

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 211 ]

#### Judicial Salaries

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

##### CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

###### § 211.1a. Consumer Price Index—judicial salaries.

(a) *Calculation.* Acting pursuant to section 2.1(i)(1) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(1)), the Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-DE-NJ-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2020, was 0.8 percent (.8%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Thursday, November 12, 2020.)

###### (b) *Suspension of annual cost-of-living adjustment.*

(1) Section 2.1(i)(2) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(2)) provides that the annual salaries for the judiciary may not be increased by the annual cost-of-living adjustment for the period beginning January 1, 2021, and ending December 31, 2021.

(2) Section 2.1(i)(3) of the Public Official Compensation Law (65 P.S. § 366.2a(i)(3)) provides that the annual salaries for individuals subject to 42 Pa.C.S. § 1741(a)(1) or (2) (relating to compensation of judges) may not be increased by a cost-of-living adjustment under 42 Pa.C.S. § 1741(b) for the annual period beginning January 1, 2021, and ending December 31, 2021.

###### § 211.2. Judicial salaries effective January 1, 2021.

In accordance with section 2.1(i) of the Public Official Compensation Law (65 P.S. § 366.2a(i)) and § 211.1a(b) (relating to suspension of annual cost-of-living adjustment), the annual judicial salaries for the calendar year beginning January 1, 2021, shall be as follows.

###### (a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$215,037.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$221,295.

###### (b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$202,898.

(2) The annual salary of the President Judge of the Superior Court shall be \$209,153.

###### (c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$202,898.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$209,153.

###### (d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$186,665.

(2) The annual salaries of the president judges of the courts of common pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$189,794.

(ii) Philadelphia County, \$190,420.

(iii) Judicial districts having six or more judges, \$188,292.

(iv) Judicial districts having five or fewer judges, \$187,480.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with six or more judges, \$188,292.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with five or fewer judges, \$187,480.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with six or more judges, \$188,292.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with five or fewer judges, \$187,480.

###### (e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$182,346.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$185,163.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$93,338.

(h) *Senior judges.* The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$578 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 20-1684. Filed for public inspection December 4, 2020, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 19 ]

#### Proposed Amendment of Pa.R.A.P. 1925(c)

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania

nia the amendment of Pa.R.A.P. 1925(c) governing remand to the trial court for service *nunc pro tunc* of the statement of the errors complained of on appeal for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Karla M. Shultz, Counsel  
 Appellate Court Procedural Rules Committee  
 Supreme Court of Pennsylvania  
 Pennsylvania Judicial Center  
 PO Box 62635  
 Harrisburg, PA 17106-2635  
 FAX: 717-231-9551  
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by January 20, 2021. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
 Procedural Rules Committee*

PATRICIA A. McCULLOUGH,  
*Chair*

**Annex A**

**TITLE 210. APPELLATE PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 19. PREPARATION AND  
 TRANSMISSION OF RECORD AND RELATED  
 MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1925. Opinion in Support of Order.**

\* \* \* \* \*

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed and/or served or timely filed and/or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing **or service** *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental opinion. If an appellant has a statutory or rule-based right to counsel, good cause shown includes a failure by counsel to file **or serve** a Statement timely or at all.

(3) If an appellant represented by counsel in a criminal case was ordered to file **and serve** a Statement and **either** failed to do so, or filed **or served** an untimely Statement, such that the appellate court is convinced that counsel has been *per se* ineffective, and the trial court did not file an opinion, the appellate court may remand for appointment of new counsel, the filing **or service** of a Statement *nunc pro tunc*, and the preparation and filing of an opinion by the judge.

(4) In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/Santiago* brief in lieu of filing a Statement. If, upon review of the *Anders/Santiago* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing **and service** of a Statement, a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant’s counsel.

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Subparagraph (c)(1): This subparagraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed and/or served or timely filed and/or served.

Subparagraph (c)(2): This subparagraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706. In 2019, the rule was amended to clarify that for those civil appellants who have a statutory or **[ rules-based ] rule-based** right to counsel (such as appellants in post-conviction relief, juvenile, parental termination, or civil commitment proceedings) good cause includes a failure of counsel to file a Statement or a timely Statement.

Subparagraph (c)(3): This subparagraph allows an appellate court to remand in criminal cases only when an appellant, who is represented by counsel, has completely failed to respond to an order to file **and serve** a Statement or has failed to do so timely. It is thus narrower than subparagraph (c)(2). *See, e.g., Commonwealth v. Burton*, 973 A.2d 428, 431 (Pa. Super. 2009); *Commonwealth v. Halley*, 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness applies in all circumstances in which an appeal is completely foreclosed by counsel’s actions, but not in circumstances in which the actions narrow or serve to foreclose the appeal in part. *Commonwealth v. Rosado*, 150 A.3d 425, 433-35 (Pa. 2016). *Pro se* appellants are excluded from this exception to the waiver doctrine as set forth in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657; *see also Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in subparagraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-

conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this subparagraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner's conviction.)

Subparagraph (c)(4): This subparagraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) are obligated to comply with all rules. However, because a lawyer will not file an *Anders/Santiago* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors are asserted because the lawyer is (or intends to be) seeking to withdraw under *Anders/Santiago*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

#### PUBLICATION REPORT

##### Proposed Amendment of Pa.R.A.P. 1925(c)

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pa.R.A.P. 1925(c) governing remand to the trial court for service *nunc pro tunc* of the statement of the errors complained of on appeal ("Statement"). This amendment is intended to provide procedures for an appellant to remediate waiver due to either the failure to serve the Statement or the failure to timely serve the Statement.

At present, Pa.R.A.P. 1925(c) permits the remand for the filing of a Statement when the appellant has either failed to file a Statement or failed to timely file a Statement. An appellant may seek an order remanding for remediation in civil cases for good cause shown. A remand is available in criminal cases when the appellate court is convinced that counsel was *per se* ineffective and the trial court did not file an opinion.

Pa.R.A.P. 1925(c) is silent whether a remand is permissible when an appellant has either failed to serve a Statement or failed to timely serve a Statement. Case law indicates that defective service of a Statement results in a waiver of all appellate issues. See *Commonwealth v. Eldred*, 207 A.3d 404 (Pa. Super. 2019). It seemed inconsistent to allow a remand to address deficiencies in the filing of a Statement, but not deficiencies in service, when both may operate to deny appellate review by operation. Accordingly, the Committee proposes to extend the procedures for seeking a remand to include instances of defective service, providing all other requirements of Pa.R.A.P. 1925(c) are met.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-1685. Filed for public inspection December 4, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### NORTHAMPTON COUNTY

#### Amendment of Rules of Criminal Procedure— Adoption of N.C.R.Crim.P. N507: Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth; AD-179-2020

##### Order of Court

*And Now*, this 20th day of November, 2020, upon consideration of the certification filed by the District Attorney of Northampton County, Pennsylvania, pursuant to Pennsylvania Rule of Criminal Procedure 507, *It Is Ordered* that the Northampton County Rules of Criminal Procedure are hereby amended to adopt N.C.R.Crim.P. N507, a copy of which follows hereto and which provides for the approval of police criminal complaints and arrest warrant affidavits by an attorney for the Commonwealth prior to acceptance by any judicial officer.

Said Northampton County Rule of Criminal Procedure N507 shall become effective on January 1, 2021, after no less than thirty (30) days publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the Northampton County Court Administrator shall file seven (7) certified copies of this order with the Administrative Office of Pennsylvania Courts, two (2) certified copies with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy with the Northampton County Criminal Rules Committee, and one (1) copy with the Clerk of Court of the Criminal Division of the Court of Common Pleas of Northampton County, Pennsylvania.

*By the Court*

MICHAEL J. KOURY, Jr.  
*President Judge*

#### Rule N507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

The District Attorney of Northampton County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the offenses identified in the District of Northampton County's certification shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit have the approval of an attorney for the Commonwealth prior to filing.

[Pa.B. Doc. No. 20-1686. Filed for public inspection December 4, 2020, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WAYNE COUNTY

#### Booking Center Fee; 132 MD 2020

##### Administrative Order of Court

*And Now*, this 20th day of November, 2020, it is hereby *Ordered and Directed* that pursuant to 42 Pa.C.S.A. §§ 1725.5 and 1725.6, a booking center fee of ONE HUNDRED SEVENTY-FIVE dollars (\$175.00) shall be imposed against a defendant who:

(1) Is placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) Receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

- (i) 18 Pa.C.S. § 106(a) (relating to classes of offenses).
- (ii) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
- (iii) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).
- (iv) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

The fee shall be assessed as a cost of prosecution and collected by the Wayne County Clerk of Courts. The fee shall be allocated to a Central Booking Center Fund for the implementation, start-up, operation, and maintenance of the booking center.

The booking center shall be available for all law enforcement agencies having arrest powers in Wayne County. The effective date of this Administrative order shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* that the District Court Administrator distribute this Order as follows:

1. File one (1) copy of this Order with the Administrative Office of Pennsylvania Courts;
2. File two (2) copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* along with a copy of this Order on a CD-ROM or other agreed upon alternate format;
3. Publish a copy of this Order on the Wayne County Court of Common Pleas website;
4. Compile the local rule within the complete set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*.

*By the Court*

JANINE EDWARDS,  
*President Judge*

[Pa.B. Doc. No. 20-1687. Filed for public inspection December 4, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated October 21, 2020, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective November 20, 2020 for Compliance Group 3.

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

Block, Dennis E.  
Turnersville, NJ

Brown, Vanessa Renee  
Oklahoma City, OK

Browndorf, Matthew C.  
New York, NY

Fox, Lawrence J.  
Woodbridge, CT

Gallagher Jr., Michael J.  
New York, NY

Gebauer, Jay A.  
Moorestown, NJ

Guzman, Katheleen Rae  
Norman, OK

Harris, John Gerard  
Wilmington, DE

Lowe, Danielle Renee  
Washington, DC

Negrin, Richard  
Chicago, IL

O'Brien, James Michael  
Wheeling, WV

Pine, Neena Marie  
Mount Laurel, NJ

Primiano, Marilyn Orlandra  
Washington, DC

Pross, Christina Joy  
Newark, DE

Rankins, Timothy Scott  
Larchmont, NY

Scalzitti, Michael Brian  
Los Angeles, CA

Schneck, Jed Robert  
Fort Myers, FL

Segal, Adam M.  
Haddonfield, NJ

Shea, Christopher Ryan  
Toms River, NJ

Warren Jr., Bruce K.  
Westville, NJ

Wixted, Drew Barrett  
Mount Laurel, NJ

SUZANNE E. PRICE,  
*Attorney Registrar*

[Pa.B. Doc. No. 20-1688. Filed for public inspection December 4, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Lance Timothy Mason (# 65881), having been disbarred in Ohio, the Supreme

Court of Pennsylvania issued an Order on November 17, 2020, disbaring Lance Timothy Mason from the Bar of this Commonwealth, effective December 17, 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. 20-1689. Filed for public inspection December 4, 2020, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, Barry Jay Beran (# 35896), whose registered office address is in Cherry Hill, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 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. 20-1690. Filed for public inspection December 4, 2020, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, David Michael DeClement (# 71974), whose registered address is Pitman, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 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. 20-1691. Filed for public inspection December 4, 2020, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 17, 2020, Susan Ann Lowden (# 60228), whose registered address is Haddonfield, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 17, 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. 20-1692. Filed for public inspection December 4, 2020, 9:00 a.m.]