

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART V. JUDICIAL ETHICS ADVISORY BOARD

#### [ 207 PA. CODE CH. 1 ]

### Adoption of the Pennsylvania Rules of the Judicial Ethics Advisory Board; No. 563 Judicial Administration Docket

#### Order

##### *Per Curiam*

*And Now*, this 14th day of January, 2022, the proposals having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Pennsylvania Rules of the Judicial Ethics Advisory Board (“Pa.R.J.E.A.B.”) are adopted in the attached form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective immediately, except that Rule 103(b) and Subchapter B of the Pa.R.J.E.A.B. shall be effective July 1, 2022.

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

*(Editor’s Note:* The following rules are new and are printed in regular type to enhance readability.)

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART V. JUDICIAL ETHICS ADVISORY BOARD

#### CHAPTER 1. RULES OF THE JUDICIAL ETHICS ADVISORY BOARD

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##### Subchapter A. PRELIMINARY PROVISIONS

#### Rule 101. Title and Citation of Rules.

These rules shall be known as the Pennsylvania Rules of the Judicial Ethics Advisory Board and may be cited as “Pa.R.J.E.A.B”

#### Rule 102. Definitions.

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

“Administrative Office.” The Administrative Office of Pennsylvania Courts.

“Board.” The Pennsylvania Judicial Ethics Advisory Board.

“Codes.” The Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges.

“Judicial Officer.” Any individual within the “Application” language of either of the Codes, including judicial candidates.

(b) *Number; Tense.* In these rules the singular shall contain the plural, and the plural, the singular; and words used in the past or present tense shall include the future.

#### Rule 103. Authority for and Effect of Rules; Designation of Board.

(a) *Authority for and Effect of Rules.* Pursuant to its constitutional, statutory and inherent authority as set forth in Section 10(c) of Article V of the Constitution of Pennsylvania and in 42 Pa.C.S. Sections 1722 and 1723, the Supreme Court hereby establishes a Judicial Ethics Advisory Board (“the Board”). The purpose of the Board is to provide advice and guidance to judicial officers about ethical matters that may arise in the ordinary course of judicial service, or in the elective or appointive process.

(b) *Designation of Board.* The Board is hereby designated as the approved body to render advisory opinions regarding ethical concerns involving all judicial officers and candidates for all judicial offices, superseding the prior designations of committees of the Pennsylvania Conference of State Trial Judges (“PCSTJ”) and the Special Court Judges Association of Pennsylvania (“SCJAP”). Advice provided under this subchapter shall not be binding upon the Judicial Conduct Board, the Court of Judicial Conduct, or the Supreme Court, but shall be entitled to such weight as provided in these rules.

#### Rule 104. Pennsylvania Judicial Ethics Advisory Board.

(a) *General Rule.* The Supreme Court shall appoint a board to be known as the “Pennsylvania Judicial Ethics Advisory Board” (“the Board”) which shall consist of nine members: one judge of the Superior Court; one judge of the Commonwealth Court; three judges of the courts of common pleas; one judge of the Philadelphia Municipal

Court; two magisterial district judges who must be members of the Pennsylvania bar; and one member of the Pennsylvania bar who is not a judicial officer. A majority of the Board shall constitute a quorum; action of the Board shall be by majority vote of members attending. No member of the Board may be a member of the Judicial Conduct Board or the Court of Judicial Discipline. The Supreme Court shall designate one member to serve as Chair and another to serve as Vice-Chair.

(b) *Submissions from Representative Judicial Organizations.* The PCSTJ shall submit to the Chief Justice the names of three candidates for each Board position to be filled by a judge of a common pleas court or a judge of the Philadelphia Municipal Court. The SCJAP shall submit to the Chief Justice the names of three candidates for each Board position to be filled by a magisterial district judge. The Supreme Court shall select appointees for those positions from the names submitted. In the absence of submissions, the Supreme Court shall proceed to fill the Board positions.

(c) *Terms and Vacancies.* The first nine appointments to the Board shall be for staggered terms as follows: three members appointed for nine years, three members for six years, and three members for three years. Thereafter, a new appointment to the Board shall be for a single nine-year term. A vacancy shall be filled from the same membership category, or in the case of a representative judicial organization, using the same process, from which the vacating member was appointed. Appointments to fill a vacancy shall be for the balance of the term vacated.

(d) *Powers and Duties.* The Board shall have the authority to:

(1) Render advisory opinions regarding proper judicial conduct under the Codes. The Board may not issue an advisory opinion interpreting a judicial officer's obligations under any provision of law that does not relate to judicial ethics.

(2) Appoint an Executive Director and such other staff and experts as may from time to time be required to perform properly the functions prescribed by orders of the Supreme Court and these rules.

(3) Adopt regulations pertaining to its processes, which regulations shall not be inconsistent with these rules and shall be subject to approval by the Supreme Court.

(4) Develop a course of training in judicial ethics, which course shall be subject to approval by the Judicial Education Board, and which must be completed by every Board member prior to beginning service on the Board.

(5) Make recommendations to the Supreme Court regarding amendments to the Codes and these rules.

(6) Make recommendations to the Continuing Judicial Education Board and the Minor Judiciary Education Board regarding topics for judicial education.

(7) Undertake such other related duties as may be requested of the Board by the Supreme Court.

(e) *Duty to Report.* The Board will provide a summary of its activities to the Supreme Court on an annual basis.

#### **Rule 105. Confidentiality.**

(a) *General Rule.* Except for publication of redacted opinions as prescribed in these rules, or as otherwise required by law, the actions and records of the Board,

including all requests for ethics advisory opinions, Panel advice, Board opinions, circulated drafts, records, documents, files, internal communications, deliberations and other proceedings of the Board, any Panel thereof, and any members, agents and employees relating to the business of the Board, shall be confidential and shall not be disclosed to or open to inspection by the public.

(b) *Limited Waiver.* Notwithstanding the general rule, a judicial officer may waive confidentiality as to the advice of the Panel and the unredacted opinion of the Board, either by express written waiver or by invoking any rule of reliance in a disciplinary proceeding relating to the conduct in question. Such limited waiver shall not affect the confidentiality of all other matters protected under subsection (a) of this rule.

#### **Rule 106. Civil Immunity of the Board, Its Members, Employees and Agents Regarding Advice by the Board.**

The Board and its members, employees, and agents are immune from all civil liability for conduct and communications occurring in the performance of Board-related duties.

### **Subchapter B. REQUESTS FOR JUDICIAL ADVISORIES; ACTIONS BY THE BOARD; RULES OF RELIANCE**

#### **Rule 201. Standards and Timing for Requests.**

Any judicial officer may request an ethics advisory opinion ("Request"). A Request must be submitted to the Board in writing, which may include an email to an address designated by the Board. A Request must contain a statement of the facts regarding the intended conduct and a concise question of judicial ethics, with references to the relevant section(s) of the Codes, case law and other authority the inquiring judicial officer has already consulted. A Request must relate to the inquiring judicial officer's own prospective conduct or conduct of the inquiring judicial officer that has occurred in the past and is ongoing. A Request may not relate to hypothetical situations or to facts that are the subject of past or pending litigation, disciplinary investigation or disciplinary proceedings.

A Request must be submitted at least 14 days prior to the event or action giving rise to the question. The Board Chair or the Chair's designee may, in his or her discretion, waive the 14-day requirement if the Chair or the Chair's designee determines that the circumstances giving rise to the Request were not reasonably foreseeable and that the inquiry can be addressed in the time available.

#### **Rule 202. Assignment to Panel; Composition of Panel.**

Every Request shall be assigned an identifying number. The Chair or the Chair's designee will assign the Request to a three-member panel of the Board ("Panel"). At least one member of the Panel shall be a judicial officer from the same level of the judicial system as the inquiring judicial officer. If the inquiring judicial officer is a Justice of the Supreme Court, at least one member of the Panel shall be a judge of the Superior Court or Commonwealth Court.

**Rule 203. Provisional Advice.**

The Panel shall issue its advisory opinion (“Advice”) in writing, which shall set forth the facts upon which the Advice is based. The Panel’s Advice is provisional until acted upon by the Board. The inquiring judicial officer shall be promptly notified of the Panel’s decision.

If the Panel finds that the Request contains insufficient detail to enable the Panel to render Advice, the Panel may request supplemental information from the inquiring judicial officer. If supplemental information is not provided, or is insufficient, the Panel shall decline on that basis to render Advice, and the inquiring judicial officer shall be so notified.

If the Panel determines that responding to the Request would not aid the judge, benefit the judiciary as a whole, or serve the public interest, the Panel may decline to render Advice, and the inquiring judicial officer shall be notified of the basis for the Panel’s determination.

**Rule 204. Board Action and Publication of Opinions and Guidance.**

(a) *Review of Panel Advice.* The Board shall review all Panel Advice as soon as practicable. The Board may adopt the Panel’s Advice as the opinion of the Board (“Opinion”), or may determine that the Advice should be modified or reversed by the Board. The inquiring judicial officer shall be promptly notified of the Board’s decision.

(b) *Publication of Board Opinions.* Opinions of the Board shall be published on an area of the Board’s web page available only to judicial officers, and shall be redacted to remove information that might tend to identify the inquiring judicial officer or any other person. The redacted Opinions shall be posted in searchable form, and shall be indexed by the relevant provisions of the applicable Code. The Board may exempt an Opinion from publication if the Board finds that the identity of the requester cannot be protected to the Board’s satisfaction through redaction.

(c) *General Ethics Guidance.* The Board may, in its discretion, issue general ethics advisory guidance (“General Guidance”) on relevant topics. Such General Guidance may be published on a public area of the Board’s web page.

**Rule 205. Informational Discussions.**

Board members and Board staff may engage in informal or informational discussions in response to inquiries from judicial officers.

**Rule 206. Rules of Reliance.**

(a) Where a judicial officer complies with Advice that is subsequently adopted as a Board Opinion, such compliance shall be entitled to substantial weight in determining whether discipline should be recommended or imposed.

(b) Where a judicial officer complies with Advice that is subsequently reversed or modified by the Board, compliance prior to the time the judicial officer is notified of the Board’s action shall be taken into account in determining whether discipline should be recommended or imposed.

(c) Where a judicial officer complies with General Guidance, such compliance may be taken into account in determining whether discipline should be recommended or imposed.

(d) Informal or informational discussions with Board members or Board staff shall not be afforded consideration in determining whether discipline should be recommended or imposed.

**Rule 207. Reconsideration.**

The inquiring judicial officer may submit a written request for reconsideration within twenty days of the date of the Board’s Opinion adopting, modifying or reversing the provisional Advice. A request for reconsideration shall not alter the effect of the Board’s decision unless the Opinion is withdrawn or modified by the Board.

**Rule 208. Records of Board Proceedings.**

Subject to the requirement of confidentiality set forth in these rules, the Board shall retain records of all Requests, Advice, and unredacted Opinions for an appropriate period of time, no less than ten years, to be determined by the Board in regulations.

**Subchapter C. MISCELLANEOUS PROVISIONS****Rule 301. Conflict of Interest.**

No Board member shall participate in any matter involving the Board member’s own inquiry, or in any matter in which the Board member’s impartiality might reasonably be questioned.

**Rule 302. Expenses and Staff.**

(a) Board members shall not be compensated, but shall be entitled to reimbursement for actual expenses incurred in the performance of Board duties.

(b) Administrative costs and personnel expenses deemed necessary for the Board’s operation shall be fixed by the Court Administrator of Pennsylvania and paid out of funds available therefor.

[Pa.B. Doc. No. 22-158. Filed for public inspection January 28, 2022, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 400 ]

#### Order Amending Rule 400 of the Pennsylvania Rules of Civil Procedure; No. 727 Civil Proce- dural Rules Docket

#### Order

*Per Curiam*

*And Now*, this 18th day of January, 2022, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 50 Pa.B. 3573 (July 18, 2020):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 400 of the Pennsylvania Rules of Civil Procedure is amended in the attached form.

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

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

Deletions from the rule are shown in bold and brackets.

## Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

## PART I. GENERAL

## CHAPTER 400. SERVICE OF ORIGINAL PROCESS

## SERVICE GENERALLY

**Rule 400. Person to Make Service.**

(a) Except as provided in subdivisions (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the sheriff.

(b) In addition to service by the sheriff, original process may be served also by a competent adult in the following actions:

(1) a civil action in which the complaint includes a request for injunctive relief under Rule 1531, perpetuation of testimony under Rule 1532, or appointment of a receiver under Rule 1533[ , ];

(2) partition[ , and ];

(3) a declaratory judgment when declaratory relief is the only relief sought[ . ]; and

(4) a civil action in which there is a complete diversity of citizenship between all plaintiffs and all defendants, and at least one defendant is a citizen of Pennsylvania.

*Note:* See Rule 76 for the definition of “competent adult.”

*(Editor’s Note:* Pa.R.C.P. 400 as printed in 231 Pa. Code reads “Official Note” rather than “Note.”)

Service of original process in domestic relations matters is governed by Rule 1930.4.

(c) When the sheriff is a party to the action, original process shall be served by the coroner or other officer authorized by law to perform the duties of coroner.

(d) If service is to be made by the sheriff in a county other than the county in which the action was commenced, the sheriff of the county where service may be made shall be deputized for that purpose by the sheriff of the county where the action was commenced.

**CIVIL PROCEDURAL RULES COMMITTEE  
ADOPTION REPORT**

**Amendment of Pa.R.Civ.P. 400**

On January 18, 2022, the Supreme Court amended Pennsylvania Rule of Civil Procedure 400 to add a category of actions in which original process may be served either by the sheriff or a competent adult. The Civil Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

Pursuant to a request, the Committee examined the holding in *Encompass Ins. Co. v. Stone Mansion Restaurant Inc.*, 902 F.3d 147 (3d Cir. 2018), concerning the removal of actions from state to federal court and permitting pre-service or “snap” removal pursuant to 28 U.S.C. § 1441. Section 1441(a) provides that a civil action brought in a state court may be removed to federal court where there is federal subject matter jurisdiction, including where there is complete diversity of citizenship between all plaintiffs and all defendants. Section 1441(b) states the “forum defendant” exception: an action other-

wise removable on the basis of diversity jurisdiction “may not be removed if any of the parties in interest properly joined *and* served as defendants is a citizen of the State in which the action is brought.” 28 U.S.C. § 1441(b) (emphasis added).

To obviate the constraints of the “forum defendant rule”, a practice has developed in which defendants will remove actions commenced in state court to federal district court after filing suit, but before service has been effectuated on the in-state defendant. The advent of electronic access to court dockets in state court has increased the opportunity for defendants to monitor the filing of lawsuits before service has been effectuated and to make a determination whether to remove to federal court before the in-state defendant has been served.

The propriety of this procedural maneuver was the subject of *Encompass Ins. Co.* In that case, the defendant agreed to accept electronic service of process instead of requiring formal service of the complaint. See *id.* at 150. However, when the plaintiff then filed suit against the defendant in the plaintiff’s home state and sent the defendant a copy of the filed complaint and a service acceptance form via email, counsel for defendant refused to accept service and thereafter removed the action to federal court. *Id.* Interpreting the statutory language, the Third Circuit Court of Appeals concluded that the plain language of Section 1441(b) does not prevent removal to federal court on the basis of diversity jurisdiction when the forum defendant has not yet been served. The Third Circuit concluded that any change to the statutory language should be appropriately addressed by the legislative branch. *Id.* at 153 n. 4.

The Committee recognized that the delay between the filing of the complaint and service of original process provides the opportunity for “snap” removal. As reported to the Committee, the method of original service available to plaintiffs can be a significant factor in the magnitude of that delay. For example, employing a private process server permits prompt, plaintiff-directed service on defendants whereas the timing of sheriff-effectuated service varies widely within Pennsylvania. The Committee focused its efforts on reducing this potential inconsistency in statewide practice as it relates to “snap” removal.

The Committee observed that Pa.R.Civ.P. 400(a) provides that the sheriff must serve original process of civil actions within the Commonwealth. Pa.R.Civ.P. 400(b) sets forth certain, discrete civil actions for which, in addition to service by the sheriff, original process within the Commonwealth may be served by a competent adult. These include civil actions in which the complaint includes a request for injunctive relief, perpetuation of testimony, appointment of a receiver, partition, and declaratory judgment when declaratory relief is the only relief sought. Yet, Pa.R.Civ.P. 400.1 carves out an exception for the service of original process in Philadelphia County; service may be made either by the sheriff or a competent adult for all actions commenced in the First Judicial District.

The various means for permissible service of original process in Pennsylvania, as provided by the current Rules of Civil Procedure, have resulted in disparate delays in that service, and has led to inconsistent “snap” removal opportunities based upon the county of filing. To address this disparity, the Committee considered two options to address the potential delay in service. First, the Committee considered a modest amendment of Pa.R.Civ.P. 400(b) extending service of original process by a competent adult for the narrow category of cases impacted by the

*Encompass Ins. Co.* decision. Service by the sheriff would remain an option. Service by a competent adult would allow for plaintiff-directed service rather than sheriff-directed service.

Alternatively, the Committee considered an option to remove the category of cases subject to “snap” removal from operation of Pa.R.Civ.P. 400(b) so that such cases must also be served by sheriff pursuant to Pa.R.Civ.P. 400(a). However, it rejected this approach, which seemingly fosters additional delay, because it appeared contrary to the purpose of the Rules to obtain speedy determinations of actions. *See, e.g.*, Pa.R.Civ.P. 126.

The Committee published the proposed amendment of Pa.R.Civ.P. 400 for comment. *See* 50 Pa.B. 3573 (July 18, 2020). The Committee received four comments supporting the proposal. A suggested revision to augment the rule to state that the filing of a petition for removal operates to join and serve a defendant was not incorporated into the proposal. Accordingly, the Committee made no changes to the proposal following publication.

In sum, the amendment of Pa.R.Civ.P. 400(b) adds a narrow category of cases for which a competent adult, in addition to the sheriff, may serve original process for any civil action in which there is a complete diversity of citizenship between all plaintiffs and of all defendants, and at least one defendant is a citizen of Pennsylvania. The amended rule is intended to ameliorate “snap” removal and the holding of *Encompass Ins. Co.*

The amendment becomes effective April 1, 2022.

[Pa.B. Doc. No. 22-159. Filed for public inspection January 28, 2022, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS’ COURT RULES [ 231 PA. CODE PART II ]

#### Order Amending Rule 10.5 of the Pennsylvania Rules of Orphans’ Court Procedure; No. 901 Supreme Court Rules Docket

#### Order

*Per Curiam*

*And Now*, this 12th day of January, 2022, upon the recommendation of the Orphans’ Court Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 1651 (March 27, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 10.5 of the Pennsylvania Rules of Orphans’ Court Procedure is amended in the attached form.

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

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

Deletions from the rules are shown in bold and brackets.

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS’ COURT RULES

#### CHAPTER X. REGISTER OF WILLS

#### Rule 10.5. Notice to Beneficiaries and Intestate Heirs.

(a) Within three [ (3) ] months after [ the ] a grant of letters **or whenever there is a change in personal representative, [ the ] a personal representative [ to whom original letters have been granted ]** or the personal representative’s counsel shall send a written notice of estate administration in the form approved by the Supreme Court to:

\* \* \* \* \*

(e) Upon the failure of the personal representative or the personal representative’s counsel to file the certification on a timely basis, the Register shall, after ten [ (10) ] days subsequent to providing written notice to [ the delinquent ] **each** personal representative and [ his ] **their** counsel, notify the court of such delinquency.

\* \* \* \* \*

**Note:** Rule 10.5 is [ **substantively identical to ] derived from** former Rule 5.6[ , ], **Subdivision (a) applies to an initial grant of letters and to all changes in personal representative, including a grant of letters to a successor personal representative or due to the death or resignation of a personal representative when there are other personal representatives who continue to serve. [ except that subparagraph ] Subdivision (d) of this Rule [ no longer ] does not prohibit[ s ]** the Register from charging a fee for filing this certification. The form of notice and certification of notice required by Rule 10.5 is set forth in the Appendix. [ **Subparagraph ] Subdivision (e) of this Rule is not intended to limit the inherent power of the court to impose sanctions upon a delinquent personal representative or counsel.**

**Explanatory Comment:** It is not the intention of this Rule to require notice beyond the degree of consanguinity entitling a person to inherit under Chapter 21 of Title 20.

#### ORPHANS’ COURT PROCEDURAL RULES COMMITTEE ADOPTION REPORT

#### Amendment of Pa.R.O.C.P. 10.5

On January 12, 2022, the Supreme Court amended Pennsylvania Rule of Orphans’ Court Procedure 10.5 governing the notice given by the personal representative to beneficiaries and intestate heirs. The Orphans’ Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process as it relates to Pa.R.O.C.P. 10.5. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

The Committee received correspondence regarding the requirement in Rule 10.5 that “the personal representative to whom *original* letters have been granted” send written notice of estate administration to a list of benefi-

ciaries and intestate heirs set forth in the rule. (Emphasis added.) The correspondent questioned if “original” was intended to denote “initial” letters, since all letters issued by a register of wills are original letters. The correspondent further inquired whether a successor personal representative is required to provide notice of estate administration if the initial personal representative failed to do so or provide notice of the change in personal representatives to the interested persons.

The Committee agreed that estate beneficiaries and intestate heirs should receive notice of estate administration from a successor personal representative. Requiring successor personal representatives to notify interested persons of the change in representative ensures the recipients are aware of the change and know from whom they should expect future information. Thereafter, the Committee proposed amending Rule 10.5(a) to eliminate the word “original” with respect to the granting of letters to clarify that any personal representative granted letters must send the notice of estate administration. The Committee also proposed amending the Note to Rule 10.5 to clarify that the notice requirement applies to all personal representatives, including successor personal representatives. *See* 51 Pa.B. 1651 (March 27, 2021).

Based on a comment received in response to the publication, the Committee made changes to the proposal. First, the Committee revised proposed Rule 10.5(a) to eliminate the phrase “to whom original letters have been granted” relative to the personal representative—the phrase is superfluous insofar as a personal representative will always be someone to whom letters have been granted. The Committee further revised proposed Rule 10.5(a) to require notice to interested parties “whenever there is a change in personal representative,” regardless of whether revised letters have been issued. This may occur in some judicial districts upon the death or resignation of a co-executor. The Committee also made corresponding changes to the Note.

Finally, Rule 10.5(e) was amended to clarify that the Register shall provide notice of failure to file timely the certification to each personal representative and their counsel, rather than simply “the delinquent” personal representative. The amendment more accurately describes the procedure when there is more than one personal representative.

These amendments become effective April 1, 2022.

[Pa.B. Doc. No. 22-160. Filed for public inspection January 28, 2022, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CRAWFORD COUNTY

#### In the Matter of the Adoption of Local Criminal Rules of Procedure; No. AD 1 of 2022

##### Order

*And Now*, January 18, 2022, the Court *Orders* as follows:

1. Local Rule of Criminal Procedure 576.1, providing for electronic filing, is hereby adopted in the form following this Order, effective thirty days after publication in the *Pennsylvania Bulletin*;

2. The District Court Administrator is *Ordered* and *Directed* to publish and disseminate this Order in conformity with Pa.R.J.A. No. 103.

*By the Court*

JOHN F. SPATARO,  
*President Judge*

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

(a) The Administrative Office of Pennsylvania Courts and the Thirtieth Judicial District have agreed upon an implementation plan for electronic filing, as that term is defined in Pa.R.Crim.P. 576.1(C), in the Thirtieth Judicial District through the statewide system known as PACFile, effective April 4, 2022;

(b) Any party may, but is not required to utilize PACFile for filing a legal paper, as that term is defined in Pa.R.Crim.P. 576.1(C), but not including initial filings for summary appeals, nor any matter requiring the assignment of a Miscellaneous Docket (MD) number;

(c) Any party who declines to participate in PACFile, or is unable to do so, may file legal papers in a physical paper format, and that party shall be served legal papers in accordance with the procedures provided under Pa.R.Crim.P. 114(B) and 576(B), and not via PACFile;

(d) All filings shall comply with the Public Access Policy of the United Judicial System addressing confidentiality; and

(e) Applicable filing fees shall be paid through procedures established by the Clerk of Courts, at the same time and in the same manner required by statute, court rule, or published fee schedule.

[Pa.B. Doc. No. 22-161. Filed for public inspection January 28, 2022, 9:00 a.m.]