

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION

#### [ 204 PA. CODE CH. 29 ]

#### Promulgation of Financial Regulations Pursuant to Act 93 of 2021; No. 562 Judicial Administration Docket

#### Order

*Per Curiam:*

And Now, this 29th day of December, 2021, it is Ordered, pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 3502(a), that the attached amendments to the Financial Regulations are hereby adopted.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103(a), the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration. See Pa.R.J.A. 103(a)(3).

This Order is to be processed in accordance with Pa.R.J.A. 103(b), and the amendments shall be effective January 1, 2022.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter I. BUDGET AND FINANCE

#### § 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time.
- ii. Reargument/Reconsideration.
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court.
- iv. Miscellaneous Fees.
- v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of

the first legal paper therein of record with the prothonotary. The first legal paper may be any of the following:

- i. Praecipe for a Writ of Summons.
- ii. Complaint.
- iii. Deleted.
- iv. Petition.
- v. Notice of Appeal from a court of limited jurisdiction.
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste.

ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Alimony Pendente Lite, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce.

iii. Statutory actions such as Confirmation of Arbitration Awards, Confirmation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property.

iv. Other actions not included in subsections (i), (ii) or (iii), such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incapacitated persons' estates, minors' estates, and *inter vivos* trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include the following:

i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court.

ii. The appeal of a summary conviction to the Court of Common Pleas.

iii. Cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas.

iv. Cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN).

v. Cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1[ , ] and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on the initiation of a legal proceeding except as provided in subsection (iii). The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court.* Title 75 Summary Offenses Initiated by Traffic Citation. Except for the

provisions of subsection (g)(2) below, a statutory fee of twelve dollars (\$12.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.

- viii. Easements.
- ix. Rights of Way.
- (g) *Temporary Surcharge*.

1. Beginning [ **July 1, 2019** ] **January 1, 2022**, and until [ **December 31, 2021** ] **June 30, 2022**, for purposes of [ **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)** ] **42 Pa.C.S. § 3733.2**, a temporary surcharge of twenty-one dollars and twenty-five cents (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the nineteen dollars (\$19.00) statutory fee described above. This temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

2. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court*. Title 75 Summary Offenses Initiated by Traffic Citation. Beginning [ **July 1, 2019** ] **January 1, 2022**, and until [ **December 31, 2021** ] **June 30, 2022**, for purposes of [ **section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)** ] **42 Pa.C.S. § 3733.2**, a temporary surcharge of ten dollars (\$10.00) shall be collected to supplement the twelve dollars (\$12.00) statutory fee imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 22-73. Filed for public inspection January 14, 2022, 9:00 a.m.]

**Title 204—JUDICIAL SYSTEM  
GENERAL PROVISIONS**

**PART IV. ADMISSION TO PRACTICE LAW  
[ 204 PA. CODE CH. 71 ]**

**Order Amending Rules 102, 202, 203, 204, 205, 206, 304, 311, and 341 and Adopting Rule 207 of the Pennsylvania Bar Admission Rules; No. 897 Supreme Court Rules Docket**

**Order**

*Per Curiam*

And Now, this 4th day of January, 2022, the proposal having been published for public comment in the *Pennsylvania Bulletin* at 51 Pa.B. 1648 (March 27, 2021), and pursuant to Article V, Section 10 of the Constitution of Pennsylvania, *It Is Ordered* that:

- A. Rules 102, 202, 203, 204, 205, 206, 304, 311 and 341 of the Pennsylvania Bar Admission Rules are amended in the attached form;
- B. Rule 207 of the Pennsylvania Bar Admission Rules is adopted in the attached form;
- C. The Pennsylvania Board of Law Examiners (“Board”) will administer the Uniform Bar Examination (“UBE”) beginning in July 2022;
- D. The Board will begin accepting applications for UBE transfers beginning in August 2022;

E. The minimum scaled score required to constitute satisfactory completion of the UBE for purposes of Pennsylvania bar admission shall be 272, and the minimum scaled score required to constitute satisfactory completion of the Multistate Professional Responsibility Examination (MPRE) for purposes of Pennsylvania bar admission shall be 75. The Board shall post that information on the Board’s public web site prior to commencing registration for administration of the UBE; and

F. The prior orders of this Court dated January 31, 1997 (Order No. 169, Supreme Court Rules Docket No. 1), May 22, 2000 (Order No. 246, Supreme Court Rules Docket No. 1), December 6, 2001 (Order No. 285, Supreme Court Rules Docket No. 1), and March 12, 2004 (Order No. 328, Supreme Court Rules Docket No. 1), regarding standards for passing the Pennsylvania bar examination and the MPRE, are rescinded to the extent they are inconsistent with this Order.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on January 12, 2022.

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and in brackets.

Chief Justice Baer files a dissenting statement.

Justice Dougherty notes his dissent.

Justice Brobson did not participate in the consideration or decision of this matter.

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART IV. ADMISSION TO PRACTICE LAW**

**CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES**

**Subchapter A. PRELIMINARY PROVISIONS**

**Rule 102. Definitions.**

(a) *General Rule*. Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

\* \* \* \* \*

*Enforcement Rules*—The Pennsylvania Rules of Disciplinary Enforcement.

**Filing—When used in reference to an application for admission, including a supplemental application, the application is filed only when it is both submitted and the filing fee is received by the Board.**

*Government Unit*—The Governor and the departments, boards, commissions, officers, authorities, and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes boards of arbitrators appointed pursuant to statute.

\* \* \* \* \*



*Reciprocal state*—[ **A state having a reciprocal agreement or arrangement with this Commonwealth concerning admission to the bar** ] **A state that has a reciprocal agreement or arrangement with this Commonwealth to allow admission on motion without examination based upon a specific number of years of practice.**

\* \* \* \* \*

**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** ] **admission by reciprocity**), [ or ] Rule 205 (relating to [ **admission of foreign attorneys** ] **admission by bar examination for graduates with foreign law degrees**) 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.

\* \* \* \* \*

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

(a) *Bar Examination.* The general requirements for permission to sit for the bar examination are:

(1) Receipt of an undergraduate degree from an accredited college or university or the receipt of an education which, in the opinion of the Board, is the equivalent of an undergraduate college or university education.

(2)(i) Except as provided in subparagraph 2(ii) of this Rule, completion of the study of law at and receipt without exception of an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated. See Rule 205 (relating to admission [ of ] **by bar examination for** graduates [ of ] **with foreign [ institutions ] law degrees**) for standards applicable to graduates of foreign law schools; or

\* \* \* \* \*

(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 Court 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:

(1) Has completed the study of law at and received without exception an earned Bachelor of Laws or Juris Doctor degree from a law school that was an accredited law school at the time the applicant matriculated or graduated.

(2) Is a member of the bar of a reciprocal state on active status at the time of filing of the application for admission to the bar of this Commonwealth.

(3) Presentation of a certificate of good standing from the highest court or agency having jurisdiction over admission to the bar and the practice of law in every state or 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 for admission to the bar shall not be eligible for admission to the bar of this Commonwealth.

(4) Presentation of proof satisfactory to the Board that the applicant has for a period of five years of the last seven years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth devoted a major portion of time and energy to the practice of law in one or more states.

(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) ]** 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. ]**

\* \* \* \* \*

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

(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 ] **by bar examination**) 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:

\* \* \* \* \*

**Rule 206. [ Disqualification of an applicant ] Admission by bar examination score transfer.**

**[ (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 Execu-

tive 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. ]

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 Court 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.

*Official Note:* In accordance with the requirement in Pa.B.A.R. 203(a)(2)(i), graduates of foreign law schools must also meet the requirements of Pa.B.A.R. 205—Admission by Bar Examination for Graduates of Foreign Law Schools—to transfer a score under this rule.

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

**[ (5) ]** 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) ]** 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) 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.

(b) *Procedure.*

(1) An applicant who seeks admission pursuant to this rule must submit to the Board of Law Examiners an affidavit confirming that the applicant satisfies the requirements of Rule 304(a); that the applicant agrees to supplement his or her application with any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant agrees to notify the Prothonotary of the Pennsylvania Supreme Court of any information that might arise during the limited admission to practice that bears on any of the requirements of Rule 304(a); that the applicant has read, is familiar with and agrees to abide by the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement; that the applicant will comply with any obligations imposed by



the Pennsylvania Continuing Legal Education Board; and that the applicant submits to the jurisdiction of the Pennsylvania Supreme Court with respect to any and all disciplinary matters.

(2) An applicant must submit to the Board of Law Examiners an affidavit of the Pennsylvania attorney who will, pursuant to Rule 304(a)(**[ 7 ]6**), supervise the applicant if the application is granted. The supervising lawyer must confirm in the affidavit that he or she will (A) supervise the applicant in the performance of the applicant's legal work and (B) notify the Board in the event the applicant leaves the employ of the supervising attorney's law firm or government entity or is otherwise no longer being supervised by that attorney.

(3) The applicant must submit to the Board of Law Examiners the following:

(A) certificates or official transcripts evidencing compliance with the provisions of Rule 304(a)(2) related to legal education;

(B) a certificate of good standing from the highest court or the admissions authority of a state, commonwealth, territory or the District of Columbia in which the applicant is currently licensed to practice law;

(C) a copy of the United States military orders of the applicant's spouse establishing that the spouse is present in Pennsylvania because of military orders; and

(D) any fee required by the Board of Law Examiners.

(4) If an applicant satisfactorily completes the steps required by this rule and the Board determines that the applicant is qualified under this rule, the Board shall provide to the applicant a certificate recommending admission of a spouse of an active-duty service member.

(5) At any time within six months of the issuance of a certificate recommending admission of a spouse of an active-duty service member, an applicant may file a motion with the Prothonotary of the Supreme Court of Pennsylvania, on a form prescribed by the Board for issuance of such a license. The applicant shall submit the form with the certificate recommending admission of a spouse of an active-duty service member along with any fee the Prothonotary may assess.

(6) Upon receipt of a properly supported motion, the Prothonotary shall enter the name of the applicant upon the docket of persons specially admitted to the bar of the Supreme Court of Pennsylvania subject to the restrictions of this rule.

(c) *Limitations*

(1) An applicant who is granted limited admission under this rule and who continues to satisfy the requirements of Rule 304(a) is entitled to all the same rights, privileges and benefits and is subject to the same duties, obligations and responsibilities as active members of the bar of the Supreme Court of Pennsylvania subject to the following limitations.

(2) The limited admission provided by this rule shall terminate automatically upon the occurrence of any of the following:

(A) any of the provisions of Rule 304(a) are no longer satisfied or

(B) the attorney admitted under this rule is admitted to the bar of the Supreme Court of Pennsylvania under any other rule.

(3) In the event Rule 304(c)(2)(A) or (B) applies as a result of the death of the spouse of the attorney admitted under this rule, the termination of the limited admission provided by this rule will be subject to a six-month grace period.

**Official Note:** For purposes of this rule, the "United States Uniformed Services" are defined to include the following: the United States Army; the United States Marine Corps; the United States Navy; the United States Air Force; the United States Coast Guard; the United States Public Health Service Commissioned Corps; the National Oceanic and Atmospheric Administration Commissioned Corps and any other entity designated as part of the United States Uniformed Services by the United States Department of Defense or the United States Department of Homeland Security. See 10 U.S.C. § 101(a)(4) and (5).

The phrase "active duty" shall have the meaning given it in 10 U.S.C. § 101(d)(1).

For purposes of Rule 304(a)(**[ 7 ]6**), "practice of law" shall have the meaning set out in Rule 204.

The supervision required by Rule 304(a)(**[ 7 ]6**) must be sufficient to insure that the supervising attorney has knowledge of the specific conduct, ratifies the conduct, knows of the conduct at a time when its consequences may be avoided or mitigated and will assume responsibility for the supervised attorney's work should the supervised attorney's limited license terminate.

**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:

\* \* \* \* \*

**[ 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. ]**

\* \* \* \* \*

**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.

\* \* \* \* \*

**Dissenting Statement**

**Chief Justice Baer**

**Filed: January 4, 2022**

I dissent from the Court's adoption of a minimum scaled score of 272 for passage of the Uniform Bar Examination (UBE) in Pennsylvania ("cut score"). In my view, setting a cut score of 272 disadvantages Pennsylvania's law students and law schools generally by making Pennsylvania an outlier. Only five of the 39 UBE states have cut scores above 270: Pennsylvania (272), Idaho (272), Arizona (273), Colorado (276), and Alaska (280). Closer to home, most of the states in our geographic region utilize cut scores of either 266 or 270. New York, New Jersey, Maryland, District of Columbia, and Connecticut, all in our geographic region, employ 266 as their cut score. Ohio, West Virginia, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine use a cut score of 270.

Pennsylvania's higher cut score of 272 may place Pennsylvania's law schools at a competitive disadvantage in their quest to maintain and increase enrollment, as well as to fulfill their commitment to graduate law students who can pass the bar and pursue their profession. A college graduate could choose to attend law school in a state with a lower cut score, so that upon graduation, certainly in need of employment and perhaps burdened by debt, the student is not facing the bar exam with the highest cut score in the eastern United States.

Accordingly, I would lower Pennsylvania's cut score for passage of the UBE to either 266 or 270, thus bringing Pennsylvania into conformity with our neighboring states.

[Pa.B. Doc. No. 22-74. Filed for public inspection January 14, 2022, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1, 5, 6 AND 10 ]

Order Amending Rules 529, 543, 575, 576, 576.1, 587, and 1011 and the Comments to Rules 113, 567, 568, 573, 580, and 605 of the Pennsylvania Rules of Criminal Procedure; No. 536 Criminal Procedural Rules Docket

### Order

*Per Curiam*

*And Now*, this 4th day of January, 2022, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 529, 543, 575, 576, 576.1, 587, and 1011 and the Comments to Rules 113, 567, 568, 573, 580, and 605 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

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

Justice Brobson did not participate in the consideration or decision of this matter.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

### Annex A

## TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

### PART A. Business of the Courts

#### Rule 113. Criminal Case File and Docket Entries.

\* \* \* \* \*

#### Comment

This rule sets forth the mandatory contents of the list of docket entries and the criminal case files. This is not intended to be an exhaustive list of what is required to be recorded in the docket entries. The judicial districts may require additional information be recorded in a case or in all cases.

The list of docket entries is a running record of all information related to any action in a criminal case in the court of common pleas of the clerk's county, such as dates of filings, of orders, and of court proceedings. The clerk of courts is required to make docket entries at the time the information is made known to the clerk, and the practice in some counties of creating the list of docket entries only if an appeal is taken is inconsistent with this rule.

Nothing in this rule is intended to preclude the use of automated or other electronic means for time stamping or making docket entries.

This rule applies to all proceedings in the court of common pleas at any stage of a criminal case.

The requirement in paragraph (C)(2) that all attorneys and their addresses be recorded makes certain there is a record of all attorneys who have appeared for any litigant in the case. The requirement also ensures that attorneys are served as required in Rules 114 and 576. *See also* Rule 576([ B ]b)(4) concerning certificates of service.

\* \* \* \* \*

## CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

### PART C(1). Release Procedures

#### Rule 529. Modification of Bail Order Prior to Verdict.

([ A ]a) The issuing authority who is the magisterial district judge who was elected or assigned to preside over the jurisdiction where the crime occurred, upon request of the defendant or the attorney for the Commonwealth, or by the issuing authority sua sponte, and after notice to the defendant and the attorney for the Commonwealth and an opportunity to be heard, may modify a bail order at anytime before the preliminary hearing.

([ B ]b) A bail order may be modified by an issuing authority at the preliminary hearing.

([ C ]c) The existing bail order may be modified by a judge of the court of common pleas:

(1) at any time prior to verdict upon motion of counsel for either party with notice to opposing counsel and after a hearing on the motion; or

(2) at trial or at a pretrial hearing in open court on the record when all parties are present.

([ D ]d) Once bail has been set or modified by a judge of the court of common pleas, it shall not be modified except

(1) by a judge of a court of superior jurisdiction, or



(2) by the same judge or by another judge of the court of common pleas either at trial or after notice to the parties and a hearing.

(**[ E ]e**) When bail is modified pursuant to this rule, the modification shall be explained to the defendant and stated in writing or on the record by the issuing authority or the judge.

**Comment**

In making a decision whether to modify a bail order, the issuing authority or judge should evaluate the information about the defendant as it relates to the release criteria in Rule 523 and the types of release on bail set forth in Rule 524.

In Municipal Court cases, the Municipal Court judge may modify bail in the same manner as a common pleas judge may under this rule. *See* Rule 1011.

The procedures for modification of a bail order by the issuing authority were amended in 2006 to permit the issuing authority to modify bail at any time before the preliminary hearing on the issuing authority's own motion or request of a party when, for example, new information becomes available concerning the defendant that would affect the issuing authority's decision concerning the type of release and the conditions of release imposed at the preliminary arraignment. The 2006 amendments to **[ paragraph ] subdivision ( [ A ]a)** are not intended to affect bail procedures in the Philadelphia Municipal Court.

Once bail has been modified by a common pleas judge, only the common pleas judge subsequently may modify bail, even in cases that are pending before a district justice. *See* Rules 543 and 536.

Pursuant to this rule, the motion, notice, and hearing requirements in **[ paragraphs ] subdivisions ( [ C ]c)(1)** and **( [ D ]d)(2)** must be followed in all cases before a common pleas judge may modify a bail order unless the modification is made on the record in open court either when all parties are present at a pretrial hearing—such as a suppression hearing—or during trial.

*See* Pa.R.A.P. **[ 1762(b)(2) ] 1610** for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release, or modifying the conditions of release.

**[ Official Note: Former Rule 4008 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. Present Rule 4008 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 529 and amended March 1, 2000, effective April 1, 2001; Comment revised August 24, 2004, effective August 1, 2005; amended May 19, 2006, effective August 1, 2006.**

**Committee Explanatory Reports:**

**Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).**

**Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).**

**Final Report explaining the August 24, 2004 Comment revision published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).**

**Final Report explaining the May 19, 2006 amendments concerning "pre-preliminary hearing" modification of bail by the issuing authority published with the Court's Order at 36 Pa.B. 2633 (June 3, 2006). ]**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 543. Disposition of Case at Preliminary Hearing.**

\* \* \* \* \*

(C) When the defendant has appeared and has been held for court, the issuing authority shall:

(1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529(**[ A ]a**);

\* \* \* \* \*

**PART F. Procedures Following a Case Held for Court**

**Rule 567. Notice of Alibi Defense.**

\* \* \* \* \*

**Comment**

This rule, which is derived from paragraphs (C)(1)(a), (c)—(g), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise an alibi defense at trial.

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

The notice-of-alibi provision is intended to comply with the requirement of *Wardius v. Oregon*, 412 U.S. 470 (1973), by the inclusion of reciprocal disclosure responsibilities placed upon the Commonwealth in paragraph (C). *See also Commonwealth v. Contakos*, **[ 455 Pa. 136, ]** 314 A.2d 259 (**Pa.** 1974).

Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

*See* Rule 576(**[ B ]b**)(4) and Comment for the contents and form of the certificate of service.

\* \* \* \* \*

**Rule 568. Notice of Defense of Insanity or Mental Infirmary; Notice of Expert Evidence of a Mental Condition.**

\* \* \* \* \*

**Comment**

This rule, which is derived from paragraphs (C)(1)(b), (c)—(f), and (D) of Rule 573 (Pretrial Discovery and Inspection) and was made a separate rule in 2006, sets forth the notice procedures when a defendant intends to raise a defense of insanity or mental infirmity, or introduce evidence relating to a mental disease or defect or any other mental condition at trial.

For the procedures related to the determination of mental retardation precluding imposition of a sentence of death, see Chapter 8 Part (B).

The reference in paragraph (A) to Rule 579 (Time for Omnibus Pretrial Motion and Service) contemplates consideration of the exceptions to the time for filing set forth in Rule 579(A).

See Rule 569 (Examination of Defendant by Mental Health Expert) for the procedures for the examination of the defendant by the Commonwealth’s expert when the defendant provides notice of an intention to raise a defense of insanity or mental infirmity or an intention to introduce expert evidence concerning his or her mental condition.

Any motion under this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

See Rule 576([ B ]b)(4) and Comment for the contents and form of the certificate of service.

\* \* \* \* \*

**PART G. Procedures Following Filing of Information**

**Rule 573. Pretrial Discovery and Inspection.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

See Rule 576([ B ]b)(4) and *Comment* for the contents and form of the certificate of service.

\* \* \* \* \*

**PART G(1). Motion Procedures**

**Rule 575. Motions and Answers.**

(A) MOTIONS

\* \* \* \* \*

(2) A written motion shall comply with the following requirements:

\* \* \* \* \*

(f) The motion shall include a certificate of service as required by Rule 576([ B ]b)(4).

\* \* \* \* \*

(B) ANSWERS

\* \* \* \* \*

(3) A written answer shall comply with the following requirements:

\* \* \* \* \*

(c) The answer shall include a certificate of service as required by Rule 576([ B ]b)(4).

\* \* \* \* \*

**Comment**

For the definition of “motion,” see Rule 103.

See Rule 1005 for the procedures for pretrial applications for relief in the Philadelphia Municipal Court.

“Rules to Show Cause” and “Rules Returnable” were abolished in 2004 because the terminology is arcane, and the concept of these “rules” has become obsolete. These “rules” have been replaced by the plain language “notice of hearings” provided in Rule 577(A)(2).

Pursuant to paragraphs (A)(2)(f) and (B)(3)(c), and Rule 576([ B ]b)(4), all filings by the parties must include a certificate of service setting forth the date and manner of service, and the names, addresses, and phone numbers of the persons served.

\* \* \* \* \*

The prohibition on local rules mandating cover sheets was added because cover sheets are no longer necessary with the addition of the Rule 576([ B ]b)(1) requirement that the court administrator be served a copy of all motions and answers.

Although paragraph (D) precludes local rules that require a proposed order be included with a motion, a party should consider whether to include a proposed order. Proposed orders may aid the court by defining the relief requested in the motion or answer.

\* \* \* \* \*

**Rule 576. Filing and Service by Parties.**

( [ A ]a ) [ FILING ] Filing.

(1) All written motions and any written answers, and any notices or documents for which filing is required, shall be filed with the clerk of courts.

(2) Filing shall be:

( [ a ]i ) by personal delivery to the clerk of courts;

( [ b ]ii ) by mail addressed to the clerk of courts. Except as provided by law, filing by mail shall be timely only when actually received by the clerk of courts within the time fixed for filing; or,

( [ c ]iii ) in a judicial district that permits electronic filing pursuant to Rule 576.1, as provided in Rule 576.1(E).

(3) The clerk of courts shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to [ paragraph ] subdivision ( [ A ]a)(1), is received by the clerk of courts, the clerk shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the criminal case file.

(4) In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant’s attorney, the clerk of courts shall accept it for filing, time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and place the document in the criminal case file. A copy of the time stamped document shall be forwarded to the defendant’s attorney and the attorney for the Commonwealth within 10 days of receipt.

(5) If a defendant submits a document *pro se* to a judge without filing it with the clerk of courts, and the document requests some form of cognizable legal relief, the judge promptly shall forward the document to the clerk of courts for filing and processing in accordance with this rule.

(6) Unified Practice. Any local rule that is inconsistent with the provisions of this rule is prohibited, including

any local rule requiring that a document has to be presented in person before filing or requiring review by a court or court administrator before a document may be filed.

**[ B ]b [ SERVICE ] Service.**

(1) All written motions and any written answers, and notices or documents for which filing is required, shall be served upon each party and the court administrator concurrently with filing.

(2) Service on the parties shall be by:

**[ A ]i** personal delivery of a copy to a party's attorney, or the party if unrepresented; or

**[ b ]ii** personal delivery of a copy to the party's attorney's employee at the attorney's office; or

**[ c ]iii** mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

**[ d ]iv** in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service, when counsel has agreed to receive service by this method, leaving a copy for the attorney in the attorney's box; or

**[ e ]v** sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's place of residence, business, or confinement; or

**[ f ]vi** sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has made a written request for this method of service for the document; or

**[ g ]vii** delivery to the party's attorney, or the party if unrepresented, by carrier service.

(3) Service on the court administrator shall be by:

**[ a ]i** mailing a copy to the court administrator; or

**[ b ]ii** in those judicial districts that maintain in the courthouse assigned boxes for the court administrator to receive service, leaving a copy for the court administrator in the court administrator's box; or

**[ c ]iii** leaving a copy for the court administrator at the court administrator's office; or

**[ d ]iv** sending a copy to the court administrator by facsimile transmission or other electronic means if authorized by local rule; or

**[ e ]v** delivery to the court administrator by carrier service.

(4) Certificate of Service,

**[ a ]i** All documents that are filed and served pursuant to this rule shall include a certificate of service.

**[ b ]ii** The certificate of service shall be in substantially the form set forth in the Comment, signed by the party's attorney, or the party if unrepresented, and shall include the date and manner of service, and the names, addresses, and phone numbers of the persons served.

(5) In a judicial district that permits electronic filing pursuant to Rule 576.1, service shall be made as provided in Rule 576.1(D)(2) and (H)(1).

**[ C ]c** Any non-party requesting relief from the court in a case shall file the motion with the clerk of courts as provided in **[ paragraph ] subdivision [ A ]a**, and serve the defendant's attorney, or the defendant if

unrepresented, the attorney for the Commonwealth, and the court administrator as provided in **[ paragraph ] subdivision [ B ]b**.

**Comment**

For the procedures for electronic filing and service as a local option, see Rule 576.1.

**[ Paragraph ] Subdivision [ A ]a**(1) requires the filing of all written motions, and answers. The provision also applies to notices and other documents only if filing is required by some other rule or provision of law. *See, e.g.,* the notice of withdrawal of charges provisions in Rule 561 (Withdrawal of Charges by Attorney for the Commonwealth), the notice of alibi defense and notice of insanity defense or mental infirmity defense provisions in Rule 573 (Pretrial Discovery and Inspection), the notice that offenses or defendants will be tried together provisions in Rule 582 (Joinder—Trial of Separate Indictments or Informations), the notice of aggravating circumstances provisions in Rule 802 (Notice of Aggravating Circumstances), and the notice of challenge to a guilty plea provisions in Municipal Court cases in Rule 1007 (Challenge to Guilty Plea).

When a motion, notice, document, or answer is presented for filing pursuant to **[ paragraph ] subdivision [ A ]a**(1), the clerk of courts must accept it for filing even if the motion, notice, document, or answer does not comply with a rule or statute or appears to be untimely filed. It is suggested that the judicial district implement procedures to inform the filing party when a document is not in compliance with these rules or a local rule so the party may correct the problem.

*See Commonwealth v. Jones*, 700 A.2d 423 (Pa. 1997); and *Commonwealth v. Little*, 716 A.2d 1287 (Pa. Super. 1998) concerning the timeliness of filings by prisoners proceeding *pro se* (the "prisoner mailbox rule").

**[ The 2004 amendments to paragraph (A)(4) modified the procedure by which the clerks of courts handle filings by represented defendants when the defendant's attorney has not signed the document being filed by the defendant. As amended, paragraph ] Subdivision [ A ]a**(4) requires, in all cases in which a represented defendant files a document, that the clerk of courts make a docket entry of the defendant's filing and place the document in the criminal case file, and then forward a copy of the document to both the attorney of record and the attorney for the Commonwealth. *See Commonwealth v. Castro*, 766 A.2d 1283 (Pa. Super. 2001). *Compare* Pa.R.A.P. **[ 3304 ] 121(g)** (Hybrid **[ R ]**representation). The requirement that the clerk time stamp and make docket entries of the filings in these cases only serves to provide a record of the filing, and does not trigger any deadline nor require any response. *See* Rules 120 (Attorneys—Appearance and Withdrawals) and 122 (Assignment of Counsel) concerning the duration of counsel's obligation under the rules.

**[ Paragraph ] Subdivision [ A ]a**(4) only applies to cases in which the defendant is represented by counsel, not cases in which the defendant is proceeding *pro se*.

The purpose of **[ paragraph ] subdivision [ A ]a**(5) is to ensure documents raising cognizable legal issues submitted to the judge are transmitted to the clerk of courts, and does not relieve the defendant from complying with the other requirements of the rules. When a document is forwarded to the clerk from a judge, if the



defendant is unrepresented, the clerk is to proceed as provided in [ paragraph ] subdivision (A)a)(3) and the defendant is to be treated like any other party. If the defendant is represented, the clerk is to proceed pursuant to [ paragraph ] subdivision (A)a)(4).

[ Paragraph ] Subdivision (A)a)(6), titled “Unified Practice,” was added in 2004 to emphasize that local rules must not conflict with the statewide rules. Although this prohibition on local rules that are inconsistent with the statewide rules applies to all Criminal Rules through Rule 105 (Local Rules) and Rule of Judicial Administration 103 (Procedures for Adoption, Filing, and Publishing Rules), the reference to the specific prohibitions is included because these types of local rules have been identified by practitioners as creating significant impediments to the statewide practice of law within the unified judicial system. See the first paragraph of the Note to Pa.R.J.A. No. 103. The term “local rule” includes every rule, regulation, directive, policy, custom, usage, form or order of general application. See Pa.R.J.A. No. 103(d)(1).

Any local rule that requires personal appearance in addition to filing with the clerk of courts is inconsistent with this rule.

See Rule 113 (Criminal Case File and Docket Entries) for the requirements concerning the contents of the criminal case file and the minimum information to be included in the docket entries.

[ Paragraph ] Subdivision (B)b)(1) requires that, concurrently with filing, the party must serve a copy on the court administrator. This requirement provides flexibility to accommodate the various practices for scheduling. However, it is not intended to replace the requirement that the party must file with the clerk of courts.

When a judge is assigned to a case, in addition to the requirements of [ paragraph ] subdivision (B)b)(1), it is suggested counsel send the judge a courtesy copy of any filings.

Under any system of scheduling, once a hearing or argument is scheduled, the court or court administrator must give notice of the hearing or argument to the parties, and a copy of the notice must be filed in the criminal case file and a docket entry made. See Rule 114(C)(2).

Although [ paragraph ] subdivision (B)b)(2)(d)iv) permits the use of assigned mailboxes for service under this rule, the Attorney General’s office never may be served by this method.

A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under [ paragraph ] subdivision (B)b)(2)(f)vi). The authorization for service by facsimile transmission or other electronic means under this rule is document specific and only valid for an individual document. Counsel will have to renew the authorization for each document.

Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service’s return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.

For the definition of “carrier service,” see Rule 103.

[ Paragraph ] Subdivision (B)b)(4) requires the filing party to include with the document filed a certifi-

cate of service. The certificate of service should be in substantially the following form:

\* \* \* \* \*

[ Official Note: Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; Comment revised September 21, 2012, effective November 1, 2012; amended January 25, 2018, effective May 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 22, 1993 amendments to former Rule 9022 published with the Court’s Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the June 2, 1994 amendments to former Rule 9023 published at 23 Pa.B. 5008 (October 23, 1993).

Final Report explaining the July 9, 1996 amendments to former Rule 9022 published with the Court’s Order at 26 Pa.B. 3532 (July 27, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court’s Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service’s return receipt electronic option published with the Court’s Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court’s Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 25, 2018 amendment regarding electronic filing and service pursuant to Rule 576.1 published with the Court’s Order at 48 Pa.B. 861 (February 10, 2018). ]

**Rule 576.1. Electronic Filing and Service of Legal Papers.**

\* \* \* \* \*

(H) *Service*

(1) Upon the submission of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been submitted. This notification upon submission shall satisfy the service requirements of Rules 114(B) and 576(B)b) on any attorney or party who has established a system account.

(2) Upon the acceptance by the clerk of courts office of a legal paper for electronic filing, the system shall provide an electronic notification to other parties and attorneys to the case who are participating in electronic filing that the legal paper has been accepted.

(3) Service of electronic filings on any attorney or party who has not established a UJS web portal account or who is unable to file or receive legal papers electronically or otherwise unable to access the system shall be made by the procedures provided under Rules 114(B) and 576([ B ]b).

**Comment**

\* \* \* \* \*

See Rule 576([ B ]b) governing service of motions and any written answers, and any notices or documents for which filing is required by facsimile transmission or other means.

\* \* \* \* \*

**Rule 580. Disposition of Pretrial Motions.**

\* \* \* \* \*

**Comment**

See Rule 587([ B ]b) for the procedures for motions to dismiss on double jeopardy grounds.

\* \* \* \* \*

**Rule 587. Motion for Dismissal.**

([ A ]a) *Untimely Filing of Information.*

(1) Upon motion and a showing that an information has not been filed within a reasonable time, the court may order dismissal of the prosecution, or in lieu thereof, make such other order as shall be appropriate in the interests of justice.

(2) The attorney for the Commonwealth shall be afforded an opportunity to respond.

([ B ]b) *Double Jeopardy.*

(1) A motion to dismiss on double jeopardy grounds shall state specifically and with particularity the basis for the claim of double jeopardy and the facts that support the claim.

(2) A hearing on the motion shall be scheduled in accordance with Rule 577 (Procedures Following Filing of Motion). The hearing shall be conducted on the record in open court.

(3) At the conclusion of the hearing, the judge shall enter on the record a statement of findings of fact and conclusions of law and shall issue an order granting or denying the motion.

(4) In a case in which the judge denies the motion, the findings of fact shall include a specific finding as to frivolousness.

(5) If the judge makes a finding that the motion is frivolous, the judge shall advise the defendant on the record that a defendant has a right to file a petition for review of that determination pursuant to [ Rule of Appellate Procedure ] Pa.R.A.P. [ 1573 ] 1311(a)(3) within 30 days of the order denying the motion.

(6) If the judge denies the motion but does not find it frivolous, the judge shall advise the defendant on the record that the denial is immediately appealable as a collateral order.

**Comment**

*Cf.* Pa.R.J.A. 1901 concerning termination of inactive cases.

A motion filed pursuant to this rule must comply with the provisions of Rule 575 (Motions and Answers) and Rule 576 (Filing and Service by Parties).

In any case in which a summary offense is joined with a misdemeanor, felony, or murder charge, and therefore is part of the court case, a dismissal of the prosecution pursuant to [ paragraph ] subdivision ([ A ]a)(1) would include the dismissal of the summary offense. See the Comment to Rule 502 (Instituting Proceedings in Court Cases).

“Hearing,” as used in [ paragraph ] subdivision ([ B ]b)(2) includes the taking of testimony, or the hearing of argument, or both. See Rule 115 for the procedures for the recording and transcribing of the hearing.

[ Paragraph ] Subdivision ([ B ]b)(4) requires the judge to make a specific finding whether the motion is being dismissed as frivolous. The judge should expressly cite on-point controlling case law that would make the claim frivolous. *See, e.g., Commonwealth v. Gains*, [ 383 Pa.Super. 208, 217, ] 556 A.2d 870, 874 (Pa. Super. 1989) (“A frivolous claim is a claim clearly and palpably without merit; it is a claim which presents no debatable question.”). A mere adverse decision of the case does not mean the matter is frivolous.

Although the judge is required to advise the defendant of his or her appellate rights in [ paragraphs ] subdivisions ([ B ]b)(5) and ([ B ]b)(6) upon dismissing the motion, nothing in this rule is intended to preclude the defendant from proceeding to trial without first appealing the double jeopardy question. *See, e.g., Commonwealth v. Lee*, [ 490 Pa. 346, 350, ] 416 A.2d 503, 504-05 (Pa. 1980) (“Unquestionably, appellant could have sought immediate appellate review of the question involved. For whatever reason, however, appellant proceeded to trial without first appealing the double jeopardy question. We believe that a defendant may choose to proceed to trial and if convicted, still challenge the propriety of the pretrial motion to dismiss on double jeopardy grounds on appeal.” ([ citations ] footnote omitted)).

For the procedures for challenging the denial of the motion to dismiss on double jeopardy grounds when the judge makes a finding that the motion is frivolous, see [ Rule of Appellate Procedure ] Pa.R.A.P. [ 1573 ] 1311(a)(3).

Pursuant to [ Rule of Appellate Procedure ] Pa.R.A.P. 1701(d), the filing of a petition for review does not affect the judge’s power to proceed further in the case while the petition for review is pending.

[ Official Note: Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March

9, 2006, effective September 1, 2006; amended June 4, 2013, effective July 4, 2013.

*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March 3, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 4, 2013 provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published with the Court's Order at 43 Pa.B. 3331 (June 22, 2013). ]

**CHAPTER 6. TRIAL PROCEDURES IN COURT CASES**

**PART A. General Provisions**

**Rule 605. Mistrial.**

\* \* \* \* \*

**Comment**

This rule replaces the practice of moving for the withdrawal of a juror.

Examples of "manifest necessity" can be found in *Commonwealth v. Stewart*, [ 456 Pa. 447, ] 317 A.2d 616 (Pa. 1974); *Commonwealth v. Brown*, [ 451 Pa. 395, ] 301 A.2d 876 (Pa. 1973); *United States ex rel. Russo v. Superior Court of New Jersey, Law Division, Passaic County*, 483 F.2d 7 (3rd Cir. 1973), cert. denied, 414 U.S. 1023 (1973); *United States v. Tinney*, 473 F.2d 1085 (3rd Cir. 1973), cert. denied, 412 U.S. 928 (1973); *United States v. Jorn*, 440 U.S. 470 (1971); and *United States v. Perez*, 9 Wheat. 579 (1824); see also *Illinois v. Somerville*, 410 U.S. 458 (1973).

See Rule 587([ B ]b) for the procedures when a motion to dismiss on double jeopardy grounds is filed.

\* \* \* \* \*

**CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION**

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1011. Bail.**

(A) Prior to verdict, an existing bail order may be modified by a Municipal Court judge in a Municipal Court case in the same manner as a judge of the court of common pleas may modify a bail order pursuant to Rule 529([ C ]c), ([ D ]d), and ([ E ]e).

\* \* \* \* \*

**CRIMINAL PROCEDURAL RULES COMMITTEE ADOPTION REPORT**

**Technical and Stylistic Amendment of Pa.R.Crim.P. 529, 576, and 587 with Correlative Amendment of Pa.R.Crim.P. 543, 575, 576.1, and 1011 and of the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605.**

On January 4, 2022, effective July 1, 2022, the Supreme Court amended Pa.R.Crim.P. 529, 576, and 587 with correlative amendment of Pa.R.Crim.P. 543, 575, 576.1, and 1011 and of the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605. These amendments are intended to update citations to the Rules of Appellate Procedure. The Criminal 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.

Rule 587(B)(5) currently cites to Pa.R.A.P. 1573, which previously provided for review when a court found a double jeopardy claim to be frivolous. Such appeals may now be taken by permission pursuant to Pa.R.A.P. 1311(a)(3). Rule 587(B)(5) has been updated accordingly. The citation in the Comment to this rule has been similarly amended. Additionally, parallel citations have been removed from the Comment so that only citations to the *Atlantic Reporter* appear.

The Comment to Rule 529 currently cites Pa.R.A.P. 1762(b)(2) "for the procedures to obtain appellate court review of an order of a judge of the court of common pleas granting or denying release, or modifying the conditions of release." Pa.R.Crim.P. 529, Comment. However, the procedure for seeking review of such an order is now found at Pa.R.A.P. 1610, which provides for "filing a petition for specialized review[.]" The Comment has been updated accordingly.

The Comment to Rule 576 currently refers the reader to Pa.R.A.P. 3304 regarding hybrid representation and the filing of documents. However, Pa.R.A.P. 3304 has been rescinded and replaced with Pa.R.A.P. 121(g). The Comment has been updated accordingly.

Parallel citations have also been removed from the Comment to Rule 605 so that only citations to the *Atlantic Reporter* appear.

Finally, Pa.R.Crim.P. 543, 575, 576.1, and 1011 and the Comments to Pa.R.Crim.P. 113, 567, 568, 573, 580, and 605 have been amended to reflect stylistic changes to Pa.R.Crim.P. 529, 576, and 587.

The following commentary has been removed from Rule 587:

**Official Note:** Rule 316 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended February 15, 1974, effective immediately; renumbered Rule 315 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended August 12, 1993, effective September 1, 1993; renumbered Rule 587 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; Comment revised March 9, 2006, effective September 1, 2006; amended June 4, 2013, effective July 4, 2013.



*Committee Explanatory Reports:*

Report explaining the August 12, 1993 amendments published at 22 Pa.B. 3826 (July 25, 1992).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 amendment of paragraph (B) published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the March 3, 2006 Comment revision concerning joinder of summary offenses with misdemeanor, felony, or murder charges published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the June 4, 2013 provisions of the new paragraph (B) concerning motions to dismiss on double jeopardy grounds published with the Court's Order at 43 Pa.B. 3331 (June 22, 2013).

The following commentary has been removed from Rule 529:

**Official Note:** Former Rule 4008 adopted July 23, 1973, effective 60 days hence; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4010. Present Rule 4008 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 529 and amended March 1, 2000, effective April 1, 2001; Comment revised August 24, 2004, effective August 1, 2005; amended May 19, 2006, effective August 1, 2006.

*Committee Explanatory Reports:*

Final Report explaining the provisions of the new rule published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the August 24, 2004 Comment revision published with the Court's Order at 34 Pa.B. 5025 (September 11, 2004).

Final Report explaining the May 19, 2006 amendments concerning "pre-preliminary hearing" modification of bail by the issuing authority published with the Court's Order at 36 Pa.B. 2633 (June 3, 2006).

The following commentary has been removed from Rule 576:

**Official Note:** Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 3, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004, Comment revised June 4, 2004, effective November 1, 2004; Comment revised September 18, 2008, effective February 1, 2009; Comment revised September 21, 2012, effective November 1, 2012; amended January 25, 2018, effective May 1, 2018.

*Committee Explanatory Reports:*

Final Report explaining the March 22, 1993 amendments to former Rule 9022 published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Report explaining the June 2, 1994 amendments to former Rule 9023 published at 23 Pa.B. 5008 (October 23, 1993).

Final Report explaining the July 9, 1996 amendments to former Rule 9022 published with the Court's Order at 26 Pa.B. 3532 (July 27, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2004 changes amending and combining Rule 576 with former Rule 577 published with the Court's Order at 34 Pa.B. 1561 (March 20, 2004).

Final Report explaining the September 18, 2008 revision of the Comment concerning the United States Postal Service's return receipt electronic option published with the Court's Order at 38 Pa.B. 5428 (October 4, 2008).

Final Report explaining the September 21, 2012 revision of the Comment correcting a typographical error in the thirteenth paragraph published with the Court's Order at 42 Pa.B. 6251 (October 6, 2012).

Final Report explaining the January 25, 2018 amendment regarding electronic filing and service pursuant to Rule 576.1 published with the Court's Order at 48 Pa.B. 861 (February 10, 2018).

[Pa.B. Doc. No. 22-75. Filed for public inspection January 14, 2022, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ERIE COUNTY

#### Prothonotary Fees 2022; No. 90064-2021

#### Order of Court

*And Now*, to-wit, this 10th day of December, 2021, pursuant to 42 P.S. Section 21071.1(b), and 42 P.S. Section 21071.2 the fee schedule appended to this order is hereby approved and adopted effective February 1, 2022.

*By the Court*

JOSEPH M. WALSH, III,  
*President Judge*

<b>APPEAL TO HIGHER COURT</b> —Superior, Commonwealth & Supreme		(Pro Costs)	58.00
		(State)	90.25
<b>ARBITRATION/MEDIATION PRAECIPE</b>			23.50
<b>ASSIGNMENTS</b>			10.00
<b>BANKRUPTCY ORDERS</b>			10.00
<b>CERTIFICATES</b> —(separately issued certificate documents)			
	Discontinuance/Satisfactions		6.00
	Divorce		6.00
	Member in Good Standing		6.00
	Notary Certificate		6.00
<b>COMMENCEMENT OF ACTION</b> (this includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS)			143.75
	<b>Custody Complaint/Petition</b>		152.25
	(This includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS, & \$8.50 AOPC fee)		
	<b>Divorce</b> —Add \$40.25 JCS Fee for each additional named count		228.75
	Add \$48.75 (JCS Fee + \$8.50 AOPC Fee) when Custody is named as a count		
	Includes \$10.00 Surcharge for each complaint		
	Includes \$75.00 Master Fee Fund		
	<b>Name Change</b> —Add \$12.00 Lien Search Fee (143.75 + 12.00 per name)		155.75
	(This includes \$5.00 Automation Fee, \$.50 state tax, \$40.25 JCS)		
<b>COPY COSTS</b> —Per Page			.25
	Certified Copies (\$1.00 for certification + .25 per page)		1.00
	Gold Seal Certified Copies (\$5.50 + \$.25 per page)		6.00
<b>CUSTODY MODIFICATION/CONTEMPT/SPECIAL RELIEF/EMERGENCY PETITION</b> (existing case)			50.00
<b>CRIMINAL JUDGMENTS W/SAT FEE</b> (CLERK OF COURTS) (includes \$.50 state tax & \$5.00 automation fee)			33.50
<b>DISTRICT JUDGE APPEALS</b> (includes \$.25 state tax, \$40.25 JCS fee & \$5.00 automation fee)			143.50
<b>DIVORCE TRANSMITTAL</b>			12.00
<b>EXECUTIONS</b> —(Personal Property or Real Estate) (Includes \$.50 state tax)			30.00
<b>EXEMPLIFICATION OF RECORD</b>			12.00
<b>FOREIGN EXECUTIONS</b> (Includes \$.50 state tax)			30.00
<b>POLITICAL SUBDIVISION FEE</b> (Includes \$.50 state tax, \$40.25 JCS & \$5.00 automation Fee)			55.75
<b>JUDGMENTS</b> —Agreement to Revive, Decree Nisi, Default, Final Judgment, Judgments against Garnishees and Judgments on Award, Verdicts & Court Ordered Judgments			18.00
	Declaratory Judgment (New Action) (includes state tax \$.50, JCS \$40.25 & \$5.00 automation fee)		143.75
	District Judge Judgments (includes \$.25 state tax & \$5.00 automation fee)		23.25
	Foreign Judgments (includes state tax \$.50, JCP \$40.25 & \$5.00 automation fee)		143.75
	Complaint in Confession of Judgment (Includes \$.50 state tax, JCS \$40.25 & \$5.00 automation fee)		63.75
	Exemplified Judgments (includes \$.50 state tax & \$5.00 automation fee)		23.50
<b>LICENSE REVOCATION</b> (certification of motor vehicle judgment)			12.00
<b>LIENS</b> —	Commonwealth Tax Lien (includes \$.50 state tax & \$5.00 automation fee)		23.50
	Federal Tax Lien (includes \$.50 state tax & \$5.00 automation fee)		23.50
	Commonwealth Tax Lien (w/sat fee) (includes state tax \$.50 for Lien, \$.50 for Sat & \$5.00 automation fee)		34.00
	Municipal Liens (includes Satisfaction fee, \$.50 state tax & \$5.00 automation fee)		33.50
	Suggestion of Non-Payment (Commonwealth Liens)		18.00
	Suggestion of Non-Payment (Municipal Lien (includes sat fee)		33.00

<b>LIS PENDENS—</b>	Commencing an action (includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)	143.75
	On a Pending Action	18.00
<b>MASTER FEE PETITION</b>		450.00
<b>MECHANICS LIEN—</b>	Claims (includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)	143.75
	Waivers/Releases (includes \$.50 state tax & \$5.00 automation fee)	29.00
<b>MOTOR VEHICLE LICENSE and/or REGISTRATION SUSPENSION APPEAL</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>NOTARY PUBLIC</b>	Registration of Signature	3.50
<b>PETITION FOR APPOINTMENT OF BOARD OF VIEWERS</b>		58.00
	(This fee is in addition to the Commencement Fee of \$143.75)	
<b>PETITION TO OPEN AND/OR STRIKE JUDGMENT</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>POUNDAGE</b>	For the handling of money paid into Court:	.03
	For each \$1.00 of the first \$1,000.00	.01
	For each \$1.00 over the initial \$1,000.00 or fraction thereof	
<b>POWER OF ATTORNEY</b> (Includes \$.50 state tax)		24.00
	Revocation of Power of Attorney (per named)	10.00
<b>PRAECIPE FOR NOTICE OF INTENT TO ATTACH WAGES</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>PRAECIPE FOR WRIT OF ATTACHMENT OF WAGES</b> (includes \$.50 state tax)		30.00
<b>PRAECIPE TO STRIKE/TERMINATE—APPEAL/SUPERSEDEAS</b>		10.00
<b>PROTECTION FROM ABUSE PETITIONS</b>		(Fees ordered by Court)
<b>REINSTATEMENT OF ALL COMPLAINTS</b>		10.00
<b>RE-ISSUANCE OF WRITS (except Writ of Execution)</b>		10.00
<b>RE-ISSUANCE OF WRIT OF EXECUTION</b>		30.00
<b>RELEASES</b> (per legal description)		10.00
<b>RESUMPTION OF PRIOR SURNAME</b>		10.00
<b>SATISFACTIONS/DISCONTINUANCES/VACATE</b>		10.00
<b>SATISFACTION W/CERTIFICATE</b>		16.00
<b>SATISFACTION W/CERTIFICATE &amp; STATEMENT OF COSTS</b>		22.00
<b>SATISFACTIONS—COMMONWEALTH LIENS</b>		10.50
<b>SEARCHES</b> (genealogy or name changes)		12.00
<b>STATEMENT OF COSTS</b>		6.00
<b>STATEMENT OF OBJECTIONS</b>		143.50
(Includes \$.25 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>SUBORDINATIONS &amp; POSTPONEMENTS</b>		10.00
<b>SUBPOENA</b>		3.00
<b>TRANSFER OF VENUE</b>		18.00
<b>WRIT OF CERTIORARI</b>		143.75
(Includes \$.50 state tax, \$40.25 JCS, \$5.00 automation fee)		
<b>WRIT OF POSSESSION / WRIT OF SEIZURE</b> (includes \$.50 state tax)		30.00
<b>WRIT OF REVIVAL</b>		23.50
<b>WRIT OF SCIRE FACIAS</b> (includes \$40.25 JCS & \$.50 state tax)		58.75
<b>YEARLY FINANCIAL STATEMENT OF BONDING COMPANIES</b>		6.00

[Pa.B. Doc. No. 22-76. Filed for public inspection January 14, 2022, 9:00 a.m.]