

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA. CODE CH. 71]

Amendment of Rule 201 of the Pennsylvania Bar Admission Rules; No. 854 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 29th day of October, 2020, upon the recommendation of the Board of Law Examiners of the Supreme Court of Pennsylvania, the proposal having been published for comment in the *Pennsylvania Bulletin*, 50 Pa.B. 2631 (May 23, 2020), in the context of the corresponding amendments to the Pennsylvania Rules of Disciplinary Enforcement:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rule 201 of the Pennsylvania Bar Admission Rules is amended as set forth in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 201. Bar of the Commonwealth of Pennsylvania.

(a) *General Rule.* The following are members of the bar of the courts of this Commonwealth and may practice law generally within this Commonwealth:

(1) Persons admitted to the bar pursuant to these rules.

(2) Persons heretofore admitted to practice before any court of record of this Commonwealth pursuant to former Supreme Court Rules 8 or 9 or corresponding provisions of prior law and registered under Enforcement Rule 219 (relating to periodic assessment of attorneys).

[(b) *Resignation.* An attorney who is not the subject of any investigation into allegations of misconduct may voluntarily cease to be a member of the bar of this Commonwealth by delivering to the Administrative Office a written resignation from the office of attorney at law.

(c) **[(b) *Changes in Status Under Enforcement Rules.*** An attorney admitted to the bar or issued a limited license to practice law as an in-house corporate counsel, military attorney, or foreign legal consultant:

(1) may be disbarred, suspended or transferred to inactive status and may be readmitted or otherwise reinstated pursuant to the Enforcement Rules;

(2) may have such admission to the bar or limited license to practice law revoked or another appropriate sanction imposed pursuant to the Enforcement Rules when the attorney made a material misrepresentation of fact or deliberately failed to disclose a material fact in connection with an application submitted under these rules that is not discovered prior to the attorney being admitted to the bar or issued a limited license to practice law.

[(d) *(c) Certification of Good Standing.* Upon written request and the payment of a fee of \$25.00 the Prothonotary shall issue a certificate of good standing to any member of the bar of this Commonwealth or limited licensed attorney entitled thereto. The certificate shall be one appropriate for admission to the bar of the federal courts and other state courts. A certificate of good standing shall not be issued to a member of the bar of this Commonwealth or limited licensed attorney who currently is the subject of:

(1) a formal disciplinary proceeding pursuant to Enforcement Rule 208(b) (relating to formal hearing) that has resulted in a recommendation by a hearing committee or by the Disciplinary Board for public discipline,

(2) a petition for emergency interim suspension pursuant to Enforcement Rule 208(f) (relating to emergency interim suspension orders and related relief), or

(3) a petition for transfer to inactive status pursuant to Enforcement Rule 301 (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated).

Official Note: 42 Pa.C.S. § 2521 (relating to office of attorney at law) provides that persons admitted to the bar of the courts of this Commonwealth and to the practice of law pursuant to general rules shall thereby hold the office of attorney at law. Subdivision (d) is based on former Supreme Court Rule 16.

If a person's admission to practice law or limited license to practice law as an in-house corporate counsel or foreign legal consultant is revoked for a material misrepresentation or omission, the person will be required to reapply *de novo*. Any such persons who are seeking admission to practice law must meet all of the requirements for admission to the bar, including the taking and passing of the current bar examination if more than three years have passed since the prior certificate recommending the person's admission to the bar was issued by the Board. At the time of reapplication, the Board will make a determination as to the applicant's character and fitness to practice law, taking into account all of the existing character issues, including the prior misrepresentation or omission.

[Pa.B. Doc. No. 20-1566. Filed for public inspection November 13, 2020, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM
GENERAL PROVISIONS

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

Adoption of Rule 404 and Amendment of Rules 102, 201(a)(3), 204(c), 217(d)(3) and 219(b)(2) of the Pennsylvania Rules of Disciplinary Enforcement; No. 202 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 29th day of October, 2020, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania, the proposal having been published for comment in the *Pennsylvania Bulletin*, 50 Pa.B. 2631 (May 23, 2020):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rule 404 of the Pennsylvania Rules of Disciplinary Enforcement is adopted, and Rules 102, 201(a)(3), 204(c), 217(d)(3) and 219(b)(2) are amended, as set forth in the following form.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter D. MISCELLANEOUS PROVISIONS

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

Rule 404. Permanent Resignation and Readmission.

(a) Resignation while in good standing. An attorney who is not the subject of any investigation into allegations of misconduct may permanently resign from the bar of this Commonwealth by submitting a written resignation to the Attorney Registration Office.

(b) Resignation while under Administrative Suspension. An attorney who is administratively suspended for failure to comply with Pennsylvania Rules for Continuing Legal Education or Pennsylvania Rules of Disciplinary Enforcement and not the subject of any investigation into allegations of misconduct may permanently resign from the bar of this Commonwealth by submitting a written resignation to the Attorney Registration Office.

(c) Readmission. An attorney who has permanently resigned from the practice of law in the Commonwealth pursuant to subdivision (a) or (b) of this rule may not be reinstated under the Enforcement Rules and must seek readmission to the bar pursuant to the Pennsylvania Bar Admission Rules.

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

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Formerly admitted attorney—A disbarred, suspended, administratively suspended, **permanently resigned**, retired or inactive attorney.

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Subchapter B. MISCONDUCT

Rule 201. Jurisdiction.

(a) The exclusive disciplinary jurisdiction of the Supreme Court and the Board under these rules extends to:

* * * * *

(3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, administrative suspension, **permanent resignation**, or transfer to **or assumption of** retired or inactive status, or with respect to acts subsequent thereto which amount to the practice of law or constitute the violation of the Disciplinary Rules, these rules or rules of the Board adopted pursuant hereto.

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Rule 204. Types of discipline.

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(c) A reference in these rules to disbarment, suspension, temporary suspension, administrative suspension, **permanent resignation**, or transfer to or assumption of retired or inactive status shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate Counsel License, expiration of that license. A respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of Rule 217 (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under Rule 218 (relating to reinstatement) or Rule 219 (relating to annual registration of attorneys) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302.

Rule 217. Formerly admitted attorneys.

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(d)(1) Orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

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(3) In cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, a formerly admitted attorney shall also promptly:

(i) resign all appointments as personal representative, executor, administrator, guardian, conservator, receiver, trustee, agent under a power of attorney, or other fiduciary position;

(ii) close every IOLTA, Trust, client and fiduciary account;

(iii) properly disburse or otherwise transfer all client and fiduciary funds in his or her possession, custody or control; and

(iv) take all necessary steps to cancel or discontinue the next regular publication of all advertisements and telecommunication listings that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania.

The formerly admitted attorney shall maintain records to demonstrate compliance with the provisions of paragraphs (2) and (3) and shall provide proof of compliance at the time the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule.

Official Note: Paragraph (d)(3)(i) does not preclude a respondent-attorney who voluntarily assumes inactive or retired status, **permanently resigns**, is placed on administrative suspension, is temporarily suspended under Enforcement Rule 214, or is suspended for one year or less, from completing existing appointments and accepting new appointments of the nature identified in paragraph (d)(3)(i). Nonetheless, in order to comply with subdivisions (a), (b) and (c) of this Rule, the formerly admitted attorney who desires to complete existing appointments or accept future appointments must give written notice of the formerly admitted attorney's registration status or change in that status to appointing and supervising judges and courts, wards, heirs, beneficiaries, interested third parties, and other recipients of the formerly admitted attorney's fiduciary services, as notice of the formerly admitted attorney's other-than-active status gives all interested parties an opportunity to consider replacing the formerly admitted attorney or enlisting a person other than the formerly admitted attorney to serve as the fiduciary in the first instance. Although the formerly admitted attorney would not be precluded by paragraph (d)(3)(ii) from continuing to use a fiduciary account registered with the bank as an IOLTA or Trust Account, paragraph (2) of subdivision (d) and paragraph (4)(iv) of subdivision (j) of this Rule prohibit the formerly admitted attorney from using or continuing to use account checks and deposit slips that contain the word "IOLTA," "attorney," "lawyer," "esquire," or similar appellation that could convey eligibility to practice in the state courts of Pennsylvania. Notwithstanding the specific prohibitions of subdivision (j) of this Rule, the formerly admitted attorney is authorized to perform those services necessary to carry out the appointment with the exception of any service that would constitute the unauthorized practice of law if engaged in by a nonlawyer. In relation to formerly admitted attorneys who are disbarred, suspended for a period exceeding one year, temporarily suspended under Enforcement Rule 208(f) or 213(g), or transferred to disability inactive status, the requirements of paragraph (d)(3) continue throughout the term of the

disbarment, suspension, temporary suspension, or disability inactive status, thereby precluding any new appointment or engagement.

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Rule 219. Annual registration of attorneys.

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(b) The following shall be exempt from paying the annual fee required by subdivision (a):

(1) Justices or judges serving in the following Pennsylvania courts of record shall be exempt for such time as they serve in office. Supreme, Superior, Commonwealth, Common Pleas, and Philadelphia Municipal; and justices or judges serving an appointment for life on any federal court;

(2) retired attorneys; [and]

(3) permanently resigned attorneys under Enforcement Rule 404; and

[3] (4) military attorneys holding a limited certificate of admission issued under Pa.B.A.R. 303 (relating to admission of military attorneys).

Official Note: The exemption created by subdivision (b)(1) does not include Pittsburgh Municipal Court judges, magisterial district judges, arraignment court magistrates or administrative law judges.

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[Pa.B. Doc. No. 20-1567. Filed for public inspection November 13, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Rule of Judicial Administration 1901.1—Termination of Inactive Cases for the Minor Judiciary, Magisterial District Courts; No. 2020-3222

Order of Court

And Now this 30th day of October, 2020;

It Is Hereby Ordered Local Rule of Judicial Administration 1901.1—Termination of Inactive Cases for the Minor Judiciary, Magisterial District Courts shall be adopted.

It Is Further Ordered that the District Court Administrator shall:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts;

2. Submit two (2) certified copies of this Administrative Order and a copy on CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. Keep a copy of this Administrative Order continuously available for inspection and copying in the Office of the Prothonotary in both Fulton and Franklin Counties and in the Franklin County Law Library.

39th Jud. Dist. R.J.A. 1901.1 for the Minor Judiciary, Magisterial District Courts shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

SHAWN D. MEYERS,
President Judge

1901.1. Termination of Inactive Cases for the Minor Judiciary, Magisterial District Courts.

Termination of Inactive Cases—MDJs

(a) At least once a year, the district court may initiate proceedings to terminate cases in which there has been no activity of record for three years or more and shall report such information to the President Judge.

(b)(1) For each case identified pursuant to subdivision (a), the district court shall serve a notice of proposed termination on counsel of record for the plaintiff, on the prosecuting agency, and on the plaintiff if not represented, forty five days prior to the date of the proposed termination. The notice shall contain the docket number of the case proposed for termination, the name of the defendant, the procedure to avoid termination, and a statement that if a response is not received within 45 days that the case will be terminated for inactivity.

(b)(2) The notice shall be served by first class mail on counsel of record, on the prosecuting agency, and on the plaintiff, if not represented, at the last address of record.

Note: If the notice mailed to an attorney is returned by the postal service, the district court should check the website of the Disciplinary Board of the Supreme Court of Pennsylvania, www.padisciplinaryboard.org, for a current address.

(c) If no statement of intention to proceed has been received by the district court on or before the date of the proposed termination or if a statement of intention to proceed is received by the district court before the date of the proposed termination but no further action is taken

on the case within 45 days, the district court shall submit an order to the President Judge as of course terminating the matter for failure to prosecute.

A court officer may certify to the President Judge those matters which have been inactive and in which no statement of intention to proceed has been received.

(d) The statement of intention to proceed shall be in the following form:

Case Caption

Statement of Intention to Proceed

To the Court:

_____ intends to proceed with the above captioned matter. The most current mailing address Plaintiff/ Prosecuting Agency has for the defendant is _____

Date: _____

Plaintiff

Plaintiff's Counsel

Prosecuting Agency

[Pa.B. Doc. No. 20-1568. Filed for public inspection November 13, 2020, 9:00 a.m.]
