

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Order Amending Rule 1925 of the Pennsylvania Rules of Appellate Procedure; No. 299 Appellate Procedural Rules Docket

Order

Per Curiam

And Now, this 17th day of December, 2021, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 304 (January 18, 2020) and 50 Pa.B. 6858 (December 5, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1925 of the Pennsylvania Rules of Appellate Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2022.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

* * * * *

(c) *Remand.*

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

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

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

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

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Official Note:

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

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

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

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

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

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

See Anders v. California, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009); *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). These procedures do not relieve counsel of the obligation to comply with all other rules.

[Pa.B. Doc. No. 22-2. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 400]

Order Amending Rule 401 of the Pennsylvania Rules of Civil Procedure; No. 725 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 16th day of December, 2021, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 3575 (July 18, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 401 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective April 1, 2022.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE GENERALLY

Rule 401. Time for Service. Reissuance, Reinstatement, and Substitution of Original Process.

(a) Original process shall be served within the Commonwealth within 30 days after the issuance of the writ or the filing of the complaint.

Note: See Rule 404 for the time for service outside the Commonwealth.

(b)(1) If service within the Commonwealth is not made within the time prescribed by subdivision (a) of this rule or outside the Commonwealth within the time prescribed by Rule 404, the prothonotary upon *praecipe* and upon presentation of the original process, or a copy thereof, shall continue its validity by [reissuing the writ or reinstating the complaint, by writing thereon “reissued” in the case of a writ or “reinstated” in the case of a complaint] designating the writ as reissued or the complaint as reinstated.

(2) A writ may be reissued or a complaint reinstated at any time and any number of times. A new party defendant may be named in a reissued writ or a reinstated complaint only if the writ or complaint has not been served on any defendant.

Note: A new party defendant cannot be added to a reissued writ or reinstated complaint if service has been completed on a defendant already named in the writ or complaint. For cases involving multiple defendants, a new party defendant cannot be added to a reissued writ or reinstated complaint if service has been completed on any defendant already named in the writ or complaint.

If a new party defendant cannot be added pursuant to this rule, other procedures are available. See Rule 229 to discontinue the action and to start a new action; Rule 1033 to amend the caption of a pleading by agreement of the party or by leave of court; and Rule 2232 to seek leave of court for an order joining a defendant.

(3) A substituted writ may be issued or a substituted complaint filed upon *praecipe* stating that the former writ or complaint has been lost or destroyed.

(4) A reissued, reinstated, or substituted writ or complaint shall be served within the applicable time prescribed by subdivision (a) of this rule or by Rule 404 after reissuance, reinstatement, or substitution.

(5) If an action is commenced by writ of summons and a complaint is thereafter filed, the plaintiff, instead of reissuing the writ, may treat the complaint as alternative original process and as the equivalent for all purposes of a reissued writ, reissued as of the date of the filing of the complaint. Thereafter the writ may be reissued, or the complaint may be reinstated as the equivalent of a reissuance of the writ, and the plaintiff may use either the reissued writ or the reinstated complaint as alternative original process.

Note: If the applicable time has passed after the issuance of the writ or the filing of the complaint, the writ must be reissued or the complaint reinstated to be effective as process. Filing or reinstatement or substitu-

tion of a complaint, which is used as alternative process under this subdivision, has been held effective in tolling the statute of limitations as the reissuance or substitution of a writ.

ADOPTION REPORT

Amendment of Pa.R.Civ.P. 401

On December 16, 2021, the Supreme Court amended Pennsylvania Rule of Civil Procedure 401 to update the rule to accommodate electronic filing systems with regard to the reissuance of a writ of summons and the reinstatement of a complaint, and to clarify when a new defendant may be added to a reissued writ or reinstated complaint. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Pa.R.Civ.P. 401 provides that original process must be served within the Commonwealth no later than 30 days after the issuance of a writ of summons or the filing of a complaint. If service is not completed within the 30 days, the rule provides procedures for the reissuance of a writ of summons and the reinstatement of a complaint to continue its validity.

Rule 401(b)(1)

The Committee received two requests for rulemaking to clarify subdivision (b) in two respects. Subdivision (b)(1) requires the prothonotary, upon *praecipe* and presentation of the original process, to write on the original process “reissued” in the case of a writ, or “reinstated” in the case of a complaint when a party seeks to continue the validity of original process. The first requestor suggested that subdivision (b)(1) may conflict with the capabilities of electronic filing systems and should be updated or clarified to address electronically filed documents. Specifically, there was a question as to how a prothonotary can “write” on original process that is an electronically filed document.

Preliminarily, the Committee agreed that the literal reading of the word “write” could cause confusion when applying the rule to electronically filed documents. Although some prothonotary offices have a practice of affixing an electronically generated “Re-issued” or “Reinstated” stamp on the electronic document, it was not apparent that all prothonotary offices using electronic filing would have this capability. As a result, subdivision (b)(1) has been amended to require the prothonotary to “designate” rather than “write” on the original process, or a copy thereof, presented for reissuance or reinstatement. The amended language is intended to be sufficiently expansive to allow prothonotaries to comply with the rule for electronically filed documents.

This amendment of subdivision (b)(1) was not published for comment because it was intended to clarify the rule as it relates to electronically filed documents and would not otherwise change current practice or procedure.

Rule 401(b)(2)

The second request questioned the parameters for when a new defendant may be added to a reissued writ or reinstated complaint. Subdivision (b)(2) provides: “A writ may be reissued or a complaint reinstated at any time and any number of times. A new party defendant may be named in a reissued writ or a reinstated complaint.” Pa.R.Civ.P. 401(b)(2). The requestor pointed out that self-represented plaintiffs read this subdivision to author-

ize adding a new defendant simply by reissuing the writ or reinstating the complaint without first considering the procedural posture of the case, including whether service has been made on any of the originally named defendants. The requestor observed that, on its own, a literal reading of Pa.R.Civ.P. 401(b)(2) suggested that a new party defendant can be added at any time upon the reissuance of a writ or reinstatement of a complaint; neither the rule nor its explanatory comment provide context as to its application.

To address the ambiguities in this subdivision, the Committee proposed an amendment to provide that a new defendant may be named in a reissued writ or reinstated complaint only if the writ or complaint has not been served on any originally named defendant. Second, a proposed note was added indicating that a new defendant cannot be added pursuant to this rule if service of the writ or complaint has been completed on a defendant already named in either type of original process. Further, the note specifically indicates that, when there are multiple defendants named in the original document, adding a new defendant cannot be accomplished if service has been completed on any of the original defendants. The second paragraph of the proposed note directed the reader to other Rules of Civil Procedure that permit adding a new party depending on the procedural posture of the case.

The Committee published the proposed amendment of subdivision (b)(2) for comment. See 50 Pa.B. 3575 (July 18, 2020). The Committee received comments to the proposal, both supporting and opposing the proposed amendment. Following review, the Committee added a citation to *Yates v. Pacor*, 507 A.2d 1258 (Pa. Super. 1986), in the note to support the amendment’s requirement that a new defendant cannot be added to a reissued writ or reinstated complaint if a named defendant has already been served, and must do so by procedures other than Pa.R.Civ.P. 401(b)(2). Although *Yates* refers to former Pa.R.Civ.P. 1010 (reissuance, reinstatement, and substitution of writ or complaint), the content of that former rule was incorporated as subdivision (b) in Pa.R.Civ.P. 401 when it was adopted in 1986.

The amendment of Pa.R.Civ.P. 401 becomes effective April 1, 2022.

[Pa.B. Doc. No. 22-3. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 5]

Proposed Amendment of Pa.R.J.C.P. 515, Comment

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of the Comment to Pennsylvania Rule of Juvenile Court Procedure 515 (Dispositional Order) to identify a best practice for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 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 report accompanying this proposal was prepared by the Committee to indicate the rationale for the

proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

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

Daniel A. Durst, Chief Counsel
 Juvenile Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9541
 juvenilerules@pacourts.us

All communications in reference to the proposal should be received by February 11, 2022. 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 Juvenile Court
 Procedural Rules Committee*

JUDGE ALICE BECK DUBOW,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 515. Dispositional Order.

A. *Generally.* When the court enters a disposition after an adjudication of delinquency pursuant to Rule 409(A)(2), the court shall issue a written order in accordance with 42 Pa.C.S. § 6352, which the court has determined to be consistent with the protection of the public interest and best suited to the child's treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child's case, provide balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile's competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

- 1) the court's findings pursuant to Rule 512(D);
- 2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1.1)(i) for limited public information;
- 3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;
- 4) the date of the order; and
- 5) the signature and printed name of the judge entering the order.

B. *Financial Obligations.* If the court orders the payment of fines, costs, fees, or restitution, pursuant to 42 Pa.C.S. § 6352(a)(5) and (6), the amounts shall be reasonable and as deemed appropriate as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:

- 1) the specific amounts of fines, costs, fees, or restitution to be paid by the juvenile;
- 2) to whom each of the financial obligations shall be paid; and
- 3) a payment schedule based upon the juvenile's ability to pay according to the dispositional order.

C. *Guardian Participation.* The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

D. *Disposition Reporting.* The court shall forward the case disposition to the Juvenile Court Judges' Commission, as required by the Commission.

Comment

See 42 Pa.C.S. § 6352 regarding disposition of a delinquent child.

If not enumerated in the order itself, the court should attach to the dispositional order any imposed conditions of probation. See Pa.R.J.C.P. 512(D)(3).

Pursuant to paragraph (A)(2), the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 & 6310.

Pursuant to paragraph (B), financial obligations may be imposed as a plan of rehabilitation consistent with the goals of balanced and restorative justice: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. See 42 Pa.C.S. § 6352(a).

In determining the amount of the financial obligation pursuant to paragraph (B), the judge may include a contribution to a restitution fund. See 42 Pa.C.S. §§ 6352(a)(5)-(6). A juvenile's earning capacity can be determined by examining factors including, but not limited to, the juvenile's physical and intellectual capabilities, maturity, education, work history, availability of suitable employment, and the priority of other uses of earnings, including essential goods and services, dependents, and the pursuit of higher education. The court may also order non-financial obligations consistent with the principles of balanced and restorative justice.

Assuming the court finds the juvenile has a sufficient earning capacity to impose a reasonable financial obligation, the court should determine the juvenile's present ability to pay the financial obligation in accordance with the payment schedule pursuant to paragraph (B)(3). In determining a payment schedule, the court should include the frequency, amount, and duration of payments. A juvenile with a present ability to satisfy a financial obligation may be placed on an immediate and full payment schedule.

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. See Rule 610(A)-(B).

The court shall retain jurisdiction over the juvenile until the juvenile attains 21 years of age, or supervision has been terminated upon completion of the terms of the dispositional order and satisfaction of financial obligations, or otherwise. *See* 42 Pa.C.S. § 6352(a)(5); *see also* Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).

[**Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. Amended October 22, 2021, effective April 1, 2022.**

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007).

Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 515 published with the Courts Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 51 Pa.B. 6905 (November 6, 2021).]

PUBLICATION REPORT

Proposed Amendment of Pa.R.J.C.P. 515, Comment

The Juvenile Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of the Comment to Pennsylvania Rule of Juvenile Court Procedure 515 to set forth a best practice when the court imposes probation on a juvenile at the time of disposition.

Through this proposal, the Committee seeks to provide guidance on what it believes to be an inconsistent statewide practice. In the disposition of a delinquent juvenile, the Juvenile Act permits the court to place the juvenile on probation "under conditions and limitations the court prescribes." 42 Pa.C.S. § 6352(a)(2). The terms and conditions must be stated by the court on the record at the time of disposition. *See id.* § 6252(c); Pa.R.J.C.P. 512(D)(3). Further, the "terms and conditions" must be contained within the court's dispositional order. *See* Pa.R.J.C.P. 515(A)(1).

The Committee understands that it may not be a consistent statewide practice for the court to impose the conditions of probation at the time of disposition. Instead, some courts delegate the fashioning of appropriate conditions to the juvenile probation office after disposition. Other courts impose the conditions of probation at the time of disposition.

The Committee believes it is a best practice, as well as consistent with the Juvenile Act and the rules, that the juvenile court judge, and not the probation department, imposes the conditions of probation and that the judge does so at the time of the disposition. Accordingly, the Committee proposes to include commentary to Pa.R.J.C.P. 515 that guides this practice and references the rule-based requirement. The Committee does not intend for this guidance to foster the use of generalized conditions that are not specific to the juvenile's needs as a means of fulfilling the practice.

The Committee invites all comments, concerns, and suggestions.

Editorial Note: This proposal reflects the amendments to Pa.R.J.C.P. 515 adopted on November 30, 2021 and effective on April 1, 2022.

[Pa.B. Doc. No. 22-4. Filed for public inspection December 30, 2021, 9:00 a.m.]

**Title 252—ALLEGHENY
COUNTY RULES**

ALLEGHENY COUNTY

**Rule of Judicial Administration of the Court of
Common Pleas; No. AD-2021-255-PJ**

Order of Court

And Now, this 14th day of December, 2021, it is hereby *Ordered* that the following proposed amendments to the following local Rules of Judicial Administration of the Court of Common Pleas of Allegheny County, Pennsylvania, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

ALLEGHENY COUNTY RULE OF JUDICIAL ADMINISTRATION 6001—Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts

ALLEGHENY COUNTY RULE OF JUDICIAL ADMINISTRATION 6001.7—Confidential Information

ALLEGHENY COUNTY RULE OF JUDICIAL ADMINISTRATION 6001.10—Limits on Remote Access to Case Records

By the Court

KIM BERKELEY CLARK,
President Judge

**ALLEGHENY COUNTY
LOCAL RULE OF JUDICIAL ADMINISTRATION**

Rule 6001. **Case Records** Public Access Policy of the Unified Judicial System of Pennsylvania[: **Case Records of the Appellate and Trial Courts**].

Rule 6001.7.[:] Confidential Information.

Case Records and Pleadings containing confidential information shall be filed in the Allegheny County Court of Common Pleas as follows:

[**All documents filed with the Court which contain Confidential Information as defined in the Pursuant to Section 7.0 of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania**

nia[: *Case Records of the Appellate and Trial Courts*, be filed in duplicate with an unredacted original and a copy with all Confidential Information redacted.], persons who file documents that contain confidential information as defined by the Policy shall use and file the Confidential Information Form in order to comply with the policy. The form shall be available in each filing office as well as on the Fifth Judicial District website.

[The unredacted original must be filed with a *Fifth Judicial District Unredacted Original Cover Sheet*, available at the Department of Court Records, or if e-filing, by marking the document as an unredacted original document.

Redacted Copies] The Confidential Information Form need not be used in matters in which the documents filed by the parties are otherwise completely confidential by law or rule and unavailable for public access including, but not limited to:

- Act 53 Proceedings
- Adoptions
- Dependency Proceedings
- Juvenile Delinquency Proceedings that are completely confidential pursuant to applicable rules and statute
- Pennsylvania Judicial Bypass Proceedings
- Support Proceedings
- Incapacity [**proceedings**] **Proceedings** filed pursuant to 20 Pa.C.S. §§ 5501—5555
- Proceedings under 20 Pa.C.S. § 711(9)
- Confidential [**proceedings**] **Proceedings** under the Mental Health Procedures Act, 50 P.S. § 7101 et. sec.
- Matters under seal in the Civil Division that are unavailable for public access
- Documents filed under seal in the Civil Division that are unavailable for public access

Rule 6001.10. Limits on Remote Access to Case Records.

In accordance with the *Case Records Public Access Policy of the Unified Judicial System of the Pennsylvania*[: *Case Records of the Appellate and Trial Courts*,] online access to the docket and case records shall be restricted as follows:

a. The public's online access to records shall be limited as set forth in section 10.0 of the *Case Records Public Access Policy of the Unified Judicial System of the Pennsylvania*[: *Case Records of the Appellate and Trial Courts*].

b. Attorneys listed as counsel of record who have entered their appearance on a Civil Division, Family Division, or Orphans' Court case and who have a verified login to the Department of Court Records online access portal shall have the same access to that case online as they would if they had appeared in person at the Court Facility where the records are kept, except for access to:

1. Sealed Records or Documents
2. Qualified Domestic Relations Orders
3. Transcripts
4. Adoption Proceedings

5. Proceedings under the Mental Health Procedures Act, 50 P.S. § 7101 et. sec.

6. Proceedings under 20 Pa.C.S. § 711(9)

7. Inheritance Tax Returns

8. Inventories and Accounts in Orphans' Court Matters

9. Addresses of Victims of Abuse

10. Confidential Documents as defined in Section 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of the Pennsylvania*[: *Case Records of the Appellate and Trial Courts*] except the documents listed in subsections 8.0(A)(5), (6) and (7)

11. Any Other Proceedings or Documents Specified by the President Judge or an Administrative Judge of a Division

c. Attorneys acting in a pro bono capacity on a Family Division case may enter a limited appearance. Attorneys who have entered a limited appearance and who have a verified login to the Department of Court Records online access portal shall have the same access to that case online as an Attorney of Record in subparagraph (b) above.

d. Parties to a Family Division, Civil Division, or Orphans' Court case who have filed a Praecipe of Appearance for Online Access on a case and who have a verified login to the Department of Court Records online access portal shall have the same access to that case online as an Attorney of Record in subparagraph (b) above.

e. A *Guardian Ad Litem* in a Family Division, Civil Division, or Orphans' Court Case who has been appointed by court order filed with the Department of Court Records and who has filed a Praecipe of Appearance for Online Access on a case with the Department of Court Records and who has a verified login to the Department of Court Records online access portal shall have the same access to that case in person and online and as an Attorney of Record in subparagraph (b) above. The *Guardian Ad Litem* shall file a Withdrawal of Appearance upon completion of their involvement in the case which will terminate their access to the case.

[Pa.B. Doc. No. 22-5. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Civil Procedure 205.6*. Confidential Information and Confidential Documents. Certification.; No. 2021-00001

Order

And Now, this 14th day of December, 2021, the Court hereby Rescinds Montgomery County Local Rules of Civil Procedure 205.6*—Confidential Information and Confidential Documents. Certification.—effective December 31, 2021.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative

Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Rule 205.6*. Confidential Information and Confidential Documents. Certification.

[Rescinded.]

[Pa.B. Doc. No. 22-6. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Criminal Procedure 113.1*. Confidential Information and Confidential Documents. Certification.; No. AD-383-2021

Order

And Now, this 14th day of December, 2021, the Court hereby Rescinds Montgomery County Local Rule of Criminal Procedure 113.1*—Confidential Information and Confidential Documents. Certification—effective December 31, 2021.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Rule 113.1*. Confidential Information and Confidential Documents. Certification.

[Rescinded.]

[Pa.B. Doc. No. 22-7. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Judicial Administration 520*—Public Access Policy.; No. 2021-00001

Order

And Now, this 14th day of December, 2021, the Court hereby Rescinds Montgomery County Local Rule of Judicial Administration 520*—Public Access Policy, effective December 31, 2021.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Local Rule of Judicial Administration 520*. Public Access Policy.

[Rescinded.]

[Pa.B. Doc. No. 22-8. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Orphans' Court 1.99A. Confidential Information and Confidential Documents. Certification.; No.

Order

And Now, this 14th day of December, 2021, the Court hereby Rescinds Montgomery County Local Rules of Orphans' Court 1.99A.—Confidential Information and Confidential Documents. Certification—effective December 31, 2021.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Rule 1.99A. Confidential Information and Confidential Documents. Certification.

[Rescinded.]

[Pa.B. Doc. No. 22-9. Filed for public inspection December 30, 2021, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WASHINGTON COUNTY

Public Access to Case Records in the Court of Common Pleas; No. 2021-1

Order

And Now, this 14th day of December, 2021, it is hereby Ordered, Adjudged, and Decreed that Washington County Local Rules of Judicial Administration 3000 and 3001 shall be amended. The amendments to these rules shall be effect 30 days after the date of publication in the *Pennsylvania Bulletin*. As the amendments to the statewide *Case Records Public Access Policy* become effective January 3, 2020, the Court finds that interim action pursuant to Pa.R.J.A. 103 (Comment) is necessary and appropriate. Therefore, the amended provisions of the local rule concerning the use of Confidential Information Forms for the filing of legal papers and pleadings in the Court of Common Pleas is required effective January 3, 2022. Filers shall no longer submit such documents for filing in either “Redacted” or “Unredacted” versions.

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

1. Publish the local rules on the Court’s website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
2. File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.
3. 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

RULE OF JUDICIAL ADMINISTRATION ACCESS TO CASE RECORDS

Rule 3000. Public Access Policy. Case Records. Court of Common Pleas.

(a) *Scope*. The Supreme Court of Pennsylvania has adopted a policy governing public access to Unified Judicial System case records, entitled *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*. The policy may be accessed at www.pacourts.us, www.washingtoncourt.us, in the office of the District Court Administrator, and in the office of the applicable custodian.

(b) *Confidential Information*. Pursuant to Sections 7.0 and 8.0 of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, persons who file a pleading, exhibit, or other document that contains confidential information as defined by the policy shall utilize and file with the applicable custodian a confidential information form (“CIF”) or a confidential document form (“CDF”), as applicable, in order to comply with the Policy. Parties are expressly prohibited from filing two

versions of any pleading, exhibit, or other document, i.e., a redacted version and an unredacted version.

(c) *Certification of Compliance*. A party, or their attorney, shall attach a certification to each filing to attest to their compliance with this policy. The certification shall be substantially in the following form:

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Date: _____ Signature: _____
(Name)

(d) *Fee Schedule*. Unless otherwise provided by applicable authority, the fees for duplication by photocopying, or printing from electronic media or microfilm, shall not exceed \$0.25 per page. The custodian of the case record may institute a reasonable surcharge beyond the per page fee for records that are produced by request on a disc or other storage media.

(1) The Court shall approve the fee schedule for any custodian pursuant to the Policy by administrative order.

(2) The custodian shall post the approved fee schedule in an area accessible to the public in his or her office and at www.washingtoncourts.us.

Rule 3001. Public Access of Official Case Records in the Magisterial District Courts.

(1) Unless otherwise provided by applicable authority, the fees for duplication by photocopying or an alternative method shall not exceed \$0.25 per page.

(2) The magisterial district court shall remit all fees collected pursuant to this rule to the County of Washington.

(3) The magisterial district court may waive the fees if it determines that the requestor is indigent.

[Pa.B. Doc. No. 22-10. Filed for public inspection December 30, 2021, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated December 17, 2021, Saul Gary Gruber (# 55091), whose registered address is Marlton, NJ, is suspended from the practice of law in this Commonwealth for a period of six months, effective January 16, 2022. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-11. Filed for public inspection December 30, 2021, 9:00 a.m.]