

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Amendment of Rule 1921 of the Rules of Judicial Administration; No. 546 Judicial Administration Doc.

Order

Per Curiam

And Now, this 11th day of March, 2021, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1921 of the Rules of Judicial Administration is amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendment is found to be in the interest of efficient administration.

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

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

CRIMINAL AND DISCIPLINARY MATTERS AGAINST JUDGES

Rule 1921. Notice to the Chief Justice and [to] the Judicial Conduct Board.

Whenever a judge receives notice that he or she is the subject of any federal or state criminal investigation or prosecution through a target letter, a subject letter, a presentment, an indictment, an arrest, a summons, a complaint, [or by any] other legal process, or any other means from the investigating or prosecuting authority, unless precluded by order of court, the judge must report the receipt of such notice in writing to the Chief Justice and [to] the Judicial Conduct Board within five (5) days.

[Pa.B. Doc. No. 21-463. Filed for public inspection March 26, 2021, 9:00 a.m.]

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 19]

Order Amending Rules 1950—1952 and 1954 of the Pennsylvania Rules of Judicial Administration; No. 547 Judicial Administration Doc.

Order

Per Curiam

And Now, this 16th day of March, 2021, the proposal having been published for public comment at 50 Pa.B.

5834 (October 24, 2020), it is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Rules 1950-1952 and 1954 of the Pennsylvania Rules of Judicial Administration 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 on January 1, 2022.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

CONTINUITY OF OPERATIONS, EMERGENCY ACTIONS, EMERGENCY UNITS AND JUDICIAL SECURITY

Rule 1950. Definitions.

[*Emergency.* An emergency is an event or events that causes or threatens the destruction or partial destruction of court facilities, significantly interrupts the performance of court operations, or poses a threat to the health or safety of court personnel, court users or the public.]

Continuity of Operations. Continuity of operations is the process, during and following an emergency, by which a court maintains at least minimum levels of service.

Court Facility. Court facility includes the courtrooms, judicial chambers, witness rooms, jury deliberation rooms, attorney conference rooms, court administrative offices and any other office or space under the control of or supervised by the judiciary.

Emergency. An emergency is an event that causes or threatens the destruction or partial destruction of court facilities, significantly interrupts the performance of court operations, or poses a threat to the health or safety of court personnel, court users or the public.

Emergency Action Plan. A written document providing guidance to and expectations of employees responding to various emergency situations.

President Judge. For the purposes of these Rules, "president judge" refers to the president judge of the judicial district.

[*Security Incident.* A security incident is an event that has the potential to cause, or has in fact caused, personal injury or property damage.]

Official Note: See also definitions in Pa.R.J.A. No. 102.

Rule 1951. Continuity of operations and emergency action plans.

(a) *Responsibility for Continuity of Operations and Emergency [Planning] Action Plans.*

(1) The Court Administrator shall establish minimum standards and procedures for continuity of operations and [other] emergency action plans. The standards shall include procedures for periodic review, including the procedures for conducting exercises to ensure the efficacy of the plan.

(2) The president judge has primary responsibility for planning for the continuity of operations in the event of an emergency, and for implementing such plans in his or her judicial district.

Official Note: See also Pa.R.J.A. No. 1954.

(b) *Continuity of Operations Plans.*

(1) Pursuant to the standards and procedures established by the Court Administrator in [**Rule 1951(A)(1)**] **paragraph (a)(1)**, the president judge, in conjunction with the district court administrator, **the local court security committee**, and any other relevant individuals designated by the president judge shall, in consultation with county emergency service agencies and other governmental entities, develop a plan to provide for the continuity of court operations during and following the occurrence of an emergency.

(2) The continuity of operations plan shall provide for the continuation or immediate resumption of court business by the most expeditious and practical means possible, consistent with continuity of operations standards as established by the Court Administrator.

(3) The president judge shall be responsible for ensuring that the continuity of operations plan is accurate and updated as needed.

(4) On an annual basis, the president judge shall review the continuity of operations plan **in consultation with the local court security committee** and shall certify on a form prescribed by the Court Administrator that the review has taken place and that the plan is accurate and meets the requirements established by the Court Administrator.

(c) *Emergency Action Plans.*

(1) Pursuant to the standards and procedures established by the Court Administrator in paragraph (a)(1), in conjunction with the district court administrator, the local court security committee, county emergency service agencies, and any other relevant parties, the president judge shall develop an emergency action plan for each court facility located in the judicial district to use in response to, during, and immediately following the occurrence of an emergency.

(2) Within one year after the effective date of this paragraph, and on an annual basis thereafter, the president judge shall review the judicial district's emergency action plans in consultation with the local court security committee and shall certify in a form prescribed by the Court Administrator that the review has taken place, the plans meet the requirements established by the Court Administrator, and the relevant plans have been disseminated to all district court employees under the purview of the president judge.

Comment

[Fires. Floods. Hurricanes, earthquakes and tornados. Terrorist attacks. Pandemics. Nuclear and biohazardous accidents (and attacks). The experiences from other states and countries around the world have shown that if any of these events should occur in Pennsylvania, the results could be catastrophic.

State and local governments, and in particular chief judges and court administrators, have learned from the experiences of governments in places

where natural and man-made disasters have occurred, for example: the state and city of New York in the aftermath of the 2001 terrorist attacks; the city of Toronto in Canada's Ontario Province after the 2003 SARS outbreak; the Gulf Coast states, such as Louisiana and Florida in the wake of Hurricane Katrina and other devastating storms; and California, among other states, coping with calamitous wildfires and earthquakes. One lesson learned is that many of the difficulties citizens face during and after an emergency or disaster can be ameliorated if the court system is operational and providing at least its essential functions.]

In an attempt to plan and prepare for a wide variety of emergencies that could [**strike**] **occur in** Pennsylvania, the Supreme Court [**has**] adopted [**new**] Rules of Judicial Administration Nos. 1950—1954. Rules 1951—1953[,] **are** designed to become operational only in the event of a significant emergency that causes or threatens the disruption of court operations[, **were derived in part from “judicial emergency” rules and statutes developed in other states such as Florida, California and Louisiana**]. The Rules specify that the primary authority and responsibility for continuing court operations rests with the Supreme Court and with the president judges of Pennsylvania's 60 judicial districts. Rule 1954 consolidates judicial security practices and directives developed over [**the past several years**] **time**.

[**Rule 1951 formalizes the requirement that each judicial district in Pennsylvania develop and practice emergency and continuity of operations plans. Under this Rule, the Court Administrator of Pennsylvania is responsible for establishing standards and procedures for emergency and continuity of operations plans, and the president judges of Pennsylvania's judicial districts, with the assistance of the district court administrators, are responsible for developing plans for their respective judicial districts. Continuity of operations plans must provide for the continuation or immediate resumption of court business—or at least essential functions—during and immediately following an emergency. The Rule calls for these plans to be reviewed and updated annually.**]

Courts must respond appropriately in the event of an emergency, natural or man-made, to ensure the safety and security of staff and the public. These emergencies come in several forms: fire, weather-related events such as tornado or flash flood, toxic chemical discharges that affect air quality, active shooter events, and pandemics. Well-conceived and regularly updated continuity of operations plans and emergency action plans are essential to ensure that courts effectively serve the public both during and after such emergencies. Continuity of operations plans must provide for the continuation or immediate resumption of court business—or at least essential functions—during and immediately following an emergency. Emergency action plans should contain guidance (e.g., escape routes, emergency assembly locations, notification protocols) that court employees can follow in the event of an emergency.

Rule 1952. Emergency actions, duties and authorities.*(a) Role of Supreme Court.*

(1) In the event of an emergency that affects court operations in the Commonwealth or in one or more judicial districts, the Supreme Court shall have the authority to declare a judicial emergency generally or in any judicial district affected by the emergency.

(2) By the declaration of a judicial emergency, the Supreme Court may:

(A) suspend or modify statewide or local procedural or administrative court rules;

(B) suspend time calculations for the purposes of time computation relevant to court cases or other judicial business;

(C) direct a court to sit in a location other than its normal place of operations, including outside of its judicial district;

(D) assign judges or court personnel from outside the affected judicial district;

(E) authorize additional uses of advanced communication technology to conduct court proceedings;

(F) take any action listed in [**Rule 1952(B)(2)(a)—(r)**] **paragraph (b)(2)(A)—(R)** for an individual or multiple judicial districts; and

(G) take any other necessary administrative action regarding judicial staff, court facilities and operations.

Official Note: See also [**Pa.R.J.A. No. 1952(B)(2)**] **paragraph (b)(2)** for actions a president judge may take once a judicial emergency has been declared.

See Pa.R.Crim.P. 103 for the definition of advanced communication technology.

See Pa.R.Crim.P. 118 and 119 for general rules governing the use of two-way simultaneous audio-visual communications in criminal proceedings.

(b) Role of the President Judge.

(1) In the event of an emergency, the president judge may request authorization from the Supreme Court to declare a judicial emergency in the judicial district. Such declaration shall remain in effect until such time as it is amended, rescinded, modified or superseded by order of the Supreme Court.

(2) If the Supreme Court authorizes the president judge to declare a judicial emergency in the judicial district, and unless limited by the Supreme Court, the president judge shall have the authority to:

(A) order the closure of court facilities until safe operations of the court and its offices can be restored;

(B) order the evacuation of court facilities;

Official Note: Ordering the evacuation of court facilities, when practical under the circumstances, should occur after consultation with members of the local [**standing**] court security committee, established under [**Rule of Judicial Administration No. 1954(A)**] **Pa.R.J.A. No. 1954(a)**, and relevant law enforcement agencies.

(C) direct the relocation of court operations to safe locations;

(D) take necessary action to provide for (i) the safety of court personnel, court users and the public, and (ii) the security of court facilities, financial and cash operations, equipment and records;

(E) establish a telephone hotline or website to provide the bench, bar and the public with court and emergency information;

(F) reassign judges or court personnel within the judicial district as needed to ensure the continuation of operations;

Official Note: See also [**Rule of Judicial Administration**] **Pa.R.J.A. No. 1953** for requests for additional judges from within the Emergency Regional Administrative Unit.

(G) expand the duties and work hours of staff to handle emergency matters;

(H) cancel or modify court calendars, subpoenas or other court orders;

(I) cancel or suspend jury and non-jury trials;

(J) cancel or suspend jury duty;

(K) suspend or modify local rules of court and administrative rules or procedures, including personnel policies;

(L) suspend or modify the time requirements and limitations established by local rule;

(M) make application to the Supreme Court to temporarily suspend or modify statewide court rules as applied to any case or cases in the judicial district;

(N) provide for alternative signing, delivery and service of court documents and orders;

(O) extend the duration of any emergency or temporary order (for example, protection from abuse order) issued by a judge or magisterial district judge in the judicial district;

(P) assign custodial responsibility for court funds;

(Q) ensure compliance with any Federal, State or local emergency declarations;

(R) order the full or partial implementation of the continuity of operations plan established pursuant to [**Rule of Judicial Administration**] **Pa.R.J.A. No. 1951**; and

(S) request additional emergency judicial orders from the Supreme Court as the needs of justice require.

(3) The president judge shall immediately notify the Court Administrator of any emergency occurring within his or her court or judicial district that causes the closure of court facilities, causes the temporary suspension of court operations or causes the full or partial implementation of the court's continuity of operations plan.

(4) Requests for emergency judicial orders pursuant to [**Rule 1952(B)(1) or 1952(B)(2)(s)**] **paragraphs (b)(1) or (b)(2)(S)** shall be made to the Court Administrator on a form substantially similar to the one appended to this Rule. Upon receiving a request for an emergency judicial order, the Court Administrator shall immediately transmit said request to (1) the Chief Justice of Pennsylvania or another Justice designated by the Chief Justice and (2) to the Supreme Court Prothonotary. Emergency judicial orders may be signed by the Chief Justice or another Justice designated by the Chief Justice to handle emergency applications for relief. Facsimile signatures may be used in lieu of original signatures on emergency judicial orders. Objections to emergency judicial orders from the

Supreme Court shall be transmitted to the Supreme Court Prothonotary in a manner prescribed by the Supreme Court.

(5) During an emergency, the provisions of any statewide procedural rules that require submission of local rules, including administrative orders, to the Supreme Court, the Administrative Office of Pennsylvania Courts, a statewide procedural rules committee, or the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall not apply to any local rules or administrative orders issued in response to the emergency. The president judge of the affected judicial district shall inform the Supreme Court of any local rule or administrative order issued under this paragraph as soon as practicable.

Official Note: See Pa.R.J.A. No. 103(c) and (d) for local rule adoption procedures.

(c) *Role of the Court Administrator.*

(1) The Court Administrator shall render such assistance as practicable and proper to judicial districts affected by an emergency and to assist in the continuity of operations.

(2) The Court Administrator shall coordinate efforts of the Unified Judicial System to provide relief to judicial districts affected by an emergency, including providing available resources and personnel from other judicial districts.

Official Note: See also Pa.R.J.A. No. 701.

(3) The Court Administrator shall provide information concerning the emergency to appropriate governmental and non-governmental entities in a timely manner.

(4) In the event the Court Administrator is notified of an emergency that causes the temporary closure of court operations, the Court Administrator shall immediately advise the Chief Justice of Pennsylvania, the Governor, the President Pro Tempore of the Pennsylvania Senate and the Speaker of the Pennsylvania House of Representatives of such emergency.

Official Note: See [Pa.R.J.A. No. 1952(B)(4)] paragraph (b)(4) regarding requests for emergency judicial orders.

(5) All requests for emergency judicial orders submitted to the Supreme Court, all emergency judicial orders issued by the Supreme Court, and all emergency judicial orders issued by president judges shall, to the extent possible and practical under the circumstances, be promptly and conspicuously posted on the Unified Judicial System website.

(d) *Role of the District Court Administrator.*

(1) The district court administrator shall assist the president judge in planning for emergencies and for the continuation of court operations in the event of an emergency.

Official Note: See Pa.R.J.A. Nos. [1951(A)(2) and (B)(1)] 1951(a)(2), (b)(1), and (c)(1) for the development of continuity of operations plans **and emergency action plans.**

(2) In the event of an emergency, the district court administrator shall assist the president judge in implementing continuity of operations plans.

Official Note: See Pa.R.J.A. No. [1951(A)(2)] 1951(a)(2) for the president judge's authority to implement continuity of operations plans.

(3) In the event of an emergency, unless otherwise specified in the continuity of operations plan, the district court administrator shall:

(A) gather information from state and local officials, health and safety personnel, and any other relevant individuals or information sources to advise the president judge if the continuity of operations plan should be activated;

(B) prepare the continuity of operations plan notification for approval by the president judge and disseminate the notification;

(C) coordinate court personnel and resource deployment to an alternate facility;

(D) assist the sheriff and courthouse security in the movement of jurors, prisoners and the public, and assist with the general security of court and alternate facilities;

(E) ensure that all emergency judicial orders are promptly posted conspicuously in the affected judicial district and that they are transmitted to the Court Administrator in as prompt a manner as circumstances permit;

(F) manage alternate facility operations;

(G) provide timely information to the president judge and Court Administrator on the performance of court operations;

(H) ensure personnel issues are addressed and resolved; and

(I) confirm and communicate to the president judge when the emergency situation has ended.

(4) Once normal court operations are resumed, the district court administrator shall communicate with judges, staff and other appropriate individuals and entities to develop an after-action report to be transmitted to the Court Administrator and in conjunction with the continuity of operations plan review mandated in [**Rule of Judicial Administration No. 1951(B)(4)**] **Pa.R.J.A. No. 1951(b)(4).**

Comment

Rule of Judicial Administration No. 1952 clarifies a non-exhaustive list of actions the Supreme Court may order during an emergency. In addition to declaring a "judicial emergency" in one or several judicial districts, the Rule specifies numerous judicial and administrative actions the Supreme Court may order to continue and protect the judicial process, as well as the rights of litigants and the public. In addition, Pa.R.J.A. No. 1952 details the role of the president judges during and after an emergency. Under this Rule, and subject to Supreme Court approval and oversight, the president judges of each judicial district are given wide authority to order that extraordinary measures be taken to protect the public, court users and staff and to continue court operations during and after an emergency.

* * * * *

Rule 1954. [**Judicial**] **Court** security.

(a) The president judge of each judicial district shall establish a local [**standing**] court security committee **that shall meet at least twice per year. The president judge or designee shall chair the local court security committee. Local court security committee membership shall include, at a minimum, a member of the county executive branch, the district court**

administrator and a magisterial district judge. The duties of the local [**standing**] court security committee shall be to:

(1) **develop, review and** make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency, **including the continuity of operations plan and emergency action plans**;

(2) communicate the approved protocols, policies and procedures identified in [**Rule of Judicial Administration No. 1954(A)(1)**] **paragraph (a)(1)** to all court employees;

(3) review and assess [**all**] **the judicial district's** security incident reports specified in [**Rule of Judicial Administration No. 1954(B)**] **paragraph (b)** and recommend to the president judge appropriate actions; and

(4) develop and recommend to the president judge training programs for court employees on safety and security awareness.

Official Note: When forming local [**standing**] court security committees, president judges should consider a variety of court and county employees as well as public officials whose positions, experience and authority would benefit court security decisions. While not an exhaustive list, the president judge may **also** consider **including**: [**a member of the county executive branch, the district court administrator, a magisterial district judge,**] an individual responsible for county and court records, an individual responsible for courthouse security, a courthouse facility or risk manager, **representatives of the other county offices housed in the court facility, a representative from the county information technology office,** and a member of county or local law enforcement.

(b) The president judge shall ensure that all reporting requirements of the Pennsylvania Judicial Incident Reporting System ("PAJIRS") are completed by the district court administrator or his or her designee no later than the close of business on the day that any reportable action occurs.

(c) The president judge shall ensure the completion of court facility security assessments as [**identified in the Unified Judicial System Court Safety and Security Manual and as**] prescribed by the Court Administrator.

[**(d) The president judge shall establish court security protocols, policies and procedures to be implemented in the event of an emergency, including, but not limited to: fire, natural disaster, "white powder" or other man-made emergency or disaster, and escaped prisoner and hostage situations. The president judge shall ensure that all employees receive training on how and when to implement such protocols, policies and procedures. All policies and procedures identified in this Rule shall be reviewed and updated annually.**]

Comment

Rule 1954 addresses court security and formalizes the creation of local [**standing**] court security committees. These committees [**, which**] have existed in every judicial district since at least 2005 [**, are appointed by the president judges**]. [**They make recommendations**

to the president judge on protocols, policies and procedures which should be implemented to protect the public, court personnel and court facilities in the event of an emergency, and the president judge must establish such security protocols, policies and procedures for the judicial district. In addition, each] Each local [**standing**] court security committee is charged with reviewing court **security protocols, policies, and procedures, as well as** security incident reports collected through PAJIRS, [**which was**] (implemented in 2005 for magisterial district courts and 2007 for common pleas courts), and making appropriate recommendations to the president judge based on [**those reports**] **the committee's review.** [**Finally, Rule 1954 directs the president judges of Pennsylvania's judicial districts to complete and annually update court facility security assessments.**

It is hoped that a significant natural or man-made emergency never impacts Pennsylvania. However, through the framework provided in Rules 1950—1954, should an emergency occur, Pennsylvania Courts will be prepared to provide at least minimum services, including all essential court functions, both during and after the emergency, to better protect and serve Pennsylvania's citizens.]

[Pa.B. Doc. No. 21-464. Filed for public inspection March 26, 2021, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA. CODE CH. 71]

Proposed Amendment to the Pennsylvania Bar Admission Rules Relating to the Requirements and Procedures for Admission by Uniform Bar Examination Score Transfer and Additional Affected Rules; and Adoption of New Rule 207

Notice is hereby given that the Pennsylvania Board of Law Examiners (Board) is proposing the adoption of a rule setting the requirements and procedures for the admission of applicants by uniform bar examination (UBE) score transfer as well as additional rule changes required due to the adoption of the UBE.

In order to reorganize the numbering of its rules, the Board proposes to move the text of current Rule 206 into a new Rule 207 and then to have a new Rule 206 that describes the requirements for admission by transfer of a UBE score.

The proposed amendment to rule 206 provides the requirements for admission for an applicant seeking to transfer his or her UBE score from another jurisdiction into Pennsylvania. Rule 206 would provide that the applicant pass the UBE at the minimum passing score set by the Board, i.e. 272, as is done currently by Supreme Court order. The Board will continue to publish that score on its website. Under Rule 231, a bar exam score is valid for three years. Thus, Rule 206 provides that applicants seeking admission to the bar by UBE transfer score must submit a score no older than 30 months from the first day

of the UBE administration for which they seek to transfer the score. Rule 206 also requires the applicant to submit, within six months of filing the application, any supporting documentation the Board requests from the applicant. Rule 206 additionally provides that if the applicant fails to provide the documentation, the Board will administratively withdraw the application. This will prevent stale applications and ensure that the UBE transfer score will have nearly the same validity period for transfer as scores earned by those taking the exam in Pennsylvania.

Under proposed Rule 206 applicants must also satisfy the requirements of paragraphs (a) (academic qualifications), (b)(2) (character and fitness), and proposed amendment (b)(3) (satisfactory completion of the MPRE as described in Rule 203). Finally, proposed Rule 206 informs an applicant that he or she can submit a supplemental application for admission under the rule if 36 months have not passed since the applicant took the examination from which the applicant attained the qualifying UBE score. The effect of this last requirement is to provide consistency with the existing requirement under Rule 231 that bar examination scores are valid for three years.

The Board proposes changing the titles of Rule 203 from “Admission of Graduates of Accredited and Unaccredited Institutions” to “Admission by Bar Examination,” of Rule 204 from “Admission of Domestic Attorneys” to “Admission by Reciprocity,” and of Rule 205 from “Admission of Foreign Attorneys and Graduates of Foreign Institutions” to “Admission by Bar Examination for Graduates of Foreign Law Schools.” The purpose of these changes is to align more closely the latter titles with the title of proposed amended Rule 206. This requires a corresponding change to the titles of the rules listed in Rule 202.

Rule 203 would also be changed to incorporate the requirement of successful completion of the MPRE at a score set by the Board, which will continue to be a scaled score of 75 or higher. This provision is currently provided by Supreme Court Order No. 169 Supreme Court Rules Docket No. 1 dated January 31, 1997. The Board proposes the elimination of the prohibition for admission under Rules 204, 304, and 311 for an applicant who has previously failed the Pennsylvania bar examination. Regarding Rule 341, the Board believes it appropriate to delete the reference to the Court’s setting the required score for the MPRE as any changes to that score will now be done by the Board.

Finally, the Board proposes the creation of a new Rule 207, which will include the text of the previous iteration of Rule 206 that regarded the disqualification of an applicant for cheating on the bar examination.

Interested persons are invited to submit written comments regarding the proposed amendments to the Counsel to the Board, Pennsylvania Board of Law Examiners, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3600, P.O. Box 62535, Harrisburg, PA 17106-2535, no later than May 27, 2021.

*By the Pennsylvania Board of Law Examiners
Supreme Court of Pennsylvania*

GICINE P. BRIGNOLA,
Executive Director

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 202. Admission to the bar.

An applicant who complies with the requirements of Rule 203 (relating to [**admission of graduates of accredited institutions**] **admission by bar examination**), Rule 204 (relating to [**admission of domestic attorneys or**] **admission by reciprocity**), Rule 205 (relating to [**admission of foreign attorneys**] **admission by bar examination for graduates of foreign law schools**) or **Rule 206 (relating to admission by transfer of bar examination score)** and the applicable rules of the Board shall be admitted to the bar of this Commonwealth in the manner prescribed by these rules.

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Rule 203. Admission [of graduates of accredited and unaccredited institutions] by bar examination.

* * * * *

(b) *Admission to the bar.* The general requirements for admission to the bar of this Commonwealth are:

(1) satisfactory completion of the bar examination administered by or under the authority of the Board; **[and]**

(2) absence of prior conduct by the applicant which in the opinion of the Board indicates character and general qualifications (other than scholastic) incompatible with the standards expected to be observed by members of the bar of this Commonwealth[.]; **and**

(3) satisfactory completion of the Multistate Professional Responsibility Examination at the score determined by the Board, which score shall be publicly posted.

Rule 204. Admission [of domestic attorneys] by reciprocity.

As an alternative to satisfying the requirements of Rule 203, an attorney, licensed to practice law in another state, may be admitted to the bar of this Commonwealth if the applicant meets the following requirements:

* * * * *

(5) Presentation of proof satisfactory to the Board that the applicant has either taken and passed the bar examination in a reciprocal state or has devoted a major portion of time and energy to the practice of law in a reciprocal state for five years of the last seven years immediately preceding the date on which an application was filed under this Rule.

[(6) An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.]

[(7)] (6) Satisfaction of the requirements of Paragraphs (a)(1) **[and]**, (b)(2) **and (b)(3)** of Rule 203.

[(8) Has passed the Multistate Professional Responsibility Exam with the score required by the Court to be achieved by successful applicants under Rule 203.]

For purposes of this rule, the phrase “practice of law” is defined as engaging in any of the following legal activities, provided such activities were performed in a state in which the applicant was admitted to practice law or in a state that affirmatively permitted such activity by a lawyer not admitted to practice law in the jurisdiction:

* * * * *

Rule 205. Admission [of foreign attorneys and] by bar examination for graduates of foreign [institutions] law schools.

(a) *General rule.* The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to the admission of graduates of accredited and unaccredited institutions) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and:

* * * * *

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

Rule 206. Admission by bar examination score transfer.

Applicants may apply for admission to the bar of the courts of this Commonwealth using a Uniform Bar Examination (UBE) score earned in another jurisdiction provided that the applicant meets the requirements below.

(a) *Score requirements.*

1. The UBE score must meet or exceed that established by the Board as the minimum passing score for applicants sitting for the bar exam at the time the applicant files an application for admission under this rule; and

2. No more than 30 months have passed from the first day of the UBE that resulted in the score the applicant seeks to transfer.

(b) *Applicant requirements.*

1. Provide supplemental documentation as the Board directs in support of the application for admission by UBE transfer within six months from the date of filing the application; and

2. Satisfy the requirements of Paragraphs (a), (b)(2) and (b)(3) of Rule 203.

(c) *Administrative withdrawal.* The Board will deem the application administratively withdrawn if the applicant fails to meet (b)(1) of this rule. In the event the Board deems an application administratively withdrawn, the applicant will be required to reapply and successfully meet all of the requirements for admission to the bar in order for the Board to issue a certificate recommending the applicant’s admission to the bar.

(d) *Subsequent hearing after Board denial.* If the executive director issues an initial denial per Pa.B.A.R. 213(a) and the Board, after a hearing pursuant to Pa.B.A.R. 213, also declines to issue a certificate recommending admission, the applicant may be permitted to submit a supplemental application to seek a subsequent hearing before

the Board if 36 months have not passed from the first day of the examination from which the applicant is seeking to transfer the score.

(*Editor’s Note:* The contents of current Rule 206 are proposed to be renumbered as Rule 207 and are printed in regular type to enhance readability.)

Rule 207. Disqualification of an applicant.

(a) *Automatic disqualification.* An applicant who is found to have:

(1) obtained, used, or attempted to obtain or use answers or written or oral information or materials relating to the subjects tested on the bar examination from another applicant or any other person or source while taking the bar examination;

(2) brought in to the bar examination any personal notes relating to the subjects tested on the bar examination and used or attempted to use such notes while taking the bar examination;

(3) secreted any answers, information, materials, or personal notes relating to the subjects tested on the bar examination with the intent to review or use such information while taking the bar examination;

(4) received advance knowledge or information about the questions or the answers to the questions that are included on the bar examination being taken;

(5) written any notes or unauthorized information relating to the subjects tested on the bar examination on any examination materials prior to the beginning of the examination session; or

(6) given or attempted to give answers or information relating to the bar examination being taken to another applicant shall be disqualified from the bar examination and will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. Such applicant shall not be eligible to file an application to sit for another bar examination for a period of three years from the date of the disqualification. If such applicant successfully completes a subsequent bar examination, the conduct underlying the disqualification will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(b) *Discretionary disqualification.* An applicant who is found to have violated or attempted to violate any other rule or restriction established by the Board related to taking the bar examination, including but not limited to bringing any item or material prohibited by the Board into the examination room, failure to follow instructions concerning the beginning or end of the examination, communicating with another applicant or external source during the examination, violating any oral or written instructions given in connection with the administration of the bar examination, compromising or disrupting the process for administration of the bar examination, failure to cooperate in the investigation of any conduct in connection with the administration of the bar examination, or otherwise failing to make a good faith effort to take the bar examination may be disqualified from the examination. An applicant who is disqualified under this section will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. If an applicant is not disqualified under this section for a violation of any rule or restriction, or if such applicant is disqualified and successfully completes a subsequent bar examination, the conduct underlying the violation of the rules and restrictions will be considered

by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(c) The initial determination as to the disqualification of an applicant shall be made by the Executive Director. An applicant receiving notice of the disqualification shall have the right to request in writing, within 10 days of the disqualification, a hearing before the Board, which hearing shall be governed by the general procedures set forth in Rule 213.

**Subchapter C. RESTRICTED PRACTICE OF LAW
IN GENERAL**

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

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

(a) *Qualifications.*

An applicant who seeks admission pursuant to this rule:

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

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

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

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

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

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

[(7)(A)] (6)(A) must be employed and supervised by a Pennsylvania-licensed attorney who is in good standing and who is currently engaged in the practice of law in Pennsylvania; or

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

* * * * *

**ATTORNEY PARTICIPANTS IN DEFENDER OR
LEGAL SERVICES PROGRAMS**

Rule 311. Attorney participants in defender or legal services programs.

* * * * *

(d) *Requirements.* The requirements for issuance of a limited license under this rule are:

* * * * *

4. Presentation of a certificate of good standing from the highest court or the agency having jurisdiction over the admission to the bar and the practice of law in every jurisdiction in which the applicant has been admitted to practice law, stating that the applicant is in good professional standing at the bar of such court or such state. An applicant who is disbarred or suspended for disciplinary reasons from the practice of law in another jurisdiction at the time of filing an application shall not be eligible for a limited license under this rule.

[5. An applicant who has taken and failed the Pennsylvania bar examination will not be admitted under this Rule. This provision does not apply to individuals who have passed the bar examination upon a subsequent attempt.]

(e) *Application Fee.* An applicant for limited admission to practice under this Rule shall pay an application fee fixed by the Board.

* * * * *

FOREIGN LEGAL CONSULTANTS

Rule 341. Licensing of foreign legal consultants.

(a) *Required qualifications.* An applicant may be licensed to practice in this Commonwealth as a foreign legal consultant, without examination, if the applicant:

* * * * *

(3) possesses the good moral character and general fitness requisite for a member of the bar of this Commonwealth;

(4) is at least 26 years of age;

(5) intends to practice as a foreign legal consultant in this Commonwealth and to maintain an office in this Commonwealth for that purpose; and

(6) has passed the Multistate Professional Responsibility Exam [with the score] as required [by the Court to be achieved by] for successful applicants under Rule 203.

* * * * *

[Pa.B. Doc. No. 21-465. Filed for public inspection March 26, 2021, 9:00 a.m.]

**Title 231—RULES OF CIVIL
PROCEDURE**

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendment of Rule 10.5 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 10.5 of the Pennsylvania Orphans' Court Rules regarding the written notice of estate administration by the personal representative for the reasons set forth in the accompanying Publication 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 neither will constitute a part of the rules nor be officially adopted by the Supreme Court.

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

Pamela S. Walker, Counsel
Orphans' Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by May 7, 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 Orphans' Court
Procedural Rules Committee*

KENNETH G. POTTER, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER X. REGISTER OF WILLS

Rule 10.5. Notice to Beneficiaries and Intestate Heirs.

(a) Within three (3) months after the grant of letters, [the] a personal representative to whom [original] letters have been granted or the personal representative's counsel shall send a written notice of estate administration in the form approved by the Supreme Court to:

* * * * *

Note: Rule 10.5 is [substantively identical to] derived from former Rule 5.6[, except that subparagraph]. Subparagraph (a) applies to all personal representatives, including a successor personal representative. Subparagraph (d) of this Rule [no longer] does not [prohibits] prohibit the Register from charging a fee for filing this certification. The form of notice and certification of notice required by Rule 10.5

is set forth in the Appendix. Subparagraph (e) of this Rule is not intended to limit the inherent power of the court to impose sanctions upon a delinquent personal representative or counsel.

Explanatory Comment: It is not the intention of this Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of Title 20.

PUBLICATION REPORT

Proposed Amendment of Rule 10.5 of the Pennsylvania Orphans' Court Rules

The Orphans' Court Procedural Rules Committee ("Committee") is considering proposing to the Supreme Court of Pennsylvania the amendment of Rule 10.5 of the Pennsylvania Orphans' Court Rules ("Rules"). The proposed amendments are intended to clarify that all personal representatives, including successor personal representatives, are required to send written notice of estate administration as provided in Rule 10.5(a).

The Committee received correspondence regarding the requirement in Rule 10.5 that "the personal representative to whom *original* letters have been granted" send written notice of estate administration to a list of beneficiaries and intestate heirs set forth in the rule. (Emphasis added.) The correspondence questioned if "original" was intended to denote "initial" letters, since all letters issued by a register of wills are original letters. Further, this raises the question of whether a successor personal representative is required to provide notice of estate administration if the initial personal representative failed to do so or even provide notice of the change in personal representatives to the interested persons.

The Committee agreed that estate beneficiaries and intestate heirs should receive the notice of estate administration by a successor personal representative. Requiring successor personal representatives to notify the interested persons of the change in representative ensures the recipients are aware of the change and know to whom they should look for information going forward.

The Committee proposes amending Rule 10.5(a) to eliminate the word "original" with respect to the granting of letters to clarify that any personal representative granted letters must send the notice of estate administration. The Committee also proposes amending the Note to Rule 10.5 to clarify that the notice requirement applies to all personal representatives, including successor personal representatives. Finally, changes are proposed to the Note to clarify that Rule 10.5 is derived from former rule 5.6 rather than substantively identical.

The Committee invites all comments, concerns, and suggestions regarding this rulemaking proposal.

[Pa.B. Doc. No. 21-466. Filed for public inspection March 26, 2021, 9:00 a.m.]