctions for those inmates who have been afforded the opportunity to begin their sentence at a future time, over weekends, or who have failed to comply with the order of sentencing. The Order of Sentence states that if the offender appears at CCCF under the influence of alcohol/illicit drugs, or fails to report on time, or otherwise violates any of the rules and regulation of CCCF, the offender shall not be released at the end of the minimum sentence.

If a defendant fails to appear to serve a sentence in accordance with the Order of the Court, the Correctional Facility shall file a petition with the Court requesting a warrant for the defendant's arrest.

The Correctional Facility should use the following guidelines for unexcused tardiness:

- Inmates who appear at a maximum of up to one (1) hour late shall have their release time adjusted according to the length of tardiness.
- Inmates who appear over one (1) hour late will be required to petition the Court for parole. Inmates serving a sentence over weekends shall not be released and shall serve their sentence on continuous days.

Inmates serving weekend sentences shall not:

1. Appear at the facility with alcohol on their breath.
2. Appear at the facility and test positive for any non-prescribed drugs.
3. Be arrested for a misdemeanor or felony offense while serving the weekend sentence.
4. Violate any prison rules or regulations.

Any inmate during the period of serving their sentence in violation of the aforementioned guidelines shall not be released from the Correctional Facility and shall begin serving their sentence in continuous days. The inmate will be required to petition the Court for parole.

For those offenders serving a sentence as a result of a violation of 75 Pa.C.S.A. § 3802 (relating to DUI), the Carbon County Correctional Facility shall prepare a memorandum stating the time served on that specific docket, the parole date and forward the memorandum to the Clerk of Courts in accordance with Act 151.

*Denial of Petition for Parole:* If parole is not granted, regardless of the circumstances, the defendant must file a petition for parole with the Court, whereupon a hearing will be scheduled.

*Parole Opposition:* The Adult Probation/Parole Department shall notify the District Attorney's Office not less than 10 day prior to the offender's minimum release date (excluding time served or offenders who qualify for automatic parole). In those instances, when opposition is expressed by the Commonwealth or the victim, the Adult Probation/Parole Department shall examine the reasons outlined and make an appropriate parole recommendation to the Court. If parole is denied based on the opposition expressed by the Commonwealth or the victim, the offender must petition the Court for a parole hearing. The Commonwealth will subpoena any required individuals needed to testify at the parole hearing.

*Automatic Parole:* Under certain circumstances, no pre-parole investigation will be required and the defendant shall be automatically released from prison after attaining his/her minimum release date provided the defendant has complied with the Order of Court and has not received any major prison misconduct. The Warden of the Correctional Facility or designee is hereby authorized to

automatically release the defendant on parole upon reaching his/her minimum sentence under the following circumstances, unless otherwise Court ordered:

1. Any defendant serving a minimum sentence of ninety days or less.
2. Any defendant serving a weekend type sentence.
3. Any defendant sentenced to time served by the Court.
4. Any defendant where the Court has stated at the time of sentencing that a Pre-Parole Investigation is not required (paroled from the Bench).

#### **Good Time Credit Programs:**

*Ineligible Offenders:* The Court, at its discretion, may indicate on the record that a defendant is ineligible for any good time credit. In addition, inmates who have not served the mandatory portion of their sentence (e.g. DUI offenses) who are serving flat sentences (e.g. summary offenses) or are serving weekend type sentences are not eligible for good time credit.

*First Time Inmates:* Defendants serving a sentence of incarceration for the first time are eligible for good time credit subject to the criteria above. A first time inmate is defined as an individual who has not been previously incarcerated.

*Standard Good Time Credit:* Defendants sentenced to the Carbon County Correctional Facility and under the paroling jurisdiction of the Court of Common Pleas may be eligible for good time credit subject to the criteria above. The Court must state at the time of sentencing if the defendant is eligible.

*Calculation of Good Time Credits:* The Carbon County Correctional Facility administers the good time credit program. Inmates may earn credit as a reduction of their minimum sentence if good behavior is demonstrated during the service of their minimum sentence. Inmates may earn four (4) days for every month served. Inmates can earn an additional two (2) days for every month served if they participate in the In-House Work Release, Alternative Work, or Facility Programming Good Time Credit Programs (see below). Good time credit shall not be computed for any defendant serving mandatory minimum sentences.

*In-house Work Release and Alternative Work Good Time Programs:* An inmate assigned to the In-House Work Release Program (working within the facility) or an Alternative Work Program (temporary unpaid work assignment away from the grounds of the facility) and who is eligible by factors indicated above will be given the option of earning additional good time credit (one (1) day credit deducted from their minimum sentence for every week worked) or monetary compensation. Inmates may not earn more than two (2) additional days total per month. The Correctional Facility shall notify the Adult Probation/Parole Department of good time credit earned. If good time is subsequently revoked, the inmate shall receive monetary compensation in accordance with applicable laws.

*Facility Programming Good Time Program:* An inmate who is faithfully, as determined by the Correctional Facility, attending in-house programs in the Correctional Facility (e.g. GED, Twelve Step Programs, Drug and Alcohol, Mental Health, etc.) and is eligible as determined

by the above factors may earn an additional good time credit of two (2) days for every month served. Inmates may not earn more than two (2) additional days total good time credit per month. The Correctional Facility shall notify the Adult Probation/Parole Department of good time credit earned. Illness, court appearances and medical/dental appointments will be considered excused absences.

*Maximum Good Time Credit:* The maximum good time credit of all programs must not exceed the maximum of six (6) days per month (see Goodtime Computation Chart).

*Revocation of Good Time Credits:* Inmates may have any good time credits revoked by an Administrative Action of the Prison Disciplinary Board for any prison infraction. In those instances, the Prison Administration will notify the Adult Probation/Parole Department that the inmate's good time credits have been revoked. At that time, the inmate's minimum release date shall be adjusted. In those instances where the good time credits revoked are attributable to In-House Work Release or an Alternative Work Program, the inmate will be paid the amount of monetary compensation otherwise earned in lieu of the revoked good time credits.

#### **Conditions of Release:**

*General Conditions of Release:* All offenders placed on probation or parole shall be subject to the standard conditions of release established by the Court and the Adult Probation/Parole Department.

*Reporting Requirement of Offender:* When an offender is released from confinement, the offender must report to the Carbon County Adult Probation/Parole Department and the Carbon County Bureau of Collections within seventy-two (72) hours of release.

*Firearms and/or Weapons Permitted in Household:* The assigned Adult Probation Officer shall use the following criteria to determine whether firearms and/or other weapons are permitted in the residence:

1. The defendant resides with his/her parents or other family members and the firearms/weapons are locked in a safe, gun cabinet or other secure area within the residence that the defendant has no access. Gun cabinets with a glass front are not permitted unless it is housed in a secure area that the defendant has no access.
2. The offense of conviction did not involve a weapon and was not an assaultive criminal offense.
3. Other prohibitions as established by law.

*Special Conditions of Parole:* During the pre-parole investigative phase, the assigned Adult Probation Officer shall evaluate the offender's risks and needs and determine appropriate Special Conditions of Release to be incorporated in the offender's parole plan and included on the Order of Court granting parole. The Department shall provide assistance and services to offenders who have been paroled and have requested help and assistance. The Department encourages offenders to use community residential centers and other treatment programs to assist the parolee in transitioning back into the community.

*Written Notification of Conditions of Release:* Written conditions of parole shall be provided to the parolee at the time of intake. Conditions shall be stated clearly, simply and in a positive manner. Offenders having difficulty

understanding the conditions of release will be provided an explanation by the intake officer. The offender shall acknowledge an understanding of the conditions and receipt in writing by their signature. A signed copy of the conditions shall be provided to the defendant.

*Reasonable Delays:* During the pre-parole investigative phase, legitimate reasons for permitting an offender’s delay to the approved parole plan residence or program may develop, e.g. visiting a family member, recovering clothing or tools or taking care of a legal matter. The assigned officer is in the best position to assess and investigate all delays and advise the Court with an appropriate recommendation.

*Relocation of Offender from Approved Parole Plan:* Any offender who leaves an approved residence or treatment program without the prior consent and permission of his/her Probation Officer or the Court can be subject to the issuance of a warrant for parole violations.

**Victim Notification:**

The Carbon County Correctional Facility shall collaborate with the Victim/Witness Coordinator to administer the Victim Notification Program. Prison officials shall notify all victims registered in the “Victim Notification Program” of an inmates release on parole. The Correctional Facility can use PA SAVIN to facilitate the registration and notification.

**Partial Release Programs:**

*Program Types:* Carbon County provides three types of partial release programs: weekend sentences, work release and institutional furloughs. Prison Officials administer these programs unless otherwise specified by Court Order. The Carbon County Adult Probation/Parole Department shall support and embrace these programs to ease the transition from confinement to parole. The department shall comply with all program regulations and requirements established by Prison Officials. Offenders recommitted to prison for violations of supervision may be eligible for partial release programs when authorized by the Court.

**GOOD TIME COMPUTATION CHART**

<i>Sentence in Months</i>	<i>Actual Days Served (4/6)</i>	<i>Good Time Days Earned</i>
1 Month	26/24	4/6
2 Months	52/48	8/12
3 Months	78/72	12/18
4 Months	104/96	16/24
5 Months	130/120	20/30
6 Months	156/144	24/36
7 Months	182/168	28/42
8 Months	208/192	32/48
9 Months	234/216	36/54
10 Months	260/240	40/60
11 Months	286/264	44/66
12 Months	312/288	48/72

[Pa.B. Doc. No. 20-511. Filed for public inspection April 10, 2020, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CARBON COUNTY**

**Amend Carb.R.C.P. 1018.1 Notice to Defend. Form.; No. 20-0619**

**Administrative Order 10-2020**

*And Now,* this 26th day of March 2020, it is hereby *Ordered* and *Decreed* pursuant to PA R.C.P. 1018.1 that Carb. R.C.P. 1018.1 is *Amended* as follows:

**Rule 1018.1. Notice to Defend. Form.**

1. The agency to be named in the Notice to Defend accompanying complaints filed in the Court of Common Pleas of Carbon County, PA shall be:

North Penn Legal Services  
101 West Broad Street, Suite 713  
Hazleton, PA 18201  
877-953-4250

Parties should consult the Legal Aid section of the court’s website located at [www.carboncourts.com](http://www.carboncourts.com) to verify contact information.

2. The agency to be named in the Notices required by the following rules shall be the same as that required for PA R.C.P. 1018.1:

- 237 Notice of Praecept for Final Judgment.
- 430 Service Pursuant to Special Order of Court. Publication.
- 1331 Notice Required by Rules 1328(b) and 1329(e)(2). Form.
- 1905 Forms For Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.
- 1910.25 Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.
- 1910.27 Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification. Petition for Recovery of Support Overpayment.
- 1915.15 Form of Complaint. Caption. Order. Petition to Modify a Custody Order.
- 1915.16 Form of Order and Notice. Joinder. Intervention.
- 1920.71 Form of Notice.
- 1920.73 Notice of Intention to Request Entry of Divorce Decree. Praecept to Transmit Record. Forms.
- 1930.6 Paternity Action. Scope. Venue. Commencement of Action.
- 1959 Forms for Use in Protection of Victims of Sexual Violence or Intimidation Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.
- 2964 Notice of Judgment and Execution Required by Rule 2958.1.
- 2965 Notice of Judgment and Execution Required by Rule 2958.2. Form.
- 2966 Notice of Judgment and Execution Required by Rule 2958.3. Form.
- 2974.2 Notice of Judgment and Execution Required by Rule 2973.2. Form.
- 2974.3 Notice of Judgment and Execution Required by Rule 2973.3. Form.
- 3033 Writ of Revival. Form.



- 3146 Judgment Against Garnishee Upon Default or Admission In Answer to Interrogatories.
- 3252 Writ of Execution-Money Judgments.
- 3282 Petition. Averments. Notice to Defend.
- 3312 Notice of Intent to Attach Wages. Claim for Exemption from Wage Attachment. Notice of Claim for Exemption of Wages from Attachment. Forms.
- 4009.33 Motion for Entry Upon Property of a Person Not a Party.

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

1. File two paper copies and one electronic copy in Microsoft Word format of this Administrative Order and Local Rule 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 the amended 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 of this Administrative Order and Local Rule for publication in the *Carbon County Law Journal*.
6. Forward one copy of this Administrative Order and Local Rule to the Carbon County Law Library.
7. Keep copies of this Administrative Order and Local Rule continuously available for public inspection and copying in the Prothonotary's Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 20-512. Filed for public inspection April 10, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**Amendments to Local Rule 1910.12 Office Conference. Hearing. Exceptions. Order; No. 20-0620; 1 DR 2020**

#### Administrative Order 11-2020

*And Now*, this 26th day of March 2020, it is hereby *Ordered* and *Decreed* that Carbon County Local Rule of Civil Procedure 1910.12 is *Amended* as follows:

Additions are shown in bold and are underlined.

Deletions are shown in bold and are bracketed.

**Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.**

When Exceptions are filed to the report of a Hearing Officer, the party filing the Exceptions shall [ , **within twenty (20) days of the filing of the Hearing Officer's report, ] simultaneously arrange for the transcribing of the testimony of the hearing before the Hearing Officer [ **in accordance with** ] pursuant to**

**Carbon County Local Rule of Judicial Administration [ 5000.5 for filing with the Court. Said party shall pay the stenographer for the transcript in accordance with Carbon County Local Rule of Judicial Administration 5000.7 ] 4007-Submitting and Processing Transcript Requests.**

Absent good cause shown, failure of the excepting party to arrange for the transcript and pay the cost thereof, [ **as provided herein** ] unless waived by the court, shall result in the dismissal of said Exceptions by the Court [ **upon motion** ].

These amendments shall be effective 30 days following publication in the *Pennsylvania Bulletin*.

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

1. File two paper copies and one electronic copy in Microsoft Word format of this Administrative Order and Local Rule 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 the amended 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 of this Administrative Order and Local Rule for publication in the *Carbon County Law Journal*.
6. Forward one copy of this Administrative Order and Local Rule to the Carbon County Law Library.
7. Keep copies of this Administrative Order and Local Rule continuously available for public inspection and copying in the Prothonotary and Domestic Relations Offices.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 20-513. Filed for public inspection April 10, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that James Downing Brady (# 33415), having been disbarred in New Jersey, the Supreme Court of Pennsylvania issued an Order on March 24, 2020, disbaring James Downing Brady from the Bar of this Commonwealth, effective April 23, 2020. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 20-514. Filed for public inspection April 10, 2020, 9:00 a.m.]



## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated March 24, 2020, Christopher Corsi (# 30781), whose registered address is Marlton, NJ, is suspended from the practice of law in this Commonwealth for a period of three months, effective April 23, 2020. 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. 20-515. Filed for public inspection April 10, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Jonathan Kimbel O'Neill (# 81255) having been suspended from the practice of law in the State of Maryland, the Supreme Court of Pennsylvania issued an Order dated March 24, 2020 suspending Jonathan Kimbel O'Neill from the practice of law in this Commonwealth consistent with the Order of the Court of Appeals of Maryland. 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. 20-516. Filed for public inspection April 10, 2020, 9:00 a.m.]

## SUPREME COURT

### General Statewide Judicial Emergency; Nos. 531 and 532 Judicial Administration Doc.

#### Order Regarding Alternative Filing Procedure for Children's Fast Track Appeals

*Per Curiam*

*And Now*, this 27th day of March, 2020, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that in the event a court of common pleas is unable to accommodate the filing of a notice of appeal in a matter constituting a Children's fast track appeal as defined in Rule 102 of the Pennsylvania Rules of Appellate Procedure, an attorney may file a notice of appeal in the Superior Court district corresponding to the applicable court of common pleas, pursuant to the miscellaneous filing procedure set forth in the Superior Court's Order dated March 26, 2020, Superior Court Administrative Docket No. 3. The filing in the Superior Court must be accompanied by the filing attorney's certification that filing of the notice of appeal in the appropriate court of common pleas, and service on the trial judge pursuant to

Pa.R.A.P. 906(a)(2), is impractical due to the closure of court facilities during the judicial emergency.

This *Order* shall be posted on the Unified Judicial System website and shall be effective immediately.

[Pa.B. Doc. No. 20-517. Filed for public inspection April 10, 2020, 9:00 a.m.]

## SUPREME COURT

### WESTERN DISTRICT

### General Statewide Judicial Emergency; Nos. 531 and 532 Judicial Administration Doc.

#### Second Supplemental Order

*Per Curiam*

*And Now*, this 1st day of April, 2020, pursuant to Rule of Judicial Administration 1952(A) and the Pennsylvania Supreme Court's constitutionally-conferred general supervisory and administrative authority over all courts and magisterial district judges, *see* Pa. Const. art. V, § 10(a), this Court *Directs* that the general, statewide judicial emergency declared in this Court's Order of March 16, 2020, is *Extended* through April 30, 2020, and all Pennsylvania courts *Shall Remain* generally *Closed To The Public* through April 30, 2020, subject to the General and Specific Directives and Exceptions set forth in this Court's Order of March 18, 2020, as modified and supplemented herein.

The Court further explains and *Directs* as follows:

On March 16, 2020, in light of the spread of the COVID-19 virus, this Court deemed it necessary to declare a general, statewide judicial emergency to enable the Pennsylvania Judiciary to consider—on a district-by-district basis—the appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and members of the public. Via separate Order, President Judges of the intermediate appellate courts were afforded authority to implement emergency measures as well.

On March 18, 2020, at the behest of Pennsylvania's Secretary of Health, the Court issued an order directing that all Pennsylvania courts are generally closed to the public through at least April 3, 2020, subject to certain General and Specific Directives and Exceptions designed, *inter alia*, to ensure the continuation of the courts' essential functions consistent with public health guidance provided by the executive branch. On March 24, 2020, the Court issued a Supplemental Order expanding the non-exclusive list of essential functions to include commencement of a civil action, by *praecipe* for a writ of summons, for purposes of tolling a statute of limitations.

Yesterday afternoon, the Secretary of Health urged the Supreme Court to extend the statewide closure of the courts, except for essential services, for a period of approximately one additional month to further restrict the amount of person-to-person contact and mitigate the spread of COVID-19.

Accordingly, the temporary, general closure of the Pennsylvania courts to the public SHALL REMAIN IN PLACE through April 30, 2020, subject to the General and Specific Directives and Exceptions set forth in the March 18 Order, subject to the modifications and clarifications set forth below.

In addition, President Judges are AUTHORIZED to declare judicial emergencies in their judicial districts through May 31, 2020, or for part of that period, should they deem it appropriate based on local conditions for the protection of the health and safety of court personnel, court users, and others. Such declarations, as well as all local orders and directives, SHALL BE FILED with the Prothonotary for the Supreme Court in the Eastern, Western, or Middle District Office, as appropriate for the particular local judicial district. For convenience, such materials may be transmitted via electronic mail to: Irene.Bizzoso@pacourts.us.

### Time Limitations and Deadlines

Unless otherwise indicated herein or in the March 18 Order, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, ARE NOW SUSPENDED through April 30, 2020, subject to additional orders. This suspension SHALL OVERLAP with suspensions already granted by any President Judge, and any longer suspensions directed by an appellate or local court shall remain extant on their own terms. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020, and April 30, 2020, SHALL BE DEEMED to have been timely filed if they are filed by May 1, 2020, or on a later date as permitted by the appellate or local court in question.

### Statutes of Limitations

This Court's Order of March 24, 2020, expanding the list of essential functions of courts to include acceptance of a *praecipe* for a writ of summons, for purposes of tolling a statute of limitations, SHALL REMAIN IN FULL FORCE AND EFFECT through April 30, 2020. Additionally, if a court of original jurisdiction is closed to filings, the alternative mechanism for filing of an emergency *praecipe* in the Superior Court shall remain in place, as set forth in the March 24, 2020 Order.

### Children's Fast Track Appeals

This Court's "Order Regarding Alternative Filing Procedure for Children's Fast Track Appeals," dated March 27, 2020, SHALL REMAIN IN FULL FORCE AND EFFECT through at least April 30, 2020. This Order approved the Superior Court's provision for the filing of emergency filing of children's fast track appeals upon a certification that filing in the court of original jurisdiction is impractical due to the closure of court facilities.

### Advanced Communication Technology

The Court continues to specifically AUTHORIZE AND ENCOURAGE use of advanced communication technology to conduct court proceedings, subject only to constitutional limitations. Advanced communication technology includes, but is not limited to: systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail. See Pa.R.J.A. No. 1952(A)(2)(e) & comment (citing Rule of Criminal Procedure 103 for the definition of advanced communication technology).

### Courts of Common Pleas

As previously prescribed, any in-person hearings pertaining to essential functions SHALL BE HELD in courtrooms designated by the individual courts of common pleas to minimize person-to-person contact.

Per the March 18 Order, unless otherwise required therein, any in-person pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, were postponed until a future date to be set forth by the courts. The Court further directed that, to the extent that such matters could be handled through advanced communication technology consistent with constitutional limitations, they may and should proceed. The effect of these directives is now EXTENDED through April 30, 2020, unless a President Judge should direct otherwise upon sufficient notice.

The Court NOW CLARIFIES that it expects that non-essential matters can continue to move forward, within the sound discretion of President Judges, so long as judicial personnel, attorneys, and other individuals can and do act in conformity with orders and guidance issued by the executive branch. Here again, the Court continues to specifically AUTHORIZE AND ENCOURAGE use of advanced communication technology, subject only to constitutional limitations.

Jurors SHALL NOT REPORT for jury duty through April 30, 2020.

### Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court Magistrates and Pittsburgh Municipal Court, Arraignment Division

All Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court and Pittsburgh Municipal Court, Arraignment Division, SHALL REMAIN CLOSED TO THE PUBLIC, except for essential functions, and subject to the additional Directives and Exceptions set forth in this Court's March 18 Order, including modifications to the regimen for the acceptance of payments.

### Guidance to Legal Professionals

Guidance has been provided by the executive branch explaining that members of the legal profession "may continue physical operations. . . as required to allow attorneys to participate in court functions deemed essential by a president judge per the Pennsylvania Supreme Court's order of March 18, 2020, or similar federal court directive, and lawyers may access their offices to effectuate such functions and directives." MARCH 24, 2020—INDUSTRY OPERATION GUIDANCE, *Uploaded by Governor Tom Wolf*, <https://www.scribd.com/document/452553026/UPDATED-2-30pm-March-24-2020-Industry-Operation-Guidance> (last visited April 1, 2020).

Paragraph 13 of the Governor's Frequently Asked Questions additionally advises that businesses that are otherwise required to suspend in-person operations may "retain essential personnel to process payroll and insurance claims, maintain security, and engage in similar limited measures on an occasional basis," subject to the caveat that "telework (i.e. working from home) should be employed whenever possible, and social distancing must be observed." LIFE SUSTAINING BUSINESS FAQs, *Uploaded by Governor Tom Wolf*, <https://www.scribd.com/document/452553495/UPDATED-1-45pm-March-31-2020-Life-Sustaining-Business-FAQs> (last visited April 1, 2020).

### Dispossession of Property

Subject to further orders of this Court, the directives contained in the March 18 Order concerning the dispossession of a residence—under the heading “Landlord/Tenant”—are hereby extended through April 30, 2020. It is noted, as a clarification, that the intent of this provision is that, in view of the economic effects of the COVID-19 pandemic, during this timeframe no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a monetary payment. Such payments include rent and loan payments, as referenced in the March 18 Order; they also include property tax payments. As such, this temporary prohibition encompasses, *inter alia*, dispossessions predicated on a mortgage foreclosure, a failure to pay rent, or a failure to pay property taxes. Finally, and again subject to further orders, any execution on an order of possession is also stayed for the same period, namely, through April 30, 2020.

### Prompt Trials

Extending the prior directive from the March 18 Order, Rule of Criminal Procedure 600(C) is hereby SUSPENDED in all judicial districts at least through April 30, 2020. The purport of this directive is that the time period of the statewide judicial emergency and continuing through April 30, 2020, SHALL BE EXCLUDED from the time calculation under Rule 600(C). Nothing in this Order, however, or its local implementation, shall affect a criminal defendant’s right to a speedy trial under the United States and Pennsylvania Constitutions—albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

This Court will continue to post on the Unified Judicial System website its Orders concerning the operations of the Unified Judicial System during the COVID-19 situation.

[Pa.B. Doc. No. 20-518. Filed for public inspection April 10, 2020, 9:00 a.m.]

## SUPREME COURT

### WESTERN DISTRICT

### General Statewide Judicial Emergency—Supreme Court Operations; No. 533 Judicial Administration Docs.

#### Order

#### *Per Curiam*

*And Now*, this 30th day of March, 2020, on account of the ongoing COVID-19 pandemic, and to safeguard the health and safety of court personnel, court users, and members of the public, the Court *Directs* that the due dates for any filings due in the Supreme Court from March 16, 2020, and through April 13, 2020, are *Extended*, and those filings will be considered timely if filed on or before April 17, 2020.

This extension on filing deadlines does not apply to:

A. Matters governed by Rule of Appellate Procedure 903(c)(1)(ii) (relating to appeals in matters arising under the Pennsylvania Election Code);

B. Matters governed by Rule of Appellate Procedure 3331 (relating to the review of special prosecutions or investigations);

C. Matters classified as Children’s Fast Track, *see* Pa.R.A.P. 102 (relating to definitions); and

D. Any matters where the Supreme Court Prothonotary directs otherwise.

Filings encompassed by exceptions A, B, or C above must be made within the time established by general rule using the PACFile electronic filing system. *See* Pa.R.A.P. 125 (relating to electronic filing).

Any future orders regarding Supreme Court operations during the COVID-19 situation will be docketed at this number and will be posted on the Unified Judicial System website.

[Pa.B. Doc. No. 20-519. Filed for public inspection April 10, 2020, 9:00 a.m.]