

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 103

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania amends its Board Rules and Procedures to modify Rule § 93.141 related to the annual attorney registration fee and waiver of the fee on the basis of financial hardship.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(12), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Executive Director shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JESSE G. HEREDA,
Executive Director

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS

ANNUAL REGISTRATION OF ATTORNEYS

§ 93.141. Annual registration.

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this Commonwealth shall pay an annual fee of [**\$145.00**] **\$195.00** and electronically file the annual fee form pro-

vided for under such rule by July 1; that the fee shall be collected under the supervision of the Attorney Registration Office, which shall make, the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form. **An attorney may apply to the Board for a waiver of the annual fee on the basis of financial hardship by submitting a waiver application and required documentation to the Attorney Registration Office by July 1. Financial hardship shall be determined by reference to the federal poverty guidelines.**

Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Enforcement Rule 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security. **The grant of a waiver under this subdivision (a) shall include waiver of the additional annual fees.**

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(Editor's Note: As printed in 204 Pa. Code, § 93.141 reads "an annual fee of \$140.00" rather than "an annual fee of "\$145.00" and "Official Note" rather than "Note.")

[Pa.B. Doc. No. 22-1202. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 3 AND 13]

Proposed Amendment of Pa.R.A.P. 311, 1311, and 1312

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 311, 1311, and 1312 governing orders sustaining venue, personal jurisdiction, or *in rem* jurisdiction 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.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

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

Karla M. Shultz, Counsel
 Appellate Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: 717-231-9551
 appellaterules@pacourts.us

All communications in reference to the proposal should be received by September 30, 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 Appellate Court
 Procedural Rules Committee*

HONORABLE J. ANDREW CROMPTON,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

**CHAPTER 3. ORDERS FROM WHICH APPEALS
 MAY BE TAKEN**

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) **General [rule.—] Rule.** An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

* * * * *

(b) **Order [sustaining venue or personal or in rem jurisdiction.—] Sustaining Venue, Personal Jurisdiction, or In Rem Jurisdiction.** An appeal may be taken as of right from an order in a civil action or proceeding sustaining the venue of the matter or jurisdiction over the person or over real or personal property if:

(1) the plaintiff, petitioner, or other party benefiting from the order files of record within ten days after the entry of the order an election that the order shall be deemed final; or

(2) **[the court states in the order that a substantial issue of venue or jurisdiction is presented.] the court makes an express determination that the order presents a substantial issue of venue, personal jurisdiction, or in rem jurisdiction. If the court does not make such an express determination in its initial order:**

(i) **An aggrieved party may file an application for such a determination within 30 days of entry of the order sustaining venue, personal jurisdiction, or in rem jurisdiction.**

(ii) **Unless the court acts on the application within 30 days after it is filed, the court shall no longer consider the application and it shall be deemed denied.**

(iii) **A notice of appeal may be filed within 30 days after entry of an order containing such a determination unless a shorter time period is pro-**

vided in Pa.R.A.P. 903(c). Any denial of such an application is reviewable only through a petition for permission to appeal under Pa.R.A.P. 1311.

(c) **Changes of [venue, etc.—] Venue, etc.** An appeal may be taken as of right from an order in a civil action or proceeding changing venue, transferring the matter to another court of coordinate jurisdiction, or declining to proceed in the matter on the basis of *forum non conveniens* or analogous principles.

* * * * *

(g) **Waiver of [objections] Objections.**

(1) Except as provided in [subparagraphs] **subdivisions** (g)(1)(ii), (iii), and (iv), failure to file an appeal of an interlocutory order does not waive any objections to [the interlocutory] **that** order:

(i) [Rescinded].

(ii) **[Failure to file an appeal from an interlocutory order under subparagraph (b)(1) or paragraph (c) of this rule shall constitute a waiver of all objections to jurisdiction over the person or over the property involved or to venue, etc., and the question of jurisdiction or venue shall not be considered on any subsequent appeal.] All objections to venue, personal jurisdiction, and in rem jurisdiction are waived if no appeal is taken from an order deemed final under subdivision (b)(1) or appealable under subdivision (c).**

(iii) Failure to file an appeal from an interlocutory order under [paragraph] **subdivision** (e) of this rule shall constitute a waiver of all objections to such an order.

(iv) Failure to file an appeal from an interlocutory order refusing to compel arbitration, appealable under 42 Pa.C.S. § 7320(a)(1) and [subparagraph] **subdivision** (a)(8) of this rule, shall constitute a waiver of all objections to such an order.

(2) **[Where no election that an interlocutory order shall be deemed final is filed under subparagraph (b)(1) of this rule, the objection may be raised on any subsequent appeal.] If an election permitted by subdivision (b)(1) is not filed, the objections to the order sustaining venue, personal jurisdiction, or in rem jurisdiction may be raised on any subsequent appeal.**

(3) **If an application is denied under subdivision (b)(2), the objections to the order sustaining venue, personal jurisdiction, or in rem jurisdiction may be raised on any subsequent appeal.**

* * * * *

[Official Note] Comment:

* * * * *

Paragraph (b)—[Paragraph (b) is based in part on the Act of March 5, 1925, P.L. 23. The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. *In the Matter of Phillips*, 370 A.2d 307 (Pa. 1977).]

In subparagraph (b)(1), a plaintiff is given a qualified (because it can be overridden by petition for and grant of permission to appeal under Pa.R.A.P. 312) option to gamble that the venue of the matter, [or] personal jurisdiction, or *in rem* jurisdiction will be sustained on

appeal. [**Subparagraph**] **Subdivision** (g)(1)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Pa.R.A.P. 903 ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. See Pa.R.A.P. 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under [**subparagraph**] **subdivision** (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Pa.R.A.P. 312, or (3) another basis for appeal appears, for example, under [**subparagraph**] **subdivision** (a)(1), and an appeal is taken. Presumably, a plaintiff would file such an election where plaintiff desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. [**Paragraph**] **Subdivision** (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Pa.R.A.P. 341.

[**Subparagraph (b)(2)—The 1989 amendment to subparagraph**] **Subdivision** (b)(2) permits an interlocutory appeal as of right where the trial court [**certifies**] **determines** that a substantial question of venue, **personal jurisdiction, or in rem jurisdiction** is present. [**This eliminated an inconsistency formerly existing between paragraph (b) and subparagraph (b)(2).**] **The procedures for obtaining a determination are based, in part, on those found at Pa.R.A.P. 341(c)(1)—(3).**

* * * * *

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

(a) *General* [**rule.—**] **Rule.** An appeal may be taken by permission from an interlocutory order:

(1) certified under 42 Pa.C.S. § 702(b) or for which certification pursuant to 42 Pa.C.S. § 702(b) was denied; see Pa.R.A.P. 312;

(2) for which certification pursuant to Pa.R.A.P. 341(c) was denied; [**or**]

(3) that determined that a defendant’s motion to dismiss on the basis of double jeopardy is frivolous [**.**] **or;**

(4) **for which an application for an express determination that the order presents a substantial issue filed pursuant to Pa.R.A.P. 311(b)(2) was denied.**

(b) *Petition for* [**permission to appeal.—**] **Permission to Appeal.** Permission to appeal from an interlocutory order listed in paragraph (a) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order or the date of deemed denial in the trial court or other government unit with proof of service on all other parties to the matter in the trial court or other government unit and on the government unit or clerk of the trial court, who shall file the petition of record in such trial court. An application for an amendment of an interlocutory order to set forth expressly [**either**] the

statement specified in 42 Pa.C.S. § 702(b), [**or the one in**] **Pa.R.A.P. 311(b)(2), or** Pa.R.A.P. 341(c) shall be filed with the trial court or other government unit within 30 days after the entry of such interlocutory order, and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other government unit acts on the application within 30 days after it is filed, the trial court or other government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, express, or priority United States Postal Service mail, the petition shall be deemed received by the prothonotary for the purposes of Pa.R.A.P. 121(a) (filing) on the date deposited in the United States mail, as shown on a United States Postal Service Form 3817 Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the trial court or other government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary. The petitioner must file the original and one copy. Upon actual receipt of the petition for permission to appeal, the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this paragraph, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give notice of the docket number assignment to the government unit or clerk of the trial court, to the petitioner, and to the other persons named in the proof of service accompanying the petition.

* * * * *

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

[**Pa.R.A.P. 1311 originally implemented only 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). The accompanying note provided that an order refusing to certify an order as meeting the requirements of 42 Pa.C.S. § 702(b) was reviewed by filing of a petition for review under Chapter 15. The rule was amended in 2020 to expand the use of**] **Pa.R.A.P. 1311 expands the use of** a petition for permission to appeal to requests for review of interlocutory orders that were not certified for immediate review pursuant to 42 Pa.C.S. § 702(b) or Pa.R.A.P. 341(c) and of interlocutory orders that found a criminal defendant’s claim that further proceedings would cause the defendant to be placed in double jeopardy to be frivolous.

See the Official Note to Pa.R.A.P. 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified is used.

* * * * *

Rule 1312. Content of the Petition for Permission to Appeal.

(a) *General* [**rule.—**] **Rule.** The petition for permission to appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A statement of the basis for the jurisdiction of the appellate court.

(2) The text of the order in question, or the portions thereof sought to be reviewed, the text of any order ruling on any subsequent request for certification, and the date of their entry in the trial court or other government unit. If the order(s) are voluminous, it may, if more convenient, be appended to the petition.

(3) A concise statement of the case containing the facts necessary to an understanding of the basis for the order of the trial court or other government unit.

(4) The proposed questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event permission to appeal is granted.

(5) A concise statement of the reasons for an immediate appeal:

(i) For a petition for permission to appeal an order certified pursuant to 42 Pa.C.S. § 702(b), a statement of the reasons why the order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an appeal from the order may materially advance the ultimate termination of the matter;

(ii) For a petition for permission to appeal an order for which certification pursuant to 42 Pa.C.S. § 702(b) was denied or deemed denied, a statement of reasons why the order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an appeal from the order may materially advance the ultimate termination of the matter, and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;

(iii) For a petition for permission to appeal an order for which certification pursuant to Pa.R.A.P. 341(c) was denied or deemed denied, the petition must contain a statement of reasons why an immediate appeal would facilitate resolution of the entire case and why the refusal of certification was an abuse of the trial court's or other government unit's discretion that is so egregious as to justify prerogative appellate correction;

(iv) For a petition for permission to appeal pursuant to Pa.R.A.P. 1311(a)(3), the petition must set forth why the claim of double jeopardy is colorable[.];

(v) For a petition for permission to appeal an order for which an application for an express determination that the order presents a substantial issue filed pursuant to Pa.R.A.P. 311(b)(2) was denied or deemed denied, the petition must contain a statement of reasons why a substantial issue of venue, personal jurisdiction, or *in rem* jurisdiction is present.

* * * * *

SUPREME COURT OF PENNSYLVANIA

APPELLATE COURT PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 311, 1311, and 1312

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rules of Appellate Procedure 311, 1311, and 1312 governing orders sustaining venue, personal jurisdiction, or *in rem* jurisdiction.

Pa.R.A.P. 311 identifies several interlocutory orders that may be appealed as of right regardless of finality. One of those orders is an order sustaining venue, personal jurisdiction, or *in rem* jurisdiction. See Pa.R.A.P. 311(b). The party benefitting from that order may appeal within 10 days of the order; a party aggrieved from that order may appeal if "the court states in the order that a substantial issue of venue or jurisdiction is presented." Pa.R.A.P. 311(b)(1)-(2). As a matter of practice, if the order sustaining venue or jurisdiction does not state that a substantial issue is present, then the aggrieved party may seek amendment of the order to include such a statement. See, e.g., *United Farm Bureau Mut. Ins. Co. v. U.S. Fid. & Guar. Co.*, 462 A.2d 1300, 1302 (Pa. 1983); *Frick v. Fuhai Li*, 225 A.3d 573, 575 n.1 (Pa. Super. 2019); *Dep't of Transp. v. Yudacufski*, 562 A.2d 424, 426 (Pa. Cmwlth. 1989).

It was in this context that the Committee observed the Rules of Appellate Procedure are silent on when to request this statement, e.g., within 30 days of the interlocutory order, or whether the trial court must rule on the request or whether the request is deemed denied after a specified time. Cf., Pa.R.A.P. 341(c)(1)—(c)(3); Pa.R.A.P. 1311(b).

Accordingly, the Committee proposes expanding Pa.R.A.P. 311(b)(2) to include procedures for a party to follow when the court does not make an express determination as to venue, personal jurisdiction, and *in rem* jurisdiction. The proposed amendment would require:

- the party to file an application to request an express determination within 30 days of the entry of the court's initial order;
- the court to act on the application within 30 days; otherwise the application is deemed denied; and
- the party to file a notice of appeal within 30 days after the entry of the order with an express determination unless a shorter time period is provided in Pa.R.A.P. 903(c) (time for appeal).

In fashioning this proposal, the Committee reviewed the procedures set forth in Pa.R.A.P. 341(c)(1)—(3) for a determination of finality as a basis for the amendment of Pa.R.A.P. 311(b)(2), subject to certain refinements. Additionally, the Committee proposes permitting review of a denied application through a petition for permission to appeal pursuant to Pa.R.A.P. 1311, and subject to the requirements of Pa.R.A.P. 1312. Appellate consideration of the denial would be consistent with Pa.R.A.P. 341.

The proposed amendments to Pa.R.A.P. 311(g) are intended to be stylistic and non-substantive.

The Committee considered whether the qualifier for an interlocutory appeal pursuant to Pa.R.A.P. 311(b)(2), *i.e.*, “substantial issue,” should be retained or altered to more closely hew to that found in 42 Pa.C.S. § 702(b), *i.e.*, “a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the matter.” *See also* Pa.R.A.P. 1312(a)(5)(ii). The Committee believes that maintaining the existing qualifier is preferable rather than introducing a new qualifier into the analysis.

All comments, concerns, and suggestions regarding this proposal are welcome.

[Pa.B. Doc. No. 22-1203. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Division Local Rules of the Court of Common Pleas; No. AD-2022-251-PJ Rules Docket

Order of Court

And Now, this 3rd day of August, 2022, it is hereby *Ordered* that the following Allegheny County Civil Division Local Rules, adopted by the Board of Judges on June 10, 2022, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

- Local Rule 212.1 Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-trial Statement
- Local Rule 212.7 Mandatory Mediation
- Local Rule 1303 Arbitration Hearing. Notice.

It is further *Ordered* that Local Rule 1901 is rescinded in its entirety.

By the Court

KIM BERKELEY CLARK,
President Judge

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

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

Local Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and non-jury, to be tried in the Civil Division; appeals from Compulsory Arbitration shall be exempt unless such cases include a demand for a jury trial, and under such circumstances parties involved in such a case must comply with Local Rules 212.1 through 212.3.

(2) *Definitions.* In these rules, the following words shall have the following meanings:

(a) “*pre-trial conference*”—a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) “*Conciliating Judge*”—the Judge assigned to conduct the pre-trial conference.

(3) *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.* Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecepto to Place the Case at Issue (see FORM 214w).

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Case Search” (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division’s website at: www.alleghenycourts.us.

Trial lists are generally published in the *Pittsburgh Legal Journal* 6 months prior to commencement of the trial term. Pre-trial deadlines are generally as follows: 16 weeks prior to commencement of the trial term for the close of discovery; 14 weeks prior to commencement of the trial term for plaintiffs’ pre-trial statements; 12 weeks prior to commencement of the trial term for all other parties’ pre-trial statements; and 45 days prior to the commencement of the trial term for completion of mediation pursuant to Local Rule 212.7. The general schedule set forth in this Note is only advisory and may vary from the controlling dates and deadlines published in the *Pittsburgh Legal Journal*.

Local Rule 212.7. Mandatory Mediation.

(1) All parties shall participate in a formal mediation process no later than 45 days prior to commencement of the assigned trial term, as published in the *Pittsburgh Legal Journal* pursuant to Local Rule 212.1(3). This requirement shall apply unless:

(a) The Calendar Control Judge excuses the case from mediation upon motion and good cause shown; or

Note: At the discretion of the Calendar Control Judge, “good cause” may include, but is not limited to, the expense of mediation relative to a party’s perceived valuation of the case, as well as a party’s inability to afford the expense of mediation.

(b) All parties agree to waive mediation and file a Certification pursuant to Section (3)(a)(iii) of this rule.

Note: The mediation requirement set forth herein may be satisfied at any time prior to 45 days before

commencement of the assigned trial term. This is intended to provide the parties with maximum flexibility in determining when mediation would be most effective.

(2) Except by agreement of all parties, all parties with a financial interest and all non-parties with a financial interest (such as insurers) shall attend mediation with full authority to settle the case. Parties without a financial interest need not attend.

(3) Certification.

(a) Within 7 days of completing mediation or agreeing to waive mediation pursuant to Section (1)(b) of this rule, the plaintiff shall file a Certification indicating that:

(i) The case was mediated and all claims have been or soon will be resolved;

(ii) The case was mediated, but all or some claims remain pending for trial; or

(iii) The parties have agreed in writing to waive mediation.

(b) Upon filing of the Certification required by this rule, the plaintiff shall serve a copy of the Certification upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghenycourts.us. Should the plaintiff fail to timely serve a Certification, any other party may do so.

(c) If the Calendar Control Judge excuses a case from mediation under Section (1)(a) of this rule, the moving party shall within 7 days serve a copy of the Order of Court upon the Calendar Control section of the Civil Division via electronic mail to CivilCalendarControl@alleghenycourts.us.

(4) The Calendar Control Judge may, upon motion, impose such sanctions as are deemed appropriate against counsel and/or the parties for failure to comply with this rule in good faith.

(5) This rule does not apply to arbitration appeals, asbestos cases, or landlord-tenant cases.

Local Rule 1303. Arbitration Hearing. Notice.

(1) The Department of Court Records shall assign the date, time and place of hearing before a Board of Arbitrators as follows:

(a) for complaints filed by presenting to the Department of Court Records, placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties, and

(b) for Complaints filed through the electronic filing system, the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system.

(c) The filing party shall notify the parties to be served with copies of the Complaint of the date, time and place of hearing before a Board of Arbitrators; which notice shall be served with the copy of the Complaint.

(2) Every Complaint (except for Small Claims—see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

**FORM 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

ARBITRATION DOCKET

NO. _____

Plaintiff,

vs.

HEARING DATE _____

Defendant,

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the [attached copy of the suit papers] following pages, YOU MUST [complete and detach two of the copies of the attached "Notice of Intention to Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Department of Court Records, First Floor, City—County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: _____] take action within TWENTY (20) days [from the

date these papers were mailed] after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER [OR CANNOT AFFORD ONE], GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

[TO FIND OUT WHERE YOU CAN GET LEGAL HELP.] IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
400 Koppers Building[,]
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555
www.getapittsburghlawyer.com

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City—County Building, 414 Grant Street Pittsburgh, Pennsylvania, on _____, _____ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

[Pa.B. Doc. No. 22-1204. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Amendment of Local Rule 535(H), Return or Retention of Deposit; Administrative Order No. 109

Order

And now, this 3rd day of August, 2022, Bucks County Local Rule of Criminal Procedure No. 535(H) is amended to read as follows:

(H) *Administrative Costs of Bail.* When the conditions of the bail bond have been performed and the accused has been discharged from all obligations of the bail bond, the Clerk of Courts shall return the amount deposited less the balance to be retained by the Clerk of Courts as administrative costs, which shall be \$25.00 plus three percent (3%) of the first \$1,000.00 of bail posted and two percent (2%) of any amount above \$1,000.00 of bail posted, not to exceed the amount of the bail. The monies retained by the court shall be considered as earned at the time the bail undertaking is executed. The retention fee withheld by the Magisterial District Judge or by the Clerk of Courts shall be for the use of the County and shall be received and accounted for by the Clerk of

Courts. The retention fee withheld by the Magisterial District Judge shall be forwarded immediately to the Clerk of Courts upon receipt.

This Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

WALLACE H. BATEMAN, Jr.,
President Judge

[Pa.B. Doc. No. 22-1205. Filed for public inspection August 12, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CRAWFORD COUNTY

In the Matter of the Adoption and Modification of Local Rules; No. AD 2022-378

Order

And Now, August 1, 2022, the Court Orders as follows:
1. Local Rule of Civil Procedure 205.3.1, requiring electronic mail (email) addresses on all filings and corre-

spondence, is hereby adopted in the form following this Order, effective thirty days after publication in the *Pennsylvania Bulletin*; and

2. The District Court Administrator is *Ordered* and *Directed* to publish and disseminate this Order in conformity with Pa.R.J.A. 103.

By the Court

JOHN F. SPATARO,
President Judge

Rule 205.3.1. Use of Electronic Mail Addresses in Filings and Correspondence.

(a) Electronic mail (email) addresses shall be included in all filings in the Office of the Prothonotary, and in all correspondence to the Office of the Prothonotary, Court Administration, and the Court.

(b) Responses from the Office of the Prothonotary, Court Administration, and the Court may be by email at the responder's discretion, which shall be deemed the same as if the responses were sent by mail.

(c) If the email address changes, the filer or sender shall provide an updated email address to the Office of the Prothonotary, Court Administration, and the judge to whom the case has been individually assigned (if any), within one business day.

(d) This Rule shall not apply to an unrepresented individual who does not have an email address.

(e) This Rule does not authorize filing by email.

[Pa.B. Doc. No. 22-1206. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Charles Kevin Blackmon, (# 55750), having been disbarred in North Carolina, the Supreme Court of Pennsylvania issued an Order July 28, 2022, disbaring Charles Kevin Blackmon, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1207. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Alfred DiGirolomo, Jr., (# 94935), having been disbarred in New York, the Supreme Court of Pennsylvania issued an Order June 15, 2022, disbaring Alfred DiGirolomo, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1208. Filed for public inspection August 12, 2022, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Disbarment

Notice is hereby given that Arthur P. Fisch, (# 22170), having been disbarred in the state of New York, the Supreme Court of Pennsylvania issued an Order July 28, 2022, disbaring Arthur P. Fisch, from the Bar of this Commonwealth, effective August 27, 2022.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 22-1209. Filed for public inspection August 12, 2022, 9:00 a.m.]