

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rules 205 and 402 of the Pennsylvania Rules of Disciplinary Enforcement; No. 229 Disciplinary Rules Docket

Order

Per Curiam

And Now, this 19th day of August, 2022, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; which followed the proposal to amend Pa.R.D.E. 205 and 402 having been published for comment in the *Pennsylvania Bulletin*, 51 Pa.B. 5359 (August 28, 2021):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 205 and 402 of the Rules of Disciplinary Enforcement is amended in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

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

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

* * * * *

(c) The Board shall have the power and duty:

* * * * *

(17) To authorize the use of electronic means to conduct prehearing conferences and post-hearing proceedings before a hearing committee, special master or the Board, but all adjudicatory proceedings shall be conducted in person unless warranted by extraordinary circumstances. Witness testimony may be presented via ACT upon motion for cause shown. All proceedings shall be conducted in accordance with Board Rules, Enforcement Rules and the decisional law of the Court and the Board.

[17] (18) To exercise the powers and perform the duties vested in and imposed upon the Board by law.

* * * * *

Subchapter D. MISCELLANEOUS PROVISIONS

Rule 402. Access to Disciplinary Information and Confidentiality.

* * * * *

(j)(1) This rule does not permit broadcasting, televising, recording or taking photographs during a proceeding under these rules, except that a hearing committee, a special master, the Board or the Supreme Court when conducting a proceeding may authorize the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration.

(2) Public access to a public proceeding before a hearing committee, special master or the Board shall consist of or be supplemented by livestream technology, which access shall cease upon the conclusion of the proceeding. The official record of the proceeding shall be the record generated by the court reporter, as applicable.

(3) A request for in-person access to a public proceeding other than by the parties, their attorneys and reasonably necessary staff shall be made to the Board at least 30 days in advance of the scheduled proceeding.

* * * * *

[Pa.B. Doc. No. 22-1334. Filed for public inspection September 2, 2022, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 9, 11, 13, 15 AND 16]

Proposed Amendment of Pa.R.A.P. 102, 120, 907, 1112, 1311, 1514, and 1602

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 102, 120, 907, 1112, 1311, 1514, and 1602 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No. 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 reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor be officially 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 November 4, 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 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

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:

* * * * *

Counsel of [record.—] Record. All attorneys who were counsel of record in the trial court at the time of the filing of the notice of appeal will be counsel of record in the appellate courts. For a criminal defendant, the representation extends up to and including the filing of a petition for allowance of appeal and the handling of such an appeal if granted, unless **[(1) substitute counsel has entered an appearance and is expressly identified in the praecipe as substitute, rather than additional, counsel; (2)]** the Court of Common Pleas has entered on the docket an order permitting the attorney to withdraw **;** **or (3) an application for withdrawal is granted by the appellate court]** **or counsel is permitted to withdraw pursuant to Pa.R.A.P. 120.**

* * * * *

DOCUMENTS GENERALLY

Rule 120. Entry **and Withdrawal** of Appearance.

[Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the docket as counsel pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d). New counsel appearing for a party after docketing pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d) shall file an entry of appearance simultaneously with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents, and whether the attorney is entering an appearance as substitute or additional counsel. The attorney shall file a certificate of service pursuant to paragraph (d) of Pa.R.A.P. 121 and to Pa.R.A.P. 122. If an attorney enters an appearance as substitute counsel for a party, the original counsel of record for that party may withdraw by praecipe, without filing an application for permission to withdraw.

Official Note: For admission pro hac vice, see Pa.B.A.R. 301.]

(This is entirely new text.)

Editor’s Note: The following text is proposed to be added and is printed in regular type to enhance readability.)

(a) *Entry of Appearance.*

(1) *Requirement.* Counsel’s appearance shall be entered prior to or with the filing of any documents in the appellate court.

(2) *Procedure.* Unless counsel has been noted as counsel of record pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d), counsel shall file an entry of appearance by *praecipe*:

(i) designating the party or interest counsel represents; and

(ii) indicating whether counsel is new counsel, additional counsel, or substitute counsel.

(b) *Withdrawal of Appearance—General Rule.* Except as provided by subdivision (e), and subject to the additional requirements of subdivisions (c) and (d), counsel may withdraw from representation on appeal only with permission of court through an application for relief filed in the appellate court.

(c) *Criminal Matters—Direct Appeals.* Counsel seeking permission of court to withdraw from representation of an appellant in a direct appeal of a criminal matter on the basis that all issues that could be raised on appeal are frivolous shall:

(1) file a brief prepared pursuant to Pa.R.A.P. 211; and

(2) serve a copy of the application and brief on the appellant, accompanied by a notice informing the appellant that, within 60 days of service of the application and brief, the appellant has the right to:

(i) retain private counsel for representation; or

(ii) self-representation and to respond to the issues raised in the application or brief, or to bring any additional issues to the court’s attention.

(3) Within 14 days after service of the appellant’s response, the Commonwealth or appellant’s counsel may file a reply to the appellant’s response.

(d) *Post Conviction Relief Act Appeals.* Counsel seeking permission of court to withdraw from representation of an appellant in a Post Conviction Relief Act appeal on the basis that all issues sought to be raised by the appellant on appeal are without merit shall:

(1) file a letter detailing the nature and extent of counsel’s review, listing each issue the appellant seeks to raise, and counsel’s explanation of why the issues have no merit; and

(2) serve a copy of the application and letter on the appellant, accompanied by a notice informing the appellant that, within 60 days of service of the application and letter, the appellant has the right to:

(i) retain private counsel for representation; or

(ii) self-representation and to respond to the issues raised in the application or brief, or to bring any additional issues to the court’s attention.

(3) Within 14 days after service of the appellant's response, the Commonwealth or appellant's counsel may file a reply to the appellant's response.

(e) *Withdrawal of Appearance—Exception.* Counsel may withdraw by filing a *praecipe* in the appellate court in the following circumstances:

(1) In civil matters where the party is not entitled by law to be represented by counsel on appeal and the *praecipe* is filed within 30 days of the notation of counsel on the docket pursuant to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), or 1602(d).

(2) Substitute counsel has entered an appearance or other counsel remains to represent a party or interest, and substitute counsel or remaining counsel assumes representation for all relevant appellate purposes.

(f) *Additional Service.* In addition to any requirements set forth in Pa.R.A.P. 121(c)(1)—(4), counsel seeking to withdraw shall serve the client with any application, *praecipe*, brief, or letter filed pursuant to this rule.

Comment:

For admission *pro hac vice*, see Pa.B.A.R. 301.

The requirement of an entry of appearance pursuant to subdivision (a) includes counsel for *amicus curiae*. The entry of appearance for such counsel should indicate the interest, *i.e.*, name of *amicus curiae*, represented by counsel. For additional rules pertaining to *amicus curiae*, see Pa.R.A.P. 531.

Subdivision (c) addresses withdrawal in criminal cases where there is a right to counsel, and where there is governing decisional authority concerning the procedures for seeking withdrawal. For the substance of the brief filed pursuant to subdivision (c)(1) in criminal cases, see *Anders v. California*, 386 U.S. 738 (1967); *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). Briefs required by subdivision (c)(1) should comply with the content requirements of Pa.R.A.P. 2111 notwithstanding that such briefs are not advocating on behalf of an appellant. For the substance of the letter filed pursuant to subdivision (d)(1) in post conviction relief cases, see *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988).

For an appellant seeking to respond to counsel's letter in subdivisions (c)(2) and (d)(2), see Pa.R.A.P. 121(g) (Hybrid Representation).

In cases not subject to subdivisions (c) or (d), where a party is entitled by law to be represented by counsel on appeal (whether by decisional law, rule, or otherwise), the developing case law should be consulted to determine if a procedure or other guidance exists governing or limiting withdrawal.

New or substitute counsel is subject to all existing deadlines. Counsel seeking to withdraw in any case has a responsibility to continue to meet all deadlines and to comply with all applicable law, rules, and orders of the trial and appellate court until the appellate court has granted the application to withdraw.

An entry of appearance immediately prior to oral argument may result in recusal or postponement if a conflict exists.

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 907. Docketing of Appeal.

* * * * *

(b) [*Entry of appearance*] *Notation of Counsel.*—Upon the docketing of the appeal, the prothonotary of the appellate court shall note on the [*record*] *docket*:

(1) as counsel for the appellant, the name of counsel, if any, set forth in or endorsed upon the notice of appeal;

(2) counsel of record; and

(3) any counsel named in the proof of service.

[*The prothonotary of the appellate court shall upon praecipe of counsel filed within 30 days after the docketing of the notice of appeal correct the record of appearances. Also within 30 days after the docketing of the notice of appeal, counsel for a party may strike off his or her appearance by praecipe, unless that party is entitled by law to be represented by counsel on appeal. Thereafter, and at any time if a party is entitled by law to be represented by counsel on appeal, a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.*

Official Note] Comment:

Paragraph (a).—The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of paragraph (a) of this rule.

[*A party may be entitled to the representation by counsel on appeal by constitution, statute, rule, and case law. For example, the Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw.*

If a party is entitled to representation on appeal, the appellate court will presume that counsel who represented the party in the trial court will also represent the party on appeal, and counsel will be entered on the appellate court docket. In order to withdraw in such cases, either (1) new counsel must enter an appearance in the appellate court prior to or at the time of withdrawal; (2) counsel must provide the appellate court with an order of

the trial court authorizing withdrawal; or (3) counsel must petition the appellate court to withdraw as counsel. Counsel for parties entitled to representation on appeal are cautioned that if any critical filing in the appellate process is omitted because of an omission by counsel, and if the party ordinarily would lose appeal rights because of that omission, counsel may be subject to discipline.]

When an appeal is filed in a custody action, upon application of a party and for cause shown, the appellate court may make a determination that using the parties' initials in the caption is appropriate after considering the sensitive nature of the facts included in the case record and the child's best interest. See Pa.R.A.P. 904(b)(2).

Paragraph (b).—[With respect to appearances by new counsel following the initial docketing appearances, please note the requirements of Pa.R.A.P. 120.] For the definition of "counsel of record," see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

* * * * *

(f) [Entry of appearance] Notation of Counsel. Upon the filing of the petition for allowance of appeal, the Prothonotary of the Supreme Court shall note on the [record] docket:

(1) as counsel for the petitioner, the name of his or her counsel, if any, set forth in or endorsed upon the petition for allowance of appeal[,]; and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[Unless that party is entitled by law to be represented by counsel on allowance of appeal, the Prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. If entry of appearance in the trial court extends through appeals, counsel's appearance for a party may not be withdrawn without leave of court. Appearance cannot be withdrawn without leave of court for counsel who have not filed a praecipe to correct appearance within the first 30 days after the petition is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note] Comment:

* * * * *

[The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf

of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2020 amendment to the rule avoids any possibility of confusion by clarifying that withdrawal by praecipe is available only in matters that do not otherwise require court permission to withdraw.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (f) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of "counsel of record," see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

* * * * *

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

* * * * *

(d) [Entry of appearance.—] Notation of Counsel. Upon the acceptance for filing of the petition for permission to appeal, the prothonotary of the appellate court shall note on the [record] docket:

(1) as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for permission to appeal[,]; and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[Unless that party is entitled by law to be represented by counsel on a petition for permission to appeal, the prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. If entry of appearance in the trial court extends through appeals, counsel's appearance for a party may not be withdrawn without leave of court. Leave of court to withdraw is also required for any other counsel who have not filed a praecipe to correct appearance within the first 30 days after the petition is docketed, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note] Comment:

* * * * *

[The Rules of Criminal Procedure require counsel appointed by the trial court to continue representation through direct appeal. Pa.R.Crim.P. 120(A)(4) and Pa.R.Crim.P. 122(B)(2). Similarly, the Rules of Criminal Procedure require counsel appointed in post-conviction proceedings to continue representation throughout the proceedings, including any appeal from the disposition of the petition for post-conviction collateral relief. Pa.R.Crim.P. 904(F)(2) and Pa.R.Crim.P. 904(H)(2)(b). The same is true when counsel enters an appearance on behalf of a juvenile in a delinquency matter or on behalf of a child or other party in a dependency matter. Pa.R.J.C.P. 150(B), 151, Pa.R.J.C.P. 1150(B), 1151(B), (E). It would be rare for counsel in such cases to consider withdrawing by praecipe, but the 2020 amendment to the rule avoids any possibility of

confusion by clarifying that withdrawal by *praecipe* is available only in matters that do not otherwise require court permission to withdraw.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

PETITION FOR REVIEW

Rule 1514. Filing and Service of the Petition for Review.

* * * * *

(d) [Entry of appearance.—] Notation of Counsel. Upon the filing of the petition for review, the prothonotary shall note on the [record] docket:

(1) as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for review[,] and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[The prothonotary shall, upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter a counsel’s appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

Official Note] Comment:

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.

The petition for review must be served on the government unit that made the determination in question.

Service on the Attorney General shall be made at: Strawberry Square, Harrisburg, PA 17120.

[With respect to appearances by new counsel following the initial docketing of appearances pursuant to paragraph (d) of this rule, please note the requirements of Pa.R.A.P. 120.] For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

CHAPTER 16. SPECIALIZED REVIEW IN GENERAL

Rule 1602. Filing.

* * * * *

(d) [Entry of appearance.—] Notation of Counsel. Upon the filing of the petition for specialized review, the prothonotary of the appellate court shall note on the [record] docket:

(1) as counsel for the petitioner, the name of counsel, if any, set forth in or endorsed upon the petition for specialized review[,] and[,]

(2) as counsel for other parties, counsel, if any, named in the proof of service.

[The prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter a counsel’s appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.]

Comment:

For the definition of “counsel of record,” see Pa.R.A.P. 102 (Definitions). For entry of appearance of new counsel, substitution of counsel, or withdrawal of counsel, see Pa.R.A.P. 120 (Entry and Withdrawal of Appearance).

SUPREME COURT OF PENNSYLVANIA APPELLATE COURT PROCEDURAL RULES COMMITTEE

RE-PUBLICATION REPORT

Proposed Amendment of Pa.R.A.P. 102, 120, 907, 1112, 1311, 1514, and 1602

The Appellate Court Procedural Rules Committee is considering proposing the amendment of Pennsylvania Rule of Appellate Procedure 120 to rescind and replace the current text governing the entry of appearance. This amendment, coupled with the amendment of Pa.R.A.P. 102, 907, 1112, 1311, 1514, and 1602, is intended to consolidate procedures for the entry, substitution, and withdrawal of appearance of counsel in the appellate courts.

The Committee previously published a proposal on this subject, see 51 Pa.B. 1780 (April 3, 2021), and received several comments. A comment questioned whether the prior proposal would authorize a previous entry of appearance in a trial court matter to apply again in subsequent or ancillary proceedings in the trial court after an appeal is final. The Committee refrained from addressing the continuity of representation in the trial court through the Rules of Appellate Procedure after an appeal has concluded. That matter is a subject for procedural rules governing the trial courts and the Pennsylvania Rules of Professional Conduct.

Another comment suggested that the phrase, “entitled by law to be represented by counsel,” used in the prior proposal may be overbroad and subject to misunderstanding by litigants who believe they are entitled to representation even though that entitlement cannot be traced to a constitution, statute, or rule. That comment prompted further deliberations and substantial revision of the proposal.

Another comment objected to a requirement of prior court approval before current counsel for a criminal defendant could withdraw through substituted counsel. That requirement was viewed as cumbersome, unnecessary, and an additional burden, which would result in fewer attorneys withdrawing from appeals despite substitute counsel’s representation. The Committee’s intention with this requirement was to ensure that substitute

counsel will assume representation of the party for all relevant appellate purposes and to minimize delays or disruptions of scheduling. In response, the Committee has eliminated this requirement for prior approval in the present proposal.

Finally, AOPC/IT commented that the requirement for counsel to serve the client when seeking to withdraw cannot be accommodated through PACFile. Service, therefore, would need to be made by other means. The Committee agreed and noted that service would need to be made by the options available in Pa.R.A.P. 121(c).

In response to these comments and further deliberations, the Committee restructured Pa.R.A.P. 120 to set forth the general requirements for entering and withdrawing an appearance in subdivisions (a) and (b). Subdivisions (c) and (d) contain specific requirements for the withdrawal of appearance in criminal appeals and Post Conviction Relief Act (PCRA) appeals. Subdivision (e) creates an exception to the general requirement of subdivision (b). Subdivision (f) sets forth a requirement that counsel serve the client whenever seeking to withdraw.

Concerning subdivision (a), the requirements are largely carried over from the current Pa.R.A.P. 120 with one addition. Through subdivision (a)(2)(i), the *praecipe* for entry of appearance must designate the party or interest counsel represents. As for the latter, that requirement is intended to include counsel for *amicus curiae*. The commentary accompanying the rule explains this requirement.

Subdivision (b) states the general requirement that counsel must apply to the appellate court for permission to withdraw as counsel in a pending appellate matter.

Subdivisions (c) and (d) codify the procedural requirements for compliance with *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) for the withdrawal of counsel in direct criminal appeals, and *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988) for the withdrawal of counsel in PCRA appeals. These subdivisions are narrower in scope than previously proposed. Previously, the Committee proposed applying these procedures based on whether a party was “entitled by law” to be represented by counsel and whether the basis for withdrawal was frivolity or lack of merit.

During the time between proposals, the Supreme Court of Pennsylvania amended Pa.R.A.P. 1925(c)(4) regarding counsel’s stated intent to withdraw as counsel in a criminal or Post Conviction Relief Act (PCRA) appeal, and subsequent remand for counsel to file a statement of matters complained of on appeal if withdrawal was denied. The scope of amended Pa.R.A.P. 1925(c)(4) informed the Committee, which recalibrated the scope of proposed Pa.R.A.P. 120(c) and (d) to bring those subdivisions in alignment with Pa.R.A.P. 1925(c)(4).

The Committee acknowledges that there may be cases other than a criminal or PCRA appeal when a party is entitled by law to counsel. However, the Committee was reluctant to codify withdrawal procedures without Supreme Court of Pennsylvania precedent. Instead, the commentary accompanying the rules advises readers to consult developing case law.

Similarly, the Committee discussed whether the differences in withdrawal of counsel procedures, namely the requirement of a brief in criminal appeals and the requirement of a letter in PCRA appeals, should be maintained. The Committee considered a proposal to require a brief in both instances but with fewer briefing requirements than those required by Pa.R.A.P. 2111(a) to lessen the burden. Ultimately, the Committee was not inclined to propose altering the requirements set forth in the case law.

Subdivision (e)(1) is intended to incorporate and preserve the current provisions of Pa.R.A.P. 907(b) (notice of appeal), 1112(f) (petition for allowance of appeal), 1311(d) (petition for permission to appeal), 1514(d) (petition for review), or 1602(d) (petition for specialized review), permitting the withdrawal of counsel by *praecipe* in civil matters where the party is not entitled to representation by law, provided the *praecipe* is filed within 30 days of noting counsel on the record. Subdivision (e)(2) reflects the existing permissibility of counsel to withdraw by *praecipe* through the substitution of counsel with the added condition that substitute counsel assumes complete representation for appellate matters. This condition is intended to guard against limited representation that may result in the client being unrepresented in further proceedings. Added to this subdivision is the permissibility of “surplus” counsel to withdraw by *praecipe* provided other counsel remains.

Additional amendments are proposed to Pa.R.A.P. 907(b), 1112(f), 1311(d), 1514(d), and 1602(d). The titles within these subdivisions have been changed from “Entry of Appearance” to “Notation of Counsel” to indicate that the subdivisions only address the responsibility of the prothonotary to note trial counsel on the appellate docket. As noted above, the current language on the entry of appearance by action of counsel and withdrawal of counsel will be removed and governed by new Pa.R.A.P. 120.

As for the mechanism currently contained in these rules for “correcting the record upon *praecipe* of counsel,” this was understood to allow for counsel to withdraw because counsel was not supposed to be in the appeal in the first place. That aspect is addressed by proposed Pa.R.A.P. 120(e)(1). Another aspect of correction may occur when counsel is not withdrawing, but there is some error in noting on the docket the name, address, or party represented by counsel. Upon consultation with the appellate court prothonotaries, it appears that the prothonotary’s office is able to correct these aspects of the record upon written communication by counsel. A formal *praecipe* is not necessary to accomplish it.

Additionally, “counsel of record,” as defined in Pa.R.A.P. 102, was reviewed. The definition was modified regarding representation of criminal defendants to remove provisions that would be incorporated into Pa.R.A.P. 120. The modified definition indicates that such representation extends to filing a petition for allowance of appeal and the handling of the appeal unless the court of common pleas enters an order permitting withdrawal of counsel, or counsel is permitted to withdraw pursuant to Pa.R.A.P. 120.

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

[Pa.B. Doc. No. 22-1335. Filed for public inspection September 2, 2022, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 1000 AND 2000]

Proposed Amendment of Pa.R.Civ.P. 2005 with Corollary Amendments to Pa.R.A.P. 1007 and 1018

The Civil Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the adoption of Pa.R.Civ.P. 2005 with corollary amendments to Pa.R.A.P. 1007 and 1018 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
Civil Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
civilrules@pacourts.us

All communications in reference to the proposal should be received by November 4, 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 Civil Procedural Rules Committee

KATHLEEN D. BRUDER,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

VENUE AND PROCESS

(Editor's Note: Pa.R.A.P. 1007 and 1018 as printed in 231 Pa. Code read "Official Note" rather than "Note.")

Rule 1007. Commencement of Action.

An action may be commenced by filing with the prothonotary:

- (1) a *praecipe* for a writ of summons [,] or
- (2) a complaint.

[Note] Comment:

For the form of the writ of summons, *see* Rule 1351.

See Rule 205.5 governing the requirement for filing a cover sheet with the pleading commencing the action.

Rule 2005(b) does not authorize the filing of a *praecipe* for a writ of summons if [**an unknown**] **a known, but unnamed** defendant is to be identified by a Doe designation.

PLEADINGS

Rule 1018. Caption.

Every pleading shall contain a caption setting forth the name of the court, the number of the action and the name of the pleading. The caption of a complaint shall set forth the form of the action and the names of all the parties, including a Doe designation for [**an unknown**] **a known, but unnamed** defendant as provided in Rule 2005, but in other pleadings it is sufficient to state the name of the first party on each side in the complaint with an appropriate indication of other parties.

[Note] Comment:

Civil Actions and proceedings shall be captioned "Court of Common Pleas of _____ County—Civil Action" or other appropriate form of action.

The caption of all legal papers filed in a medical professional liability action must contain the designation "Civil Action—Medical Professional Liability Action." *See* Rule 1042.16.

The caption of all legal papers filed in a civil action by and against a minor must designate the minor by the initials of his or her first and last name. *See* Rule 2028.

CHAPTER 2000. ACTIONS BY REAL PARTIES IN INTEREST

(Editor's Note: Pa.R.Civ.P. 2005 as printed in 231 Pa. Code reads "Official Note" rather than "Note" and the Explanatory Comment is not codified.)

Rule 2005. [**Unknown**] **Known, but Unnamed** Defendant. Doe Designation.

[(a) This rule shall only apply to *in personam* actions.

(b) The plaintiff or joining party may designate an unknown defendant by a Doe designation in a complaint provided that:

(1) a defendant's actual name is unknown to the plaintiff or joining party after having conducted a reasonable search with due diligence;

(2) the Doe designation is averred to be fictitious;

(3) a factual description of the unknown defendant is averred with sufficient particularity for identification; and

(4) the plaintiff or joining party avers that a reasonable search to determine the actual name has been conducted.

Note: This rule does not authorize use of a Doe designation in an action commenced by a writ of summons.

The unknown defendant should be designated by a Doe designation such as John Doe or Jane Doe.

(c) Within 20 days after the actual name of the defendant has been identified, the plaintiff or join-

ing party shall file a motion to amend the complaint pursuant to this rule and Rule 1033 by replacing the Doe designation with the defendant's actual name. An affidavit shall be attached to the motion describing the nature and extent of the investigation that was made to determine the identity of the defendant, and the date upon and the manner in which the defendant's actual name was identified.

Note: Rule 1033 and this rule govern the requirements for amending a complaint to replace a Doe designation with the actual name of a defendant.

(d) The court shall grant a motion to amend filed pursuant to subdivision (c) unless the court finds that the party seeking the amendment failed to exercise due diligence in identifying the actual name of the defendant.

(e) A defendant introduced to an action by its actual name in an amended complaint, after the filing of a motion pursuant to subdivision (c) and the court's ruling, may respond by preliminary objection challenging compliance with this rule, asserting prejudice or any other ground set forth in Rule 1028.

(f) No subpoena in aid of discovery relating to a defendant identified by a Doe designation may be issued or be served without leave of court upon motion stating with particularity from whom information is sought and how the discovery will aid in identification of the unknown defendant. In deciding the motion, the court shall weigh the importance of the discovery sought against unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party from whom the discovery is sought, and prejudice to any person or entity suspected of being the unknown defendant. Leave to serve a subpoena in aid of discovery does not preclude a challenge to the subpoena by the person or entity served.

(g) No final judgment may be entered against a defendant designated by a Doe designation.

EXPLANATORY COMMENT

The Supreme Court of Pennsylvania has adopted new Rule 2005 governing the naming of unknown, or John/Jane Doe, defendants in a complaint. Currently, the Rules of Civil Procedure are silent as to the use of Doe defendants in litigation; however, case law shows that the naming of Doe defendants has occurred. Rule 2005 is intended to fill this gap by standardizing the procedure in which to assert a cause of action against a Doe defendant.

The rule requires a complaint using a John/Jane Doe or similar designation to describe the defendant with sufficient particularity for identification. The rule imposes a duty on the plaintiff or joining party to exercise due diligence in identifying the actual name of the defendant both before and after the complaint is filed. While a sufficient description of an unknown defendant is typically fact specific to a particular case, it may include the physical characteristics of the unknown defendant, the position or title of the job performed by the unknown defendant, the alleged conduct of the unknown defendant, and how the unknown defendant is connected to the action.

Once served, the previously designated Doe defendant may challenge the filing party's due dili-

gence by filing preliminary objections, asserting prejudice or any other ground set forth in Rule 1028. A defendant originally named by a Doe designation is not precluded from asserting nor is the grant of a motion to amend determinative of a defense based on a statute of limitations or repose.

It is important to note that designating a Doe defendant as a mere placeholder or as use as a class of defendants, *e.g.*, John Doe Defendants 1-10, is not a valid use of Rule 2005. The rule is not intended to create a practice of naming Doe defendants as a catch-all category in the event a probable defendant is not named in a complaint. Rule 2005 requires the information in the complaint concerning the Doe defendant to sufficiently describe that defendant for all intents and purposes except by its actual name.

Rule 2005 is not intended to affect the substantive rights of any litigant. The ability to substitute the actual name of the Doe defendant after the expiration of the statute of limitations does not impermissibly extend it. Rule 2005 does not extend the time for filing an action as prescribed by the applicable statute of limitations.

The rule is intended solely to provide a procedural mechanism to substitute the actual name of a Doe-designated defendant where the action has been filed within the limitations period and the defendant has been adequately described in the complaint to demonstrate that it was *that defendant* against whom the action was asserted.]

(This is entirely new text.)

(*Editor's Note:* The following text is proposed to be added and is printed in regular type to enhance readability.)

(a) *Scope.* This rule shall only apply to *in personam* actions.

(b) *Doe Designation.* The plaintiff or joining party may designate a known, but unnamed defendant with a Doe designation, such as John Doe, Jane Doe, or ABC Corporation.

(c) *Content of Complaint.*

(1) The complaint shall aver:

(i) the plaintiff or joining party is unable to ascertain a known, but unnamed defendant's actual name after having conducted a reasonable search with due diligence;

(ii) the Doe designation is fictitious;

(iii) a detailed description of the reasonable search with due diligence for the known, but unnamed defendant's actual name;

(iv) a factual description of the known, but unnamed defendant with sufficient particularity for identification; and

(v) the plaintiff or joining party conducted a reasonable search to determine the actual name of the defendant.

(2) The plaintiff or joining party shall not designate a class of known, but unidentified defendants, *e.g.*, John Doe 1-10, as a placeholder in the complaint. The court may impose sanctions for such a designation.

(d) *Motion to Amend Complaint.*

(1) Within 20 days after the actual name of the Doe-designated defendant has been ascertained, the plaintiff or joining party shall file a motion to amend the com-

plaint pursuant to this rule and Rule 1033 by replacing the Doe designation with the defendant's actual name. An affidavit shall be attached to the motion setting forth the nature and extent of the investigation that was made to ascertain the name of the defendant, and the date upon and the manner in which the defendant's actual name was ascertained.

(2) The plaintiff or joining party shall serve the motion to amend on the named defendant pursuant to Rules 400 *et seq.*

(3) A Doe-designated defendant to be named in a complaint may file and serve an answer to the motion and contest the adequacy of the description of the Doe-designated defendant within the complaint, whether the plaintiff or joining party has conducted a reasonable search with due diligence to ascertain the name of the defendant, and the timeliness of the motion.

(e) *Trial Court Determination on Motion to Amend.* The court shall grant a motion to amend filed pursuant to subdivision (d) if the court determines the allegations in the motion and the complaint support a finding that the party seeking the amendment failed to exercise due diligence in identifying the actual name of the defendant.

(f) *Preliminary Objection.* A defendant introduced to an action by its actual name in an amended complaint, after the filing of a motion pursuant to subdivision (d) and the court's ruling, may respond by preliminary objection challenging compliance with this rule, asserting prejudice or any other ground set forth in Rule 1028.

(g) *Subpoenas.* No subpoena in aid of discovery relating to a Doe-designated defendant may be issued or served without leave of court upon motion stating with particularity from whom information is sought and how the discovery will aid in identification of the Doe-designated defendant. In deciding the motion, the court shall weigh the importance of the discovery sought against unreasonable annoyance, embarrassment, oppression, burden, or expense to any person or party from whom the discovery is sought, and prejudice to any person or entity suspected of being the Doe-designated defendant. Leave to serve a subpoena in aid of discovery does not preclude a challenge to the subpoena by the person or entity served.

(h) *No Entry of Final Judgment Permitted.* No final judgment may be entered against a Doe-designated defendant.

Comment:

This rule authorizes the use of a Doe designation in an action commenced by a complaint. It does not authorize use of a Doe designation in an action commenced by a writ of summons. The rule requires a complaint using a John/Jane Doe, ABC Corporation, or a similar designation to describe the defendant with sufficient particularity for identification. The rule imposes a duty on the plaintiff or joining party to exercise due diligence in identifying the actual name of the defendant both before and after the complaint is filed. While a sufficient description of a known, but unnamed defendant is typically fact specific to a particular case, it may include the physical characteristics of the known, but unnamed defendant, the position or title of the job performed by the known, but unnamed defendant, the alleged conduct of known, but unnamed defendant, and how the known, but unnamed defendant is connected to the action.

It is important to note that designating a Doe defendant as a mere placeholder or as a class of defendants, *e.g.*, John Doe Defendants 1-10, is not a valid use of Rule

2005. The rule is not intended to create a practice of designating known, but unnamed defendants as a catch-all category in the event a probable defendant is not named in a complaint. Designating known, but unnamed defendants in this manner may lead to sanctions. Rule 2005 requires the information in the complaint concerning the known, but unnamed defendant to sufficiently describe that defendant for all intents and purposes except by its actual name.

Once the actual name of Doe-designated defendant has been identified, a plaintiff or joining party must file a motion to amend pursuant to the requirements of subdivision (d) of this rule and Rule 1033. The trial court will grant a motion to amend unless the allegations in the motion and the complaint support a finding that the party seeking the amendment failed to exercise due diligence in ascertaining the actual name of the defendant.

Once served the complaint, the previously Doe-designated defendant may challenge the plaintiff or joining party's due diligence by filing preliminary objections, asserting prejudice or any other ground set forth in Rule 1028. A defendant originally designated as a Doe is not precluded from asserting, nor is the grant of a motion to amend determinative of, a defense based on a statute of limitations or repose.

Rule 2005 is not intended to affect the substantive rights of any litigant. The ability to substitute the actual name of the Doe-designated defendant after the expiration of the statute of limitations does not impermissibly extend it. Rule 2005 does not extend the time for filing an action as prescribed by the applicable statute of limitations.

The rule is intended solely to provide a procedural mechanism to substitute the actual name of a Doe-designated defendant where the action has been filed within the limitations period and the defendant has been adequately described in the complaint to demonstrate that it was that defendant against whom the action was asserted.

SUPREME COURT OF PENNSYLVANIA CIVIL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Civ.P. 2005 with Corollary Amendments to Pa.R.A.P. 1007 and 1018

The Civil Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pennsylvania Rule of Civil Procedure 2005 governing the naming of unknown defendants in a complaint with a Doe designation.

The Committee considered a request to clarify Rule 2005 because John Doe complaints were not being filed in compliance with the rule. Adopted in 2019, Rule 2005 was intended to standardize the procedure for naming a Doe defendant. It requires a plaintiff using a Doe designation to describe that defendant with sufficient particularity for identification and to exercise due diligence in identifying the Doe defendant both before and after the filing of the complaint. Once the actual name of the Doe defendant is identified, the plaintiff must then file a motion to replace the Doe designation with the defendant's actual name.

The requester indicated that, in practice, some John Doe complaints routinely provide a minimal description in

the averments as to the due diligence of the plaintiff to determine the name of the defendant. Absent this information, the trial court is unable to determine the nature of the plaintiff's search to determine the actual name of the defendant. In addition, the requester noted that some complaints have used John Doe as a placeholder in the event the plaintiff discovers additional defendants who may be liable in contravention to the intent of the rule.

To address the first concern, the Committee is proposing modification of the current rule in two respects. Current subdivision (b) would retain language authorizing the use of John Doe defendants. Current subdivisions (b)(1)–(4) would be placed in a new subdivision (c) setting forth the requirements of the complaint. Included in new subdivision (c) would be a requirement for an averment in the complaint describing the steps taken by plaintiff in its reasonable search to determine the defendant's actual name.

For the second concern, the Committee considered the commentary that accompanied the adoption of the rule in 2019. The rule had never been contemplated as creating a mechanism for plaintiffs to designate a placeholder for any possible future defendants who may not have been discovered or known at the time of the filing of the complaint. To obviate any question as to the use of "John Doe" pursuant to the rule, the Committee proposes adding this commentary into the rule text as subdivision (c)(2). As a result, the rule would expressly prohibit this use. Further, the proposed amendment would permit the trial court to sanction a litigant who insists on using a Doe designation as a placeholder.

In addition, the Committee also identified other portions of the rule worthy of clarification. First, the proposal would add additional procedures regarding the motion to amend when replacing the Doe designation with the defendant's actual name. New subdivision (d)(1) would retain the requirement of the current rule to file the motion to amend within 20 days of ascertaining the actual name of the defendant and to attach to the motion an affidavit describing the steps taken to ascertain the name of the defendant. New subdivisions (d)(2)-(3) would add a requirement for service of the motion on the to-be-named defendant and give that defendant the opportunity to contest the adequacy of the description of the Doe defendant in the complaint, whether a reasonable search was conducted with due diligence to ascertain the name of the defendant, and the timeliness of the motion.

Second, the Committee observed that the current rule requires the trial court to grant the motion unless the court finds that the party seeking the amendment failed to exercise due diligence. The proposed change in new subdivision (e) would clarify that the trial court does not make findings as to the party's due diligence; rather, the trial court determines whether to grant the motion to amend based on whether the allegations in the motion and the complaint support a finding that the party exercised due diligence in determining the actual name of the defendant.

Finally, the Committee is proposing changing the term "unknown defendant" to "known, but unnamed defendant" throughout the rule. An "unknown defendant" suggests a defendant that is not known at all and will be identified in the future. In contrast, a "known, but unnamed defendant" is intended to clarify that the plaintiff may

use Doe designation because it has identified a defendant exists, but has not yet been able to ascertain the name of that defendant.

Given the affect of these amendments, the Committee proposes replacing the entirety of the text and commentary to Rule 2005. Corollary amendments to Rule 1007 and Rule 1018 reflect the change to the description of the Doe designation.

The Committee invites all comments, concerns, and suggestions.

[Pa.B. Doc. No. 22-1336. Filed for public inspection September 2, 2022, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Mass Tort Protocols; General Court Regulation No. 2013-01

Order

And Now, this 24th day of August 2022, it is hereby *Ordered* that Section 9 of General Court Regulation 2013-01, concerning Mass Torts protocols, is amended as follows:

9. The panel of former judges invited to participate in the special mediation of mass tort cases are the following:

1. Jane Cutler Greenspan, Retired Justice
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
2. James R. Melinson, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
3. Russell Nigro, Retired Justice
210 W. Washington Square
Philadelphia, PA 19106
(215) 287-5866
4. Diane M. Welsh, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
5. Sandra Mazer Moss, Retired Judge
The Dispute Resolution Institute
Two Logan Square—6th Floor
18th and Arch Streets
Philadelphia, PA 19103
(215) 656-4374
6. William J. Manfredi, Retired Judge
1528 Walnut Street—4th Floor
Philadelphia, PA 19102
(215) 817-9825

7. Mark I. Bernstein, Retired Judge
Ten Penn Center
1801 Market Street
Suite 1140
Philadelphia, PA 19103
(267) 324-6773

8. Richard B. Klein, Retired Judge
The Dispute Resolution Institute
Two Logan Square—6th Floor
18th & Arch Streets
Philadelphia, PA 19103
(215) 656-4374

9. Lisa M. Rau, Retired Judge
Resonate Mediation & Arbitration
30 S. 15th Street—15th Floor
Philadelphia, PA 19102
(215) 816-3100

All other terms of General Court Regulation 2013-01 shall remain in full force and effect.

This General Court Regulation is promulgated in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original General Court Regulation shall be filed with the Office of Judicial Records (formerly Prothonotary) in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the General Court Regulation shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE LISETTE SHIRDAN-HARRIS,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 22-1337. Filed for public inspection September 2, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule of Criminal Procedure 576.1; No. AD-13-2022

Administrative Order of Court

And Now, this 16th day of August, 2022, the Court hereby adopts the following Local Rule, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Katherine G. Turner, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rule with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File one (1) copy of this Order and the following Local Rule with the Legislative Bureau for publication in *The Pennsylvania Bulletin*.

3. Publish a copy of this Order and the following Local Rule on the Clinton County Court website.

4. Compile this Local Rule within the complete set of Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Local Rule of Criminal Court Procedure

Rule 576.1. Electronic Filing and Service of Legal Papers.

(A) The 25th Judicial District Court of Common Pleas of Clinton County and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon the implementation of the electronic statewide filing system known as PACFile for certain criminal filings. In accordance with Pa.R.Crim.P. 576.1 and this Rule, legal papers may be filed electronically using PACFile. Electronic filing is permissive and not mandatory.

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

(1) Applications for search warrants;

(2) Applications for arrest warrants;

(3) Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;

(4) Submissions filed ex parte as authorized by law;

(5) Submissions filed or authorized to be filed under seal; and

(6) Exhibits offered into evidence, whether or not admitted, in a court proceeding.

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

(D) Attorneys or self-represented individuals who wish to file legal papers electronically shall establish a PACFile account using the Unified Justice System of Pennsylvania's Web Portal. Parties who are unwilling or unable to participate in the electronic filing of legal papers are permitted to file and serve legal papers in a physical paper format. Establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

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

(F) Upon electronic submission of a legal paper, the PACFile 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. Upon submission, this notification shall satisfy the service requirements of Rules 114(B) and 576(B) on any attorney or party who has established a system account.

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

(H) *Legal Papers Filed in Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a physical paper format shall be accepted by the Clerk of Courts in that format and retained by the Clerk of Courts as is required by applicable rules of the Court and record retention policies. The Clerk of Courts shall convert such physical filings to a PDF and add it to the system, except those legal papers defined in paragraph (B).

[Pa.B. Doc. No. 22-1338. Filed for public inspection September 2, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule of Juvenile Court Procedure 205; No. AD-14-2022

Administrative Order of Court

And Now, this 17th day of August, 2022, the Court hereby adopts the following Local Rule, effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Katherine G. Turner, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rule with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.
2. File one (1) copy of this Order and the following Local Rule with the Legislative Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Order and the following Local Rule on the Clinton County Court website.
4. Compile this Local Rule within the complete set of Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,
President Judge

Local Rule of Juvenile Court Procedure

Rule 205. Electronic Filing and Service of Legal Papers.

(A) The 25th Judicial District Court of Common Pleas of Clinton County and the Administrative Office of Pennsylvania Courts (AOPC) have agreed upon the implementation of the electronic statewide filing system known as PACFile for certain delinquency filings. In accordance with Pa.R.J.C.P. 205 and this Rule, legal papers may be filed electronically using PACFile. Electronic filing is permissive and not mandatory.

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

- (1) Applications for search warrants;
- (2) Applications for arrest warrants;
- (3) Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (4) Submissions filed ex parte as authorized by law;
- (5) Submissions filed or authorized to be filed under seal; and
- (6) Exhibits offered into evidence, whether or not admitted, in a court proceeding.

(C) Attorneys or self-represented individuals who wish to file legal papers electronically shall establish a PACFile account using the Unified Justice System of Pennsylvania's Web Portal. Parties who are unwilling or unable to participate in the electronic filing of legal papers are permitted to file and serve legal papers in a physical paper format. Establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

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

(E) Upon electronic submission of a legal paper, the PACFile 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. Upon submission, this notification shall satisfy the service requirements of Rules 167(B) and 345(B) on any attorney or party who has established a system account.

(F) Service of electronic filings on any attorney or party who has not established a UJS web portal account, who is unable to file or receive legal papers electronically or is otherwise unable to access the system shall be made by the procedures provided under Rule 167(B) and 345(B).

(G) *Legal Papers Filed in Paper Format.* Any legal paper submitted for filing to the Clerk of Courts in a physical paper format shall be accepted by the Clerk of Courts in that format and retained by the Clerk of Courts as is required by applicable rules of the Court and record retention policies. The Clerk of Courts shall convert such physical filings to a PDF and add it to the system, except those legal papers defined in paragraph (B).

[Pa.B. Doc. No. 22-1339. Filed for public inspection September 2, 2022, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Su-

preme Court of Pennsylvania dated July 20, 2022, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 19, 2022 for Compliance Group 3.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Bireley, John Benjamin
Houston, TX

Coleman, Thomas S.
Haddonfield, NJ

Daitz, Jeffrey Michael
Mahwah, NJ

Desilets, Roland B. Jr.
St. Augustine, FL

DiPrinzio, Carol Ann
Jersey City, NJ

Fewell, John Bradley
Williamsburg, VA

Goff, Linda Marie
Egg Harbor City, NJ

Greenberg, Robert Aaron
Cherry Hill, NJ

Grueneberg, Rudi
Marlton, NJ

Hannon, James Eugene Jr.
Williamsburg, VA

Healey, William Henry
Colts Neck, NJ

Hunt, Dean K.
Lexington, KY

Jones, Aubrey Lynne
Silver Spring, MD

Kenton, Lestin Leroy Jr.
Arlington, VA

Kouroupas, Paul
Cary, NC

Leizerowski, Cary Stuart
Washington, DC

Licata, John Barry Sr.
Buffalo, NY

Lopez-Baldrich, Pedro Jose, II
Dover, MA

Martin, Crystal Lynn
Little Egg Harbor, NJ

Monari, Francis J.
Camden, NJ

Richardson, Ira Andre, III
Clarksburg, WV

Schnabel, Eric Lopez
Wilmington, DE

Squadroni, Joseph Michael
Sewell, NJ

Steinberg, Saul J.
Camden, NJ

West, Kirby Thomas
Alexandria, VA

White, Reginald F.
Blue Anchor, NJ

Williamson, Steven Godwin
Los Angeles, CA

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 22-1340. Filed for public inspection September 2, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 8th Judicial District of the Commonwealth of Pennsylvania; No. 508 Magisterial Rules Docket

Order

Per Curiam

And Now, this 23rd day of August 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 8th Judicial District (Northumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Northumberland County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 08-2-01 Magisterial District Judge William C. Cole	East Cameron Township Kulpmont Borough Marion Heights Borough Mount Carmel Borough Mount Carmel Township Ralpho Township Riverside Borough Rush Township West Cameron Township
Magisterial District 08-3-02 Magisterial District Judge Michael I. Diehl	Delaware Township East Chillisquaque Township Lewis Township McEwensville Borough Milton Borough Point Township Turbot Township Turbotville Borough Watsontown Borough West Chillisquaque Township
Magisterial District 08-3-03 Magisterial District Judge John Gembic	City of Shamokin Coal Township Shamokin Township Snydertown Borough Zerbe Township

Magisterial District 08-3-04 Magisterial District Judge Michael P. Toomey	City of Sunbury Herndon Borough Jackson Township Jordan Township Little Mahanoy Township Lower Augusta Township Lower Mahanoy Township Northumberland Borough Rockefeller Township Upper Augusta Township Upper Mahanoy Township Washington Township
---	---

[Pa.B. Doc. No. 22-1341. Filed for public inspection September 2, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 41st Judicial District of the Commonwealth of Pennsylvania; No. 507 Magisterial Rules Docket

Order

Per Curiam

And Now, this 23rd day of August 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 41st Judicial District (Juniata and Perry Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts 41-3-01 and 41-3-02 within Juniata County as they currently exist, to be effective immediately, is granted. It is further *Ordered and Decreed* that the Petition, which also provides for the reestablishment of the Magisterial Districts 41-3-03, 41-3-04 and 41-3-05 within Perry County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 41-3-01 Magisterial District Judge Tracy L. Powell	Delaware Township Fayette Township Fermanagh Township Greenwood Township Mifflintown Borough Monroe Township Susquehanna Township Thompsontown Borough
Magisterial District 41-3-02 Magisterial District Judge Jacqueline T. Leister	Beale Township Lack Township Mifflin Borough Milford Township Port Royal Borough Spruce Hill Township Turbett Township Tuscarora Township Walker Township

Magisterial District 41-3-03 Magisterial District Judge Richard C. Gibney	Duncannon Borough Marysville Borough Miller Township New Buffalo Borough Penn Township Rye Township Watts Township Wheatfield Township
Magisterial District 41-3-04 Magisterial District Judge Jeffrey J. Wood	Bloomfield Borough Buffalo Township Centre Township Greenwood Township Howe Township Juniata Township Liverpool Borough Liverpool Township Millerstown Borough Newport Borough Oliver Township Tuscarora Township
Magisterial District 41-3-05 Magisterial District Judge (VACANT)	Blain Borough Carroll Township Jackson Township Landisburg Borough Northeast Madison Township Saville Township Southwest Madison Township Spring Township Toboyne Township Tyrone Township

[Pa.B. Doc. No. 22-1342. Filed for public inspection September 2, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 49th Judicial District of the Commonwealth of Pennsylvania; No. 509 Magisterial Rules Docket

Order

Per Curiam

And Now, this 23rd day of August 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 49th Judicial District (Centre County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Centre County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 49-1-01 Magisterial District Judge Donald M. Hahn	State College Borough (Voting Districts East 2, 3, and 4, East Central 2 & 3, South 2, South Central 1 & 2, Southeast, and West Central 2)
--	---

Magisterial District 49-2-01 Magisterial District Judge Casey M. McClain	College Township (Voting Districts North (41) & West (44)) Ferguson Township Halfmoon Township Patton Township
Magisterial District 49-3-02 Magisterial District Judge Kelley S. Gillette-Walker	Bellefonte Borough Benner Township Boggs Township Curtin Township Howard Borough Howard Township Liberty Township Marion Township Milesburg Borough Spring Township (voting districts North (78), West (80), East (86)) Union Township Unionville Borough Walker Township
Magisterial District 49-3-03 Magisterial District Judge Allen W. Sinclair	Burnside Township Huston Township Philipsburg Borough Port Matilda Borough Rush Township Snow Shoe Borough Snow Shoe Township South Philipsburg Borough Taylor Township Worth Township
Magisterial District 49-3-04 Magisterial District Judge Gregory M. Koehle	Centre Hall Borough Gregg Township Haines Township Harris Township Miles Township Millheim Borough Penn Township Potter Township Spring Township (voting districts South (79) and Southwest (87)) College Township (voting districts (42) South and East (43))
Magisterial District 49-3-05 Magisterial District Judge Steven F. Lachman	State College Borough (Voting Districts East 1, East Central 1, North, Northeast, Northwest, South 1, West 1 & 2, and West Central 1)

[Pa.B. Doc. No. 22-1343. Filed for public inspection September 2, 2022, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 55th Judicial District of the Commonwealth of Pennsylvania; No. 506 Magisterial Rules Docket

Order

Per Curiam

And Now, this 23rd day of August 2022, upon consideration of the Petition to Reestablish the Magisterial Districts of the 55th Judicial District (Potter County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of the Magisterial Districts within Potter County as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts will be reestablished as follows:

Magisterial District 55-3-01 VACANT	Austin Borough Coudersport Borough East Fork Township Eulalia Township Homer Township Keating Township Portage Township Summit Township Sweden Township Sylvania Township Wharton Township
Magisterial District 55-4-01 Magisterial District Judge Kari A. McCleaff	Allegheny Township Clara Township Genesee Township Hebron Township Oswayo Borough Oswayo Township Pleasant Valley Township Roulette Township Sharon Township Shinglehouse Borough
Magisterial District 55-4-03 Magisterial District Judge Christopher D. Kalacinski	Abbott Township Bingham Township Galeton Borough Harrison Township Hector Township Pike Township Stewardson Township Ulysses Borough Ulysses Township West Branch Township

[Pa.B. Doc. No. 22-1344. Filed for public inspection September 2, 2022, 9:00 a.m.]