

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 1]

Order Amending Rules 101 and 103 of the Pennsylvania Rules of Judicial Administration; No. 552 Judicial Administration Doc.

Order

Per Curiam

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101 and 103 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 October 1, 2021.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 1. GENERAL PROVISIONS

Rule 101. Title and citation of rules.

These rules shall be known as the Pennsylvania Rules of Judicial Administration and may be cited as “Pa.R.J.A. [No.] _____.”

Rule 103. Procedure for [**adoption**] **adopting**, filing, and publishing rules.

(a) *Notice of proposed rulemaking.*

(1) Except as provided in subdivision (a)(3), the initial [**recommendation of a proposed rule, or proposed amendment**] **proposal of a new or amended rule**, including [**the explanatory note**] **any commentary** that is to accompany the rule **text**, shall be distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein. The **proposal shall include a publication [notification shall contain] notice containing** a statement to the effect that [**comments**] **written responses** regarding the proposed rule or amendment are invited and should be sent directly to the proposing Rules Committee within a specified period of time, **and a publication report from the Rules Committee containing the rationale for the proposed rulemaking.**

(2) Written [**comments, suggestions or objections**] **responses** relating to the [**proposed rule or amendment**] **proposal** shall be sent directly to the proposing Rules Committee within a specified number of days after the publication of the rule or amendment in the *Pennsylvania Bulletin*, and any [**such commentary**] **written responses** shall be reviewed by the said Committee prior to action on the proposal by the Supreme Court. Any further proposals which are based upon the [**commentary**] **written responses** so received need not be, but may be, published in the manner prescribed in subdivision (a)(1).

(3) A proposed rule or amendment may be promulgated even though it has not been previously distributed and published in the manner required by subdivisions (a)(1) and (a)(2), where exigent circumstances require the immediate adoption of the proposal; or where the proposed amendment is of a typographical or perfunctory nature; or where in the discretion of the Supreme Court such action is otherwise required in the interests of justice or efficient administration.

(b) *Rules adopted **or amended** by the Supreme Court.*

(1) Rules adopted **or amended** by the Supreme Court, **and any adoption report of the Rules Committee**, shall be filed in the office of the Prothonotary of the Supreme Court.

(2) After an order adopting a rule or amendment has been filed with the Prothonotary of the Supreme Court, the Prothonotary shall forward a certified copy of the order [**and**], rule or amendment, **and any adoption report** to:

(i) The publisher of the official version of Supreme Court decisions and opinions who shall cause it to be printed in the first available volume of the State Reports.

[(ii) **The prothonotaries or clerks of all courts, which may be affected thereby, and thereupon the order and rule or amendment shall be published by such prothonotaries or clerks in the same manner as local rules adopted by such courts.**

(iii) [(ii) The Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

[(iv)] (iii) The Administrative Office.

* * * * *

(d) *Rules of procedure adopted by other courts of the System.*

(8) No pleading or other legal paper shall be refused for filing based upon a requirement of a local rule. No case shall be dismissed nor request for relief granted or denied because of failure to initially comply with a local rule. In any case of noncompliance with a local rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the local rule.

[*Official Note:*] **Comment**

Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text. Pursuant to subdivision (a), rulemaking proposals published seeking written responses shall be accompanied by a publication report from the Rules Committee. A Rules Committee may also submit a report pursuant to subdivision (b) when the Supreme Court adopts a rulemaking proposal. Any statements contained in Rules Committees’ publication or adoption reports permitted by either subdivision (a) or (b) are neither part of the rule nor adopted by the Supreme Court.

The purpose of subdivisions (c) and (d) is to further the policy of the Supreme Court to implement the Unified Judicial System under the Constitution of 1968 and to facilitate the statewide practice of law under the Court’s general rules. Local rules of judicial administration and

local rules of procedure should not repeat general rules or statutory provisions verbatim or substantially verbatim nor should local rules make it difficult for attorneys to practice law in several counties. The provisions of subdivision (d) apply to local rules of procedure, but not to case-specific orders.

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ADOPTION REPORT

Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. *See* 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of “Comments” to describe commentary and the elimination of “notes”; 4) clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court's procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for “civil” to distinguish it from the abbreviation for “court.” This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate “civil” as “civ.” Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the “Pennsylvania Rules of Family Court Procedure” and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of

secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-981. Filed for public inspection June 25, 2021, 9:00 a.m.]

**Title 210—APPELLATE
PROCEDURE**

**PART II. INTERNAL OPERATING PROCEDURES
[210 PA. CODE CH. 65]**

Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its published Operating Procedures. The amendments are reflected in the Superior Court Operating Procedures with the amendment of Pa. Code § 65.41.

These changes were approved on June 10, 2021, effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

**PART II. INTERNAL OPERATING PROCEDURES
CHAPTER 65. OPERATING PROCEDURES OF THE
SUPERIOR COURT**

DECISIONAL PROCEDURES

§ 65.41. Argument Before a Court En Banc.

A. When argument before [**an en banc Court**] a **Court En Banc** is granted, the President Judge shall direct the Prothonotary to schedule such argument at the next available session. The judges to hear argument shall be selected by the President Judge [**and shall include, insofar as practicable, the author of the panel opinion, the author of a dissenting opinion, and,**

where appropriate, the author of a prior opinion which is being reconsidered. Assignments to the Court en banc as far as possible shall be equalized during the course of each year]. The presiding judge shall be the commissioned judge highest in seniority except when the Court [**en banc**] **En Banc** includes the President Judge, who shall then be the presiding judge.

B. Where en banc argument is limited to one or more but less than all issues raised by an appellant, counsel shall be notified regarding the specific issues on which the Court [**en banc**] **En Banc** desires to hear argument.

C. Before or after argument before the Court [**en banc**] **En Banc**, the Court may vote that en banc consideration was improvidently granted. In such event, the previous panel decision in the matter shall be reinstated or, if there is no previous panel decision in the matter, the case shall be listed before the next available panel of this Court.

D. In the event that a party seeks to remove en banc status and reinstate a panel's decision, such request must be made by motion and is subject to full court review.

E. In the event that a party in another appeal has raised an issue for which the Court has granted Reargument, the Court shall stay such appeal pending the decision of the en banc panel.

F. The Court may decide to stay the case sua sponte or upon a motion that a party files.

[Pa.B. Doc. No. 21-982. Filed for public inspection June 25, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 100]

Order Amending Rules 51 and 129 of the Pennsylvania Rules of Civil Procedure; No. 715; Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 51 and 129 of the Pennsylvania Rules of Civil Procedure 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 October 1, 2021.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100. RULES OF CONSTRUCTION

Rule 51. Title and Citation of Rules.

These rules shall be known as the Pennsylvania Rules of Civil Procedure and may be cited as ["**Pa.R.C.P. No.**"] "**Pa.R.Civ.P.**"

[*Official Note:*] Comment

The previous use of "Pa.R.C.P. No." to cite the Pennsylvania Rules of Civil Procedure may not serve as a basis to invalidate a reference to that authority.

The rules of civil procedure are not applicable in the magisterial district courts. Civil actions and proceedings in magisterial district courts are governed by the Rules of Civil Procedure [**for**] **Governing Actions and Proceedings Before** Magisterial District Judges, [**Pa.R.C.P.M.D.J.**] **Pa.R.Civ.P.M.D.J.**, 201 *et seq.*

Rule 129. Construction of Rules. Titles, Provisos, Exceptions and Headings. Use of [**Notes and Explanatory Comments**] Commentary.

(a) The title or heading of a rule may be considered in construing the rule.

(b) Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer.

(c) Exceptions expressed in a rule shall be construed to exclude all others.

(d) The title or heading prefixed to a chapter of rules shall not be considered to control but may be used in construing the rules.

(e) [**A note to a rule or an explanatory comment**] Commentary is not a part of the rule **text**, but may be used in construing the rule **text**.

Comment

Any statements contained in a publication or adoption report by the Civil Procedural Rules Committee and the Domestic Relations Procedural Rules Committee are for the benefit of those using the rules, but neither constitute part of the rule nor are adopted by the Supreme Court. See Pa.R.J.A. 103, Comment.

Official Note: Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended September 26, 1990, effective January 1, 1991, 20 Pa.B. 5188.

ADOPTION REPORT

Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. See 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of "Comments" to describe commentary and the elimination of "notes"; 4) clarifying that commentary is part of the rule, but not

part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

The proposal received seven responses containing helpful suggestions, insightful observations, and possible areas of concern. One respondent suggested reorganization of aspects of the Pennsylvania Rules of Civil Procedure so they are ordered in a more intuitive fashion that relates to the linear progression of litigation. This suggestion will remain under consideration for possible implementation after those rules are conformed to internal guidance. Another respondent suggested a uniform set of rules of construction for the Court's procedural and evidentiary rules. It is anticipated that a proposal on this subject will be forthcoming.

Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for "civil" to distinguish it from the abbreviation for "court." This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate "civil" as "civ." Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the "Pennsylvania Rules of Family Court Procedure" and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

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The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-983. Filed for public inspection June 25, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Rule 1.1 of the Pennsylvania Rules of Orphans' Court Procedure; No. 871 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.1 of the Pennsylvania Rules of Orphans' Court Procedure 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 on October 1, 2021.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER I. PRELIMINARY RULES

Rule 1.1. Short Title and Citation.

These [Rules] rules shall be known as the Pennsylvania Rules of Orphans' Court [Rules, shall be referred to individually herein as "Rule," and cited as "Pa.O.C. Rule ____."] Procedure and may be cited as "Pa.R.O.C.P. ____."

[Note: Rule 1.1 is substantively similar to former Rule 17.]

Comment

The previous use of "Pa. O.C. Rule" to cite the Pennsylvania Rules of Orphans' Court Procedure may not serve as a basis to invalidate a reference to that authority.

ADOPTION REPORT

Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

An effort has been undertaken to establish internal guidance to enhance and maintain uniformity among the Court's procedural and evidentiary rules through the adherence to common standards for style, numbering, syntax, nomenclature, and the use of commentary in rulemaking. To facilitate the implementation of this guidance, a proposal was published for response concerning the possible amendment of Pa.R.J.A. No. 103 and Pa.R.C.P. No. 129 to clarify the use of commentary in rulemaking and amendment of Pa.R.J.A. No. 101, Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 concerning citation format. See 49 Pa.B. 4809 (August 24, 2019). The Publication Report accompanying the proposal further addressed: 1) the ongoing effort to achieve consistency, including reconciliation of the differing numbering schemes for subparts and the use of subdivisions and paragraphs to describe subparts; 2) removal and reestablishment of Chapters 1900—1950 of the Rules of Civil Procedure; 3) the use of "Comments" to describe commentary and the elimination of "notes"; 4)

clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

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Concerning proposed changes to the titles and citations of certain bodies of rules, several respondents suggested revising the abbreviation for "civil" to distinguish it from the abbreviation for "court." This suggestion is reflected in post-publication revisions to Pa.R.C.P. No. 51 and Pa.R.C.P.M.D.J. 201 to abbreviate "civil" as "civ." Relatedly, a respondent expressed concern that changes to citations might operate to invalidate a previous reference to that authority. A Comment was added to Pa.R.C.P. No. 51, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1 to address that concern.

The rules set forth in Chapters 1900—1950 of the Rules of Civil Procedure, will be removed and relocated separate from the Rules of Civil Procedure. In doing so, that body of rules will be named the "Pennsylvania Rules of Family Court Procedure" and provided a corresponding citation format consistent with the other bodies of rules. Relocation of the rules will provide the opportunity for reorganization and renumbering to reduce or eliminate the use of secondary and tertiary numbering schemes. To minimize the impact that renumbering the statewide rules may have on the numbering of local rules, derivation tables and disposition tables may be permitted, subject to certain conditions, which will be discussed further in future rulemaking.

The value of retaining historical commentary will be evaluated on an ongoing basis. Commentary removed will be identified and set forth in an Adoption Report accompanying a general restyling. Commentary removed through rulemaking unrelated to a general restyling will continue to be identified by textual indicators. Accordingly, the removed commentary will be publically available in either an Adoption Report or the amended form of the rule should a reader wish to review rulemaking history.

The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters 1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-984. Filed for public inspection June 25, 2021, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Order Amending Rule 201 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges; No. 458 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 10th day of June, 2021, the proposal having been published for public comment at 49 Pa.B. 4809 (August 24, 2019), it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 201 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before 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 on October 1, 2021.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 201. Citation of Rules.

These rules **shall be known as the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges and** may be cited as "[Pa.R.C.P.M.D.J. No. _____] **Pa.R.Civ.P.M.D.J.** _____."

Comment

The previous use of "Pa.R.C.P.M.D.J. No." to cite the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges may not serve as a basis to invalidate a reference to that authority.

ADOPTION REPORT

Amendment of Pa.R.J.A. No. 101 and 103, Pa.R.C.P. No. 51 and 129, Pa.R.C.P.M.D.J. No. 201, and Pa. O.C. Rule 1.1

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the Rules of Civil Procedure; 3) the use of “Comments” to describe commentary and the elimination of “notes”; 4) clarifying that commentary is part of the rule, but not part of the rule text; 5) removing largely historical material from existing commentary; and 6) a phased approach to restyling the rules to conform with internal guidance.

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The procedural and evidentiary rules will be conformed to the internal guidance in the following manner: The guidance will be applied prospectively to future rulemaking proposed by the Rules Committees. To the extent practicable, rules currently subject to rulemaking will be revised depending upon their stage in the process. Recognizing that some rules are infrequently amended, each body of rules will also be conformed in their entirety through a phased process. The first body of rules to be subjected to the phased conformity will be Chapters

1900—1950 of the Rules of Civil Procedure contemporaneous with its relocation and renumbering. No substantive changes to the operation of the rules are intended as a result of conformance.

[Pa.B. Doc. No. 21-985. Filed for public inspection June 25, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Collection of Restitution, Reparation, Fees, Costs, Fines and Penalties; No. 2021-1

Administrative Order

And Now, this 28th day of May, 2021, the Board of Commissioners of Washington County having passed Resolution 2021 at Minute Number 1130, dated May 20, 2021, it is hereby *Ordered, Adjudged, and Decreed* that the Court joins in the aforementioned Resolution and *Approves* of the designation of the Adult Probation Office as the agent for collection of all restitution, reparation, fees, costs, fines, and penalties in accordance with 42 Pa.C.S.A. § 9728, effective June 1, 2021. The Court has determined that the filing of this Order and the actions taken in conjunction with the Board of Commissioners are appropriate and necessary to serve victims and defendants in criminal and delinquency cases by ensuring compliance with monetary conditions of adjudications and/or sentences.

All restitution, reparation, fees, costs, fines, and penalties ordered payable pursuant to the Sentencing Code, Juvenile Act, or other statute and/or regulation, shall be made by the offender to the Collections and Disbursement Unit of the Adult Probation Office, and shall be collectible in any manner provided by law. The Adult Probation Office, through the Collections and Disbursement Unit, shall have the authority to:

1. Enter sentences and assess restitution, reparation, fees, costs, fines, and/or penalties on adult criminal or juvenile delinquency cases, including assessments for summary appeals, miscellaneous dockets, and underlying filing types, such as inter-county transfer cases, whether offense or non-offense related;
2. Assess the interstate compact fee provided for in Act 95 of 2010;
3. Enter adjustments and/or credits for community service sentences as authorized by 42 Pa.C.S.A. § 9730;
4. Direct the creation of miscellaneous docket numbers related to collection functions;
5. Accept payments, perform daily balancing and other fiscal tasks, and make deposits of funds received;
6. Direct the master accounting process in CPCMS, to include the coordination of monthly master account disbursements, including running all necessary reports and notifying and working with the Clerk of Courts regarding the printing of each offices’ respective checks; and
7. Carry out any duties and responsibilities that are necessary to effectuate the collection and disbursement of funds pursuant to this Order.

The Court expects that the Clerk of Courts shall cooperate fully and in good faith to ensure a successful transition of collection functions from her office to the

Adult Probation Office, including compliance with directives issued by the undersigned, or his designee(s). Accordingly, it is further *Ordered* that the Clerk of Courts shall:

1. Continue to maintain and operate the current general and escrow bank account at Washington Financial Bank, Account Number *****8512, until further order of court. The Clerk of Courts is responsible for reconciling and disbursing any restitution, reparation, fees, costs, fines, and penalties collected prior to June 1, 2021;
2. Assist with any transfers or voids of payments for assessments that were made before June 1, 2021, because of the need for coordination and manual adjustments and/or transfers between separate bank accounts;
3. Inform any private collection agency it currently uses of this transition;
4. Notify and coordinate with the Adult Probation Office concerning the delivery of mail or payments that are addressed or made payable to the previous collections office; and
5. Enter sentences and assess restitution, reparation, fees, costs, fines, and/or penalties adult criminal or juvenile delinquency cases, including assessments for summary appeals, miscellaneous dockets, and underlying

filing types, such as inter-county transfer cases, whether offense or non-offense related, until July 5, or further order of court. The Clerk of Courts shall notify the Adult Probation Office of all sentences and assessments upon completion.

This Order shall be processed in conformity with Pa.R.J.A. 103. The District Court Administrator is directed to do the following:

1. File one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts;
 2. Distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
 3. Serve a copy of this Order on the judges of the Court of Common Pleas and the magisterial district courts, and the Clerk of Courts; and
 4. Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington.
- By the Court*

JOHN F. DiSALLE,
President Judge

[Pa.B. Doc. No. 21-986. Filed for public inspection June 25, 2021, 9:00 a.m.]