

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 51 ]

#### Order Amending Rule 4.2 of the Rules Governing Standards of Conduct of Magisterial District Judges; No. 454 Magisterial Rules Doc.

#### Order

##### *Per Curiam*

And Now, this 5th day of May, 2021, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 50 Pa.B. 4017 (August 8, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4.2 of the Rules Governing Standards of Conduct of Magisterial District Judges is amended in the following form.

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

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 51. STANDARDS OF CONDUCT OF MAGERSTERIAL DISTRICT JUDGES

#### PENNSYLVANIA RULES FOR MAGERSTERIAL DISTRICT JUDGES

**Canon 4. A magisterial district judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.**

**Rule 4.2. Political and Campaign Activities of Judicial Candidates in Public Elections.**

\* \* \* \* \*

(B) A candidate for elective judicial office may, unless prohibited by law, and not earlier than immediately after the General Election in the year prior to the calendar year in which a person may become a candidate for such office:

(1) establish a campaign committee pursuant to the provisions of Rule 4.4;

(2) speak on behalf of his or her candidacy through any medium, including but not limited to advertisements, websites, or other campaign literature;

(3) publicly endorse or speak on behalf of, or publicly oppose or speak in opposition to, candidates for the same judicial office for which he or she is a judicial candidate, [ or ] publicly endorse or speak on behalf of candidates for any other elective judicial office appearing on the same ballot, or publicly endorse or speak on behalf of candidates for the office of magisterial district judge within the same judicial district;

(4) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;

(5) seek, accept, or use endorsements from any person or organization;

(6) contribute to a political organization or candidate for public office;

(7) identify himself or herself as a member or candidate of a political organization; and

(8) use court facilities for the purpose of taking photographs, videos, or other visuals for campaign purposes to the extent such facilities are available on an equal basis to other candidates for such office.

\* \* \* \* \*

#### Comment

##### *General Considerations*

(1) Paragraphs (B) and (C) permit judicial candidates in public elections to engage in some political and campaign activities otherwise prohibited by Rule 4.1. Candidates may not engage in these activities earlier than immediately after the General Election in the year prior to the calendar year in which a person may become a candidate for such office.

(2) Despite paragraph (B) and (C), judicial candidates for public election remain subject to many of the provisions of Rule 4.1. For example, a candidate continues to be prohibited from soliciting funds for a political organization, knowingly making false or misleading statements during a campaign, or making certain promises, pledges, or commitments related to future adjudicative duties. See Rule 4.1(A), paragraphs (4) and (12), and Rule 4.2(C), paragraph (3).

(3) In public elections for judicial office, a candidate may be nominated by, affiliated with, or otherwise publicly identified or associated with a political organization, including a political party. This relationship may be maintained throughout the period of the public campaign, and may include use of political party or similar designations on campaign literature and on the ballot.

(4) Judicial candidates are permitted to attend or purchase tickets for dinners and other events sponsored by political organizations.

(5) For purposes of paragraph (B)(3), candidates are considered to be a candidate for the same judicial office if they are competing for a single judgeship or for one of several judgeships on the same court to be filled as a result of the election. In endorsing or opposing another candidate for a position on the same court, a judicial candidate must abide by the same rules governing campaign conduct and speech as apply to the candidate's own campaign. **Additionally, the phrase "candidates for any other elective judicial office appearing on the same ballot" means candidates who appear together on the paper ballot or, in the case of electronic voting terminals, appear together on the electronic ballot. However, candidates for magisterial district judge may publicly endorse or speak on behalf of other candidates for magisterial district judge within the same judicial district, as defined by 42 Pa.C.S. § 901(a). Cf., Code of Judicial Conduct, Rule 4.2(B)(3).**

##### *Statements and Comments Made During a Campaign for Judicial Office*

(6) Judicial candidates must be scrupulously fair and accurate in all statements made by them and by their campaign committees. Paragraph (C)(3) obligates candidates and their committees to refrain from making state-

ments that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.

(7) Judicial candidates are sometimes the subject of false, misleading, or unfair allegations made by opposing candidates, third parties, or the media. For example, false or misleading statements might be made regarding the identity, present position, experience, qualifications, or judicial rulings of a candidate. In other situations, false or misleading allegations may be made that bear upon a candidate's integrity or fitness for judicial office. As long as the candidate does not violate paragraphs (C)(3) or (C)(4), or Rule 4.1, paragraph (A)(12), the candidate may make a factually accurate public response. In addition, when an independent third party has made unwarranted attacks on a candidate's opponent, the candidate may disavow the attacks, and request the third party to cease and desist.

(8) Subject to paragraph (C)(4), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her during a campaign, although it is preferable for someone else to respond if the allegations relate to a pending case.

(9) Paragraph (C)(4) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

#### FINAL REPORT<sup>1</sup>

#### Recommendation M-2 of 2019, Minor Court Rules Committee

#### *Amendment of Rule 4.2 of the Rules Governing Standards of Conduct of Magisterial District Judges*

#### POLITICAL AND CAMPAIGN ACTIVITIES OF JUDICIAL CANDIDATES IN PUBLIC ELECTIONS

The Minor Court Rules Committee ("Committee") recommended amendments to Rule 4.2 of the Rules Governing Standards of Conduct of Magisterial District Judges ("Conduct Rules"), relating to political and campaign activities of candidates for magisterial district judge in public elections.

Currently, Conduct Rule 4.2(B)(3) provides, among other things, that a candidate for elective judicial office may, unless prohibited by law and under certain time parameters, "publicly endorse or speak on behalf of candidates for any other elective judicial office appearing on the same ballot." The Committee received a request to examine the phrase "on the same ballot" in that Rule, and was advised that there were differing interpretations of the phrase. By one interpretation of the phrase, magisterial district judge candidates could endorse magisterial district judge candidates running in the same election cycle, *i.e.*, a candidate for magisterial district judge endorsing a candidate for magisterial district judge running in another magisterial district. Conversely, the competing interpretation is quite literal, meaning that the candidates must actually appear on the ballot together.

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the contents of the explanatory Final Reports.

In 2019, the Supreme Court adopted amendments to Rule 4.2 of the Code of Judicial Conduct (governing appellate court judges, common pleas court judges, judges of the Philadelphia Municipal Court except for the Traffic Division, and senior judges of those courts) that define the phrase "candidates for any other elective judicial office appearing on the same ballot" to mean "candidates who appear together on the paper ballot or, in the case of electronic voting terminals, appear together on the electronic ballot."<sup>2</sup> The Committee recommended that the Court adopt an amendment to Comment (5) of Conduct Rule 4.2 adding that language.

In addition to the proposed amendment relative to the "same ballot" language, the Committee also recommended an amendment to Conduct Rule 4.2(B)(3) and Comment (5) to permit a candidate for magisterial district judge to publicly endorse or speak on behalf of candidates for the office of magisterial district judge within the same judicial district subject to the other provisions of the Rule. Judicial districts are defined by 42 Pa.C.S. § 901(a).

[Pa.B. Doc. No. 21-745. Filed for public inspection May 14, 2021, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### WYOMING AND SULLIVAN COUNTIES

#### 44th Judicial District PacFile Local Rule; AD-8-2021

#### Order

*And Now*, this 4th day of May, 2021, in compliance with Rule 103 of the Pennsylvania Rules of Judicial Administration,

*It Is Hereby Ordered* that the Court adopts the following Local Rule 576.1 Electronic Filing of Legal Papers, which becomes effective June 15, 2021.

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

#### 576.1. Electronic Filing of Legal Papers.

A. The electronic filing of motions and other legal papers in the 44th Judicial District Court of Common Pleas—Criminal Division is authorized as specifically provided in this rule. Parties shall electronically file documents using the PacFile electronic filing system developed by the Administrative Office of the Pennsylvania Courts. The application of general rules of court and court policies that implement the rules, shall continue to apply to all filings regardless of the method of filing.

B. *Legal Papers Defined.* The "legal papers" which shall be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, except the following:

1. Applications for a search warrant;
2. Applications for an arrest warrant;
3. Legal papers filed or authorized to be filed under seal;
4. Grand jury materials; and
5. Submission filed by *ex parte* as authorized by law.

<sup>2</sup> Order of December 20, 2019, No. 529, Judicial Administration Docket.

C. All filings shall comply with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.

D. All attorneys shall establish a PacFile account using the Unified Judicial System of Pennsylvania Web Portal. Pursuant to Pennsylvania Rule of Criminal Procedure 576.1(D)(2), the establishment of PACfile account constitutes electronically of any document filed using PACFile.

Self-represented parties are not required to establish a PacFile account and are not required to file legal papers using the electronic PacFile system. Self-represented parties are permitted to file and serve legal papers in a physical paper format.

E. Applicable filing fees shall be accepted in the same manner as currently required by statute, court order, Local Rule or as established by fee schedule.

F. Use of the PacFile system shall constitute as the filer's certification that the electronic notice and service of other documents through the Pacfile system will be accepted by filer. The submission of an electronic filing shall satisfy the service requirements of Pa.R.Crim.P. 576 on any attorney or party who has established an account as provided in subsection D. Parties utilizing PACFile shall serve physical paper format copies on all parties to

the case who do not utilize PACfile, pursuant to Pa.R.Crim.P. 576.

[Pa.B. Doc. No. 21-746. Filed for public inspection May 14, 2021, 9:00 a.m.]

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## SUPREME COURT

**Sessions of the Supreme Court of Pennsylvania for the Year 2021; No. 525 Judicial Administration Doc.**

### Amended Order

*Per Curiam:*

*And Now*, this 3rd day of May, 2021, it is hereby ordered that the order at No. 525 Judicial Administration Docket, dated December 11, 2019, listing the argument/administrative sessions of the Supreme Court of Pennsylvania for the year 2021 is amended as follows:

|              |                                       |
|--------------|---------------------------------------|
| Harrisburg   | September 20th through September 24th |
| Pittsburgh   | October 25th through October 29th     |
| Philadelphia | December 6th through December 9th     |

[Pa.B. Doc. No. 21-747. Filed for public inspection May 14, 2021, 9:00 a.m.]

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